

COMMISSIONERS APPROVAL

BURROWS *JB*

FOSS *SF*

CHILCOTT 

IMAN 

STOLTZ 

Members Present.....Commissioner Jeff Burrows, Commissioner Suzy Foss, Commissioner Greg Chilcott, Commissioner J.R. Iman and Commissioner Ron Stoltz

Date.....May 28, 2013

► Minutes: Glenda Wiles

► The Board met at 8:30 a.m. to discuss and make a decision on the request for indigent burial for a elderly woman who was a resident of Stevensville and died in Idaho. Present was Deputy County Attorney Howard Recht. Further research shows assets have been removed by the family. Attorney Recht addressed Montana Statutes in regard to bringing civil action against the adult children for assets in order to be reimbursed for the burial expenses. Attorney Recht stated the factors for decision should be based upon the statues; determine the assets and income are less than burial of which the Board cannot make this determination, therefore his suggestion was to table the matter until other facts arise. **Commissioner Chilcott made a motion to table this request. Commissioner Iman seconded the motion and all voted "aye". (4-0)**  
**Commissioner Foss was not present for this meeting.**

► The Board met at 9:00 a.m. to review the proposed bylaw changes for the Fair Commission. Present was Fair Commission Board Member Margaret Yuhaas and Deputy County Attorney Howard Recht. Margaret addressed the requested change in the bylaws (see attached). After discussion and Board of Commission changes, Margaret will bring these changes to the Fair Commission in July for further discussion.

► The Board addressed the following administrative issues at 9:33 a.m.

- DPHS Amendment #1 to WIC Contract #13-07-5-21-015-0 (\$8,8000 fund increase): **Commissioner Chilcott made a motion to execute this amendment with DPHS with the Chair signature. Commissioner Iman seconded the motion and all voted "aye". (5-0)**
- DPHS Task Order for Maternal & Child Health Grant: **Commissioner Chilcott made a motion to execute this task Order with Chair signature. Commissioner Foss seconded the motion and all voted "aye". (5-0)**
- Exhibit A - Cooperative Law Enforcement Annual Operating Plan and Financial Plan between the Sheriff's Office and the USDA, Forest Service for Camp Ground Patrol in the Bitterroot National Forest: It was noted this is an annual operating and financial plan,

upgraded each year. **Commissioner Stoltz made a motion to execute this agreement. Commissioner Foss seconded the motion and all voted "aye". (5-0)**

- Support letter to the Joint Fed/State Board for Lazy J Cross Ranch conservation easement: **Commissioner Chilcott made a motion to approve this support letter signed by the Commissioners. Commissioner Foss seconded the motion and all voted "aye". (5-0)**

▶ The Board met at 9:52 a.m. with Human Resource Director Robert Jenni for an update.

▶ Commissioners Administrative Assistant presented the Commissioners with two issues that occurred on Friday concerning issues with roads and parks. Closed door was invoked under Montana Law as the Chair determines the right to privacy exceeds the public's right to know. Issues addressed was Reimel Creek access road and a tree limb from Gird Creek Park Property onto a house located on Martin Lane.

▶ The Board met at 11:00 a.m. to review a draft for the proposed policy and procedure for adopting a speed limit changes. (See attached) **Commissioner Stoltz made a motion to accept the draft as amended today and calendar the item for Resolution approval. Commissioner Foss seconded the motion and all voted "aye". (5-0).**

▶ The Board met at 1:30 p.m. to review the draft policy for Incident Reporting (accidents/damage) with decision to move forward on county policy implementation.

▶ Commissioner Foss left after lunch to travel to Kalispell to visit with citizens about forest health issues.

▶ Commissioner Chilcott attended a RAC meeting at the Forest Service Office at 6:30 p.m.

▶ Commissioner Iman attended a Bitterroot Conservation District meeting at the USDA meeting at 8:00 p.m.

## **SPEED LIMITS, PROCEDURE FOR ADOPTING**

### **1. PURPOSE AND INTENT**

A. PURPOSE: The purpose of this policy is to define how speed limits are established, considered for review, and potentially changed for County-maintained Roads in Ravalli County.

