

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING, WEDNESDAY, JULY 7, 2021
7:30 P.M.

COUNCIL CHAMBERS, ROOM 312, BUTTE-SILVER BOW COURTHOUSE

FINDING OF EXISTING EMERGENCY TO PERMIT SUSPENSION
OF RULES TO ALLOW COMMUNICATION 2021-338 AND RESOLUTION NO.
2021-23 TO BE ADDED TO TONIGHT'S AGENDA

In accordance with the provisions of Section 6 of Rule VI of the Rules of Business of the Council of Commissioners of the City and County of Butte-Silver Bow, State of Montana, the Council hereby finds that an emergency condition exists which requires that the Council Rules be suspended to allow Communication 2021-338 and Resolution No. 2021-23 be added to the Agenda of tonight's Regular meeting of the Council.

The reason for the suspension is as follows:

Communication 2021-338 is a request to pass a Resolution to impose State I Fire Restrictions, which effectively ban all open burning within the City and County of Butte-Silver Bow, Montana. Resolution No. 2021-23 is the proposed Resolution to impose such restrictions.

Communication 2021-338 and Resolution 2021-23 are being submitted based upon the determination made on July 2, 2021, by the Dillon Area Restrictions and Closure Group, of which Butte-Silver Bow is a participating member that emergency conditions require, under the authority of the Dillon Area Restrictions and Closure Group, Stage 1 Fire Restrictions be imposed. Since this determination was made following the closure of the Agenda for tonight's meeting, it is necessary to suspend the rules to add Communication 2021-338 and Resolution 2021-23 to the July 7, 2021 Council Agenda in order to allow the Council to formally act on the Dillon Area Restrictions and Closure Group's determination and implement these emergency fire restrictions within the City-County of Butte-Silver Bow, Montana beginning on July 9, 2021. Based upon the foregoing, the Council hereby finds that an emergency exists, which require the suspension of the Council's rules to allow Communication 2021-338 and Resolution 2021-23 to be placed on the agenda for the July 7, 2021 Council meeting.

Motion to approve suspension of the rules to consider placing Communication 2021-338 and Council Resolution 2021-23 on the Agenda at tonight's Regular meeting for approval and passage was made by Commissioner _____ and seconded by Commissioner _____ and _____ members having voted aye and _____ members having voted no, the motion _____.

Dated this ____ day of July, 2021.

CLERK AND RECORDER



The City and County of
Butte-Silver Bow Montana



Butte-Silver Bow Fire Department

120 South Idaho Street
Butte, MT 59701

MEMO

Date: July 6, 2021

To: Chief Executive JP Gallagher and Council of Commissioners

From: Brian Doherty, Fire Chief

Re: Suspension of the Rules and Consider Adoption of Council Resolution to Implementation of Stage 1 Restrictions

Ladies and Gentlemen:

I would respectfully request that you suspend the rules and consider adoption of a resolution which will authorize the Butte-Silver Bow Fire Department to implement Stage 1 Fire Restrictions within the City and County of Butte-Silver Bow. The resolution will also provide additional authorization to upgrade the restriction level to Stage 2 if deemed necessary.

Butte-Silver Bow is a participant of the Northern Rockies Coordination Group, Dillon restrictions Area. Interagency fire management officials within this group participate in weekly conference calls and share information about current fire conditions and fire weather forecasts.

During the Tuesday, July 6th conference call, the Dillon Restrictions Area Group decided to implement Stage 1 Fire Restrictions at midnight on Friday, July 9, 2021. This decision was based on extended periods of hot, dry and windy conditions coupled with low relative humidity and very limited precipitation. The extended weather forecast calls for a much similar weather pattern to continue into the foreseeable future.

I have included a news release from 2017 that explains what Stage 1 Fire Restrictions prohibit for your edification.

Due to the timing of the decision on the weekly conference call, this communication will fall outside of the agenda requirements. I have contacted County Attorney Eileen Joyce to request assistance with the resolution as well as having this communication introduced at the Regular Meeting of the Council of Commissioners on July 7, 2021.

Thank you for your attention to this matter; as always; do not hesitate to contact me should you have any questions, comments or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Brian Doherty". The signature is written in a cursive style with a large, prominent "B" and "D".

