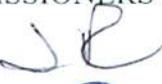


COMMISSIONERS APPROVAL

IMAN 

CHILCOTT 

FOSS 

STOLTZ 

KANENWISHER

Members Present.....Commissioner Iman, Commissioner Suzy Foss, Commissioner Ron Stoltz and Commissioner Kanenwisher

Date.....October 12, 2011

► Minutes: Glenda Wiles

► The Board met at 9:05 a.m. with MSU Extension Agents Bobbie Roos and Katelyn Anderson. Also present was Steve Siegelin who is the MSU Western Regional Supervisor and Ravalli County Human Resource Director Robert Jenni. Bobbie presented a letter of resignation because she is returning to her home in Daniels County and taking the Extension Agent position there. It was also noted Katelyn will be taking maternity leave in March so it is important to start the search for Bobbie’s replacement soon. Steve hopes to have this position filled by the first of February, but noted the importance of finding the right person. The Board thanked Bobbie for all of her hard work and great dedication to Ravalli County. **Commissioner Kanenwisher made a motion to have the Chair authorize the search for a new Extension Agent. Commissioner Foss seconded the motion and all voted “aye”. (4-0)**

► Commissioner Kanenwisher attended a Park Board meeting at 10:00 a.m.

► The Board met with the Weed Board at 1:04 p.m. regarding the Weed Policy. Present at this meeting was Weed Board Members Lance Brown, Dianne Bessler-Hackett, Tim Tackes, Sherry Lee and Randy Maxwell, as well as Human Resource Director Robert Jenni, Weed Coordinator Kellieann Morris, Bitterroot Star Publisher Michael Howell, Citizens Charlotte Gray, Scott Koppes and Ravalli County Watch Dogs Lee Tickle and Maggie Wright.

Commissioner Iman noted the agenda reflects a meeting to discuss weed board policies. He stated it is important to decide what can be resolved today, and to keep the policies separate from personnel issues. Issues are education; what is the responsibilities of the Weed Board and the Commissioners as well as any issues they might need a legal pinion on.

Commissioner Kanenwisher stated unless there needs to be a preliminary conversation on the draft plans developed by the Commissioners, maybe the best way to address this is to actually review the drafts.

Kellieann also passed out the Montana Weed Act that was passed yesterday by the State.

Documents under discussion are the following:

- 1) Ravalli County Weed District Noxious Weed Enforcement Complaint Policy (Draft marked Commissioner/Board Proposed Weed Enforcement Forms #1
- 2) Proposed Forms from Weed Board: #2 Ravalli County Weed District Property Inspection Notice; #3 Ravalli County Weed District Voluntary Compliance Notice and #5 Ravalli County Weed District Final Notice of noncompliance
- 3) Proposed Ravalli County Weed District Noxious Weed Management Plan #4

Randy stated they are working on – the Complaint Policy and Ground Disturbance Plan.

Kellieann stated three of these forms were reviewed as per the Commissioners request. Form #1 is the packet that a person would receive if they wanted to make a complaint. This packet includes the complaint form. The Weed Coordinator then sends out document #2 (Property Inspection Notice) to the landowner that might have noxious weeds. If they agree to the meeting, then Document #4 is filled out and hopefully the weeds are taken care of. If the land owner does not want to work with the Weed Coordinator, document #3 is utilized. If the Landowner is still not willing to work with the Coordinator, the Weed Board makes a review and they go to Document #5 (Final Notice of Non-Compliance). The Commissioners also receive this final notice. Unless directed, the Weed Board would never go onto a piece of property and do any weed spray unless directed by the Commissioners. Also at the point of #5, the Commissioners will be at the point of making the decisions.

Commissioner Foss stated for her property, the complaint came in at the dead of winter and there was an issue of the 10 days in order to put a plan or corrective action together.

Commission Iman addressed seasonality, i.e., a complaint in January. Randy stated there is no sense dealing with a corrective action plan until they are in the growing season. Kellieann agreed, noting they can work towards a management plan in the dead of winter and be ready to deal with the weeds as soon as they come into their growing season.

Commissioner Foss stated 10 days is not a long time for a landowner to respond, she suggested the policy note the 10 day mark is mostly for the landowner to contact the Weed Coordinator. Randy noted this language was taken from the state language.

Commissioner Stoltz asked about products that might not be in production for particular weed kills. Kellieann noted the products can be changed as needed for the weeds they are treating. She will work with the landowner to help them with the proper application during the different times of a weed's growing season. She stated they are also look at what is environmentally friendly.

Commissioner Foss suggested when the weed management plan is developed; it needs to be done by setting down with the landowner rather than sending things by mail. She stated this relationship building is the key to education. What she sees missing is the Weed

District/Board/Coordinators comments that they are willing to work with the landowner to have a positive outcome.

Kellieann noted they have a sample letter to the landowner developed which states just that. (Sample letter presented to the Commissioner).

Commissioner Kanenwisher addressed the complaint file that would be kept by the Weed District and wondered if this documentation is quasi-legal. He asked if the landowner is clear in knowing that the complaint and their potential lack of action could result in litigation.

Kellieann stated what they hope to accomplish through this complaint policy is a working plan. There is no threat that any landowners' non-action will end up with the landowners property being 'attached' in any kind of legal action. She stated that is not the purview of the Weed District.

Commissioner Foss suggested the landowner receive a letter that specifically states the "Weed District is there to help" and there "may" be weeds on their property.

Commissioner Iman addressed #4, stating there should be a statement that shows "the proper time to control this weed is (date)" as that gives a physical time of when they want to start the management. Kellieann noted page 2 addresses the 'Control Timing'. Randy indicated they can add that to document #4 under the control timing which will address a potential date. Commissioner Iman stated he would like a sentence added to the beginning of document #4 which addresses the timing of the plan.

Kellieann addressed document #1, page 5, #7(a) noting this is where the state law has changed allowing an authorized agent to enter the Respondent's land and institute appropriate control measures. She stated this is important to have within the policy because of the bank owned properties. When the House Bill was presented to the legislature, a high fine was imposed. That high fine was taken out of the House Bill and instead it was written that the Commissioners have that responsibility to allow entry for spray and a lesser fine. Discussion included fines per acre and how that affects landowners that own one acre vs. several hundred acres. Kellieann noted when a landowner refuses to take any action, then fines are appropriate. There are five steps to getting the landowner to work towards a management plan. The Commissioners can make that final determination. Kellieann suggested the language allowing the entrance