B. INTENT: It is the Board of County Commissioner's (BCC's) intent to establish and review speed limits based on sound traffic engineering practices and accepted standards, community planning practices, and with consideration of public input. Speed limits affect public safety, traffic mobility, transportation of freight and goods from point to point, and maintenance costs on roads.

### **2. APPLICABILITY**

This policy applies to all Ravalli County road speed limits and supersedes previous policies or resolutions pertaining to setting or changing speed limits. This policy does not affect the validity or the enforceability of any prior adopted speed limit. Any County road without a speed limit designated by policy shall be subject to the limit imposed by applicable state law.

### **3. AUTHORITY**

This Ordinance is adopted under authority of the County's authority to regulate roads and traffic, including the following portions of Montana Code Annotated (MCA): Title 61, Chapter 8, Part 3; § 61-12-101, MCA; Title 7, Chapter 14, Part 21.

### **4. DEFINITIONS**

A. "50th Percentile Speed" means the speed at or below which 50 percent of the motor vehicles travel.

B. "85th Percentile Speed" means the speed at or below which 85 percent of the motor vehicles travel.

C. "Accident Rate" means the number of accidents at a particular location on a roadway or section of roadway divided

by the number of vehicles using the roadway, normally expressed in the number of accidents per million vehicle miles driven.

D. "Average Daily Traffic" (ADT) means the total volume of vehicle traffic in both directions at a particular location on a road.

E. "Average Speed" means the summation of the spot measured speeds at a specific location of vehicles divided by the number of vehicles measured.

F. "Clear Zone Obstruction" means an object larger than a certain size that will damage a vehicle traveling in the roadside border area starting at the edge of the traveled way that is available for the errant driver to stop or regain control of a vehicle.

G. "Horizontal Curve" means an area of the roadway where the vehicle's direction of travel changes on a horizontal plane.

H. "Investigative Report" means a report compiled by the Road and Bridge Department to evaluate the suitability of a speed limit. (See Appendix A.) The Investigative Report shall include the following information:

- Road surface, shoulder condition, grade, alignment, sight distance;
- ADT and road classification;
- Existing speed limit and requested speed limit;
- The 85<sup>th</sup> and 50<sup>th</sup> percentile and pace speeds;
- Roadside development and environment;
- Parking practices and pedestrian activity;
- Reported accident rate or crash experience;
- Sheriff's Office review and recommendations for the section of road if any; and
- Any other information deemed relevant by the Road and Bridge Department Administrator
- The Road and Bridge Department Administrator's conclusions and recommendations.
- If the Administrator recommends a new or changed speed limit, a proposed speed limit ordinance shall be attached to the Investigative Report.

I. "Lane Width" or "Traveled Way" means the width of the road from the marked centerline to the edge marking if present or the edge of the road surfacing material.

J. "Pace Speed" means the 10 mph speed range representing the speeds of the largest percentage of vehicles in the traffic stream.

K. "Speed Limit" means the maximum speed applicable to a section of roadway as established by law.

L. "Traveled Way": See "Lane Width."

M. "Vertical Curve" means an area of the roadway where the vehicle's direction of travel changes in a vertical plane.

## **5. SPEED LIMITS ON COUNTY ROADS**

A. ORDINANCE: Except in cases of emergencies, County Road speed limits shall be established by ordinance; this section shall not affect any prior speed limits set by action other than ordinance.

B. EMERGENCY RESOLUTION: In case of an emergency, the BCC may adopt a speed limit by resolution that is effective upon passage. An emergency speed limit resolution shall automatically be repealed 60 days after the emergency has ended, unless the speed limit is adopted by ordinance before that time.

## **6. INITIATING A CHANGE IN A COUNTY ROAD SPEED LIMIT**

Proposed speed limit changes may be initiated by any of the following methods:

A. ROAD AND BRIDGE DEPARTMENT REQUEST: The Road and Bridge Department may request that the BCC consider a change in speed limit.