Brian Doherty
Fire Chief

Phone: (406) 497-6483 | Cell Phone: (406) 565-6966 | Fax: (406) 723-4970

Email: bdoherly@bsb.mt.gov | Web: www.bsb.mt.gov

COUNCIL RESOLUTION NO. 2021-23

1 A RESOLUTION DECLARING THAT EMERGENCY FIRE CONDITIONS EXIST
2 WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA (CITY
3 COUNTY); ESTABLISHING SPECIAL FIRE RESTRICTIONS - STAGE I AS
4 ADOPTED BY THE DILLON AREA RESTRICTIONS AND CLOSURE GROUP, OF WHICH
5 BUTTE-SILVER BOW IS A PARTICIPATING MEMBER, THROUGHOUT THE CITY
6 AND COUNTY OF BUTTE-SILVER BOW, MONTANA; AUTHORIZING THE DILLON
7 AREA RESTRICTIONS AND CLOSURE GROUP TO UPGRADE THE SPECIAL FIRE
8 RESTRICTIONS TO STAGE II AND OR IMPLEMENT LOCAL/SMALL SCALE
9 CLOSURES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

10 WHEREAS, a fire restriction and closure plan, which is a
11 localized action plan tiered to the Northern
12 Rockies Coordinating Group Restriction and Closure
13 Procedures dated June 1, 2001, updated May 2007,
14 has been adopted by the State of Montana and the
15 City-County of Butte-Silver Bow has been included
16 in the Dillon Area Restrictions and Closure Group;
17 and

18 WHEREAS, the Dillon Area Restrictions and Closure Group
19 Plan identifies the coordination and
20 decision-making process to implement fire
21 restrictions and closures in the Dillon Area
22 Restrictions and Closure Group
23 and;

1 WHEREAS, by their nature, fire restrictions and closures
2 impose limitations on the general public and
3 private sectors. They should be implemented only
4 after most other prevention measures have been
5 taken. These measures include, but are not
6 limited to: increasing the number of prevention
7 signs, public contacts, media campaigns. Fire
8 restrictions should be considered when high to
9 extreme fire danger exists and is predicted to
10 persist; and

11 WHEREAS, small and large-scale forest closures have a
12 large negative impact on the public, forest
13 landowners, industrial operators and fire agencies.
14 They should be implemented only under the most
15 severe conditions. Closures are usually implemented
16 only in situations where firefighters and the
17 public's safety can no longer be adequately
18 safeguarded; and

19 WHEREAS, due to extremely dry conditions, the fire danger in
20 the City and County of Butte-Silver Bow, Montana
21 (City-County) is in the very high category; and

22 WHEREAS, the weather forecasts for the City-County indicate
23 no relief from the extremely dry conditions and;

24 WHEREAS, fire occurrences in Southwestern Montana over the

1 past few days have been sufficiently numerous and
2 the City-County's Director of Fire Services has
3 recommended issuance of Stage I Restrictions for
4 all of the City-County and;

5 WHEREAS, Stage I Fire Restrictions apply to campfires and
6 smoking. Specifically, at Stage I, campfires and
7 use of charcoal briquettes will only be allowed in
8 developed recreation sites or campgrounds, and only
9 in the meadow or concrete fire rings provided at
10 the site. Fires within rock fire rings are not
11 permitted. The public can continue to use gas
12 stoves fueled by liquid fuel or LPG fuels outside
13 of developed recreation sites during Stage I
14 restrictions. In addition to the campfire
15 restrictions, smoking is prohibited except within
16 vehicles, developed recreation sites or while
17 stopped in an area that is barren or cleared of
18 all flammable materials for at least three feet in
19 diameter.

20 NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF COMMISSIONERS OF
21 THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA:

22 SECTION 1: That Special Fire Restrictions - Stage I
23 are hereby established for all areas within the
24 City and County of Butte-Silver Bow, Montana (City-

1 County).

2 SECTION 2: That an emergency fire condition is hereby found to
3 exist within the City-County because of the
4 extremely dry conditions which require the adoption
5 of these Special Fire Restrictions.

6 SECTION 3: That these restrictions become effective as of
7 12:01 a.m. Mountain Daylight Time on Friday, July
8 9, 2021 and will remain in effect until upgraded,
9 rescinded or revoked.

10 SECTION 4: That the Director of Fire Services is hereby
11 authorized to upgrade the Special Fire Restrictions
12 to Stages II when and if Stage II restrictions
13 become necessary.

14 SECTION 5: That this resolution shall be in full force and
15 effect from and after its passage and approval.

16 PASSED this ____ day of _____, 2021.

17
18 _____
19 CINDI SHAW
20 CHAIR OF THE COUNCIL OF COMMISSIONERS

21
22 APPROVED this ____ day of _____, 2021.

23
24 _____
25 J. P. GALLAGHER
26 CHIEF EXECUTIVE
27
28

1 ATTEST:

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3 CLERK AND RECORDER

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6

7 BY _____

8 ITS _____

9

10 APPROVED AS TO FORM:

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14 _____

15 EILEEN JOYCE

16 COUNTY ATTORNEY

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20 _____

21 WILLIAM O. ANDERSEN

22 CHAIRMAN, JUDICIARY COMMITTEE

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