B. SHERIFF'S OFFICE REQUEST: The Sheriff may submit a request for a speed limit change on any section of County Road to the Board of County Commissioners for consideration.

C. CITIZEN PETITION:

i. A petition must be signed by the owners of at least 70 percent of the tracts of record within the affected area. The affected area shall be determined and mapped out by the Ravalli County Road and Bridge Department.

ii. The Road and Bridge Department Administrator shall determine whether the petition was signed by at least 70 percent of the residents.

iii. For petitions determined to be sufficient, the Road and Bridge Department Administrator shall prepare an Investigative Report and schedule a meeting with the BCC within three months of date of BCC approval.

iv. The BCC will not consider citizen petitions for speed limit changes that have been reviewed or considered within the previous three years.

v. A petition may be submitted on the "Petition Form" found in Appendix B to the Road and Bridge Department Administrator.

D. BCC: The BCC may consider a new or changed speed limit on its own initiative.

**7. ESTABLISHING SPEED LIMITS ON COUNTY ROADS**

A. INVESTIGATIVE REPORT: Upon receipt of a request or petition, the BCC shall instruct the Road and Bridge Department to prepare an Investigative Report. (See Definitions and Appendix A.).

B. PUBLIC MEETING: If an Investigative Report is submitted by the Road and Bridge Department, the BCC shall schedule a public meeting to consider the matter.

C. POSTED NOTICE: In addition to the standard notice of BCC meetings, the Road and Bridge Department shall post notice of the public meeting on the applicable section of road.

**8. REPEATED REQUESTS FOR SPEED LIMIT CHANGES ON THE SAME SECTION OF ROAD**

The BCC will not consider citizen petitions for speed limit changes that have been reviewed or considered within the previous three years, unless the recommendation comes from the Road and Bridge Department Administrator and is based on a change in circumstances.

**APPENDIX A - INVESTIGATIVE REPORT**

SPEED LIMIT CHANGE REPORT DATE:

**Road Name:**

Location of requested change:

Land Use Designation:

Mile posts of requested change:

Current Speed Limit: \_\_\_\_\_ which is \_\_\_th percentile

Requested Speed Limit:

This speed limit change was requested by:

Describe how the request was originated -  
example, " by petition signed by 25 people"

Roadway Classification (Arterial, collector, local access, etc.)

Existing ADT:

Location of count:

Average speed:

Location of measure:

Pace speed: \_\_\_\_\_ to \_\_\_\_\_

Location of measure:

85th percentile speed:

Location of measure:

50<sup>th</sup> Percentile Speed:

Location of Measure:

Existing lane width:

Design lane width if built new today:

Existing shoulder width:

Design shoulder width if built new today:

Surface type: ACP \_\_\_ BST \_\_\_

Friction issue such as bleeding or flushing?

No. of accidents last 10 years: \_\_\_\_\_

Accident rate: \_\_\_\_\_ County average \_\_\_\_\_

Concentration of accidents? Yes \_\_\_ No \_\_\_

If yes, where?

No. of driveways:

No. of driveways per mile:  
No. of stop signs:  
No. of county or major road intersections:

Mailboxes: Any problems?  
No. of mailboxes per mile:  
Roadside hazards not listed (poles, trees, bridge, etc)?  
Discuss:

Driveway slopes and culvert bevels:  
Well sloped and beveled? Yes \_\_\_ No \_\_\_

General roadway terrain type:

Steep roadside slopes? Discuss:

Vertical curve issues? Discuss:

Horizontal curve issues? Ball bank speed: \_\_\_ Discuss:

Sight distance issues? Discuss:

Centerline stripe? Yes \_\_\_ No \_\_\_

Edge stripe? Yes \_\_\_ No \_\_\_

Through route? Yes \_\_\_ No \_\_\_

Heavy mixture of commercial traffic w/ residential?  
Yes \_\_\_ No \_\_\_

Level of pedestrian activity: High \_\_\_ Med \_\_\_ Low \_\_\_

Level of bicycle activity: High \_\_\_ Med \_\_\_ Low \_\_\_

Factors that may not be apparent to the typical driver:

Sheriff's Department comments:

Other safety factors considered:

Recommended speed limit:

Public input received by Road and Bridge Department (summary of written and oral):



5814

FS Agreement No. 12-LE-11015600-035

Mod #3

Cooperator Agreement No. \_\_\_\_\_

**EXHIBIT A**

**COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN & FINANCIAL PLAN**

**Between The  
Ravalli County Sheriff's Department  
And the  
USDA, FOREST SERVICE  
Bitterroot National Forest**

**Revised 2013 ANNUAL OPERATING AND FINANCIAL PLAN**

This Annual Financial and Operating Plan (Annual Operating Plan), is hereby made and entered into by and between the Ravalli County Sheriff's Department, hereinafter referred to as "the County Sheriff's Department," and the USDA, Forest Service, Bitterroot National Forest, hereinafter referred to as the "U.S. Forest Service," under the provisions of Cooperative Law Enforcement Agreement #12-LE-11015600-035 executed on 06/01/2012. This Annual Operating Plan is made and agreed to as of the last date signed below and is for the estimated period beginning upon execution and ending 12/31/2013.

**Total Annual Operating Plan: \$13,500.00**

**I. GENERAL:**

A. The following individuals shall be the designated and alternate representative(s) of each party, so designated to make or receive requests for special enforcement activities.

**Designated Representatives Principal Contacts:**

<u>County</u>	<u>Forest Service</u>
Chris Hoffman	Patrol Captain
Sheriff, Ravalli County	South Central Zone Law Enforcement
205 Bedford, Suite G	Lolo National Forest
Hamilton, MT 59840	Bldg 24, Fort Missoula
<a href="mailto:choffman@rc.mt.gov">choffman@rc.mt.gov</a>	Missoula, Montana 59804
(406) 375-4060	(406) 329-1025

Trisha Harrison  
[tharrison@rc.mt.gov](mailto:tharrison@rc.mt.gov)  
(406) 375-4000

**Alternate Representatives:**



**Forest Service**

Kayla Jaquith  
Law Enforcement Officer  
Bitterroot National Forest  
1801 North 1<sup>st</sup> Street  
Hamilton, MT 59840  
(406) 821-4251

Don Polanski  
Law Enforcement Officer  
Bitterroot National Forest  
1801 North 1<sup>st</sup> Street  
Hamilton, MT 59840  
(406) 777-7432

**Forest Service Administrative Contact:**

Trudi Olson  
U.S. Forest Service, Northern Region, LE&I  
P.O. Box 7669  
Missoula, MT 59807  
(406) 494-0216  
[tolson01@fs.fed.us](mailto:tolson01@fs.fed.us)

- B. Reimbursement for all types of enforcement activities shall be at the following rates unless specifically stated otherwise:

\$0.585/mile patrolled  
Per diem rate is \$00/day  
Wages at the prevailing rate of \$22.50/hour plus fringe benefits for the individual officer.

**II. PATROL ACTIVITIES:**

- A. Time schedules for patrols will be flexible to allow for emergencies, other priorities, and day-to-day needs of both the County Sheriff's Department and the U.S. Forest Service. Ample time will be spent in each area to make residents and visitors aware that law enforcement officers are in the vicinity.

Immediately notify the Forest Service of accidents occurring within the National Forest boundary, which involves fatalities, personal injury requiring hospitalization or significant property damage.

Ensure officers/agents of the County performing law enforcement activities under this Annual Operating Plan meet the same standards of training required of the officers/agents in their jurisdiction, or the State Peace Officers Standards of Training where they exist.



1. Patrol in the following U.S. Forest Service roads, campgrounds, developed sites, or dispersed areas:

Provide patrols in the Lake Como Recreation Area, Lost Horse dispersed camping sites and the Forest Service road from the Como Lake area to the Lick Creek Bridge area each weekend starting on Memorial Day weekend through Labor Day weekend. Patrols can occur between 6 pm and 1 am.

Provide patrols for the north end of Bitterroot Valley, starting Memorial Day weekend through October 30th. Patrols can occur between 6 pm and 1 am weekly, including all of the Westside Trailheads.

- Bass Creek Recreation area
- Mill Creek area and trail head
- Blodgett Canyon trail head
- Black Bear campground

Provide patrols for the south end of Bitterroot Valley, starting Memorial Day weekend through October 30th. Patrols can occur between 6 pm and 1 am weekly, including all of the Westside Trailheads.

- Spring Gulch campground
- Warm Springs campground
- Crazy Creek campground and horse area
- Tin Cup area and dispersed camping areas
- Martin Creek campground
- Jennings Creek campground
- Slate Creek campground
- Boulder Creek and Little Bear campgrounds
- Rombo Creek campground
- Alta campground

Total reimbursement for this category shall not exceed the amount of: **\$13,500.00.**

### **III. EQUIPMENT:**

*See Cooperative Law Enforcement Agreement Provisions IV-K, IV-L, and IV-M for additional information.*

All equipment purchases need to be pre-approved by the Patrol Captain.

Total reimbursement for this category shall not exceed the amount of: **\$ 49 % of the total**

### **IV. SPECIAL ENFORCEMENT SITUATIONS:**

- A. Special Enforcement Situations include but are not limited to: Fire Emergencies, Drug Enforcement, and certain Group Gatherings.



This includes but is not limited to situations which are normally unanticipated or which typically include very short notice, large group gatherings such as rock concerts, demonstrations, and organizational rendezvous.

**V. BILLING FREQUENCY:**

*See Cooperative Law Enforcement Agreement Provisions II-H and III-B for additional information.*

- A. The County Sheriff's Department will furnish monthly to the Forest Service, an itemized billing for reimbursement and a completed Cooperative Law Enforcement Activity Report (FS 5300-5). The billing shall include the Forest Service Agreement number, the section of the Annual Operating Plan the reimbursement is being requested under, and include such items as the number of trips, total mileage, Resource Order number if applicable, etc., and shall be in sufficient detail to allow the Forest Service to tie the expenditures back to the reimbursable expenses. For expenditures pursuant to conditions described in provision IV-B-2 (Incident/Fire Emergencies), a copy of the resource order must accompany the billing. The County Sheriff's Department should certify the billings as being current and proper.
- B. The County Sheriff's Department will also furnish monthly to the Forest Service, a patrol log by each officer performing patrols pursuant to this Annual Operating Plan. This patrol log shall show the name of the deputy performing the patrol, dates the patrols were performed, and the reference to the Annual Operating Plan section for the patrol. Other items of format shall be mutually agreed upon.

The invoice and patrol logs should be forwarded as follows:

**Submit original invoice(s) for payment to:**

U.S. Forest Service  
Albuquerque Service Center  
Payments – Grants & Agreements  
101B Sun Avenue NE  
Albuquerque, NM 87109  
FAX: (877) 687-4894  
[asc\\_ga@fs.fcd.us](mailto:asc_ga@fs.fcd.us)

**Submit copies of invoice(s) and patrol logs to:**

Becky Agner, Acting Patrol Captain  
Lolo National Forest  
Bldg 24, Fort Missoula  
Missoula, MT 59804  
(406) 329-1025  
[ragner@fs.fed.us](mailto:ragner@fs.fed.us)

- C. The following is a breakdown of the total estimated costs associated with this Annual Operating Plan.

Category	Estimated Costs	Not to Exceed by %
Patrol Activities	13,500.00	N/A
Equipment		49%
<b>Total</b>		<b>\$13,500.00</b>



D. Any remaining funding in this Annual Operating Plan may be carried forward to the next fiscal year and will be available to spend through the term of the Cooperative Law Enforcement Agreement, or de-obligated at the request of the U.S. Forest Service. See *Cooperative Law Enforcement Agreement Provision IV-D*.

In witness whereof, the parties hereto have executed this Annual Operating Plan as of the last date written below.

\_\_\_\_\_  
JEFF BURROWS, County Commissioner  
Chairman, Ravalli County Board of County Commissioners

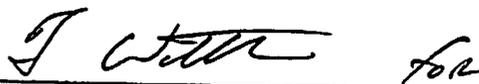
\_\_\_\_\_  
Date

\_\_\_\_\_  
CHRIS HOFFMAN, Sheriff  
Ravalli County Sheriff's Department

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
JULIE KING, Forest Supervisor  
U.S. Forest Service, Bitterroot National Forest

5-23-13  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
JONATHAN L. HERRICK, Special Agent in Charge  
U.S. Forest Service, Northern Region

5/22/13  
\_\_\_\_\_  
Date

The authority and format of this agreement have been reviewed and approved for signature.

*Elaine Hilliard*  
\_\_\_\_\_  
ELAINE HILLIARD  
U.S. Forest Service, Grants & Agreements Specialist

05/22/2013  
\_\_\_\_\_  
Date

**Addendum A****Region One Fire Emergency Language & Billing Protocol  
Coop Law Enforcement Agreements / Annual Operating Plan****Fire Emergencies:**

During fire emergencies, the Forest Service will reimburse the County for actual costs incurred for providing assistance requested by either the Agency Administrator or Incident Commander.

Reimbursement for personnel wages and services are based upon the information in the resource order and must identify the number of road blocks, number of personnel required, hours and time frame required and must be ordered by the Incident Commander or Agency Administrator. A copy of the resource order generated for the request for assistance will be provided by FS dispatch to the County. It is critically important that the IMT, Agency Administrator, and the Sheriff /County Official agree to what emergency services are needed and listed in the Resource Order and Incident Action Plans for each day until this resource is no longer required.

Upon request of the Agency Administrator or Incident Commander, a County designated Liaison(s) to the fire incident(s) may be established. The liaison will be requested via an incident resource order. The Liaison(s) primary duties, on behalf of the County Sheriff, will be to attend public meetings, planning and IC meetings. Eligible costs for reimbursement will include personnel time, patrol/sheriff's vehicles will be reimbursed at a rate of \$65/per 12 hour shift and mileage when fulfilling the liaison duties.

If meals and lodging are required for county officials, authorization must be documented using the standard fire meals and lodging authorization forms provided by the host fire unit.

Administrative support (e.g. posting incident time, delivering meals, bill preparation, etc.) will be reimbursed on an actual cost basis. The County will prepare and submit an itemized accounting of actual cost as part of the reimbursement request.

What is not eligible for reimbursement?

1. Law enforcement duties that are within the normal jurisdictional responsibilities such as enforcement, patrols, evacuation. 2. Automotive repairs and tires are covered in the mileage rate.

**Billing Protocol:**

Documentation required to be submitted by the County to the FS for payment processing:

- Resource Order. Resource order will state what kind of assistance is ordered, how many people requested, and the time period for the services as ordered by the IC or Agency Administrator.
- Copy of Law Enforcement Agreement and Annual Operating Plan.
- DUNS number.
- Tax ID number.
- Breakout of actual costs:
  - Salary – Daily Crew Time Reports, Payroll summary by hours per day or timesheets of personnel.
  - Supplies – Copies of receipts with date and description of items purchased and FS authorization (S# or FS Signature) for purchase.
  - Mileage – Summary by day by vehicle and personnel using the vehicle.
  - Patrol/sheriff vehicles reimbursed at \$65/per 12 hour shift, plus mileage.



USDA, Forest Service

OMB 0596-0217  
FS-1500-8A

- Incident Action Plans – copies of plans that document assignment to that incident.
- Map of roadblock locations.

For questions concerning incident/fire emergencies, please contact Cathy Scofield, Regional Assistant Fire Director at 406-329-3409 ([cscofield@fs.fed.us](mailto:cscofield@fs.fed.us)). Bills will be submitted to: Tracey Nimlos, Incident Business Coordinator, USFS, Fire/Aviation/Air, P.O. Box 7669, Missoula, MT 59806.

**Burden Statement**

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and assembling the data needed, and completing and reviewing the collection of information.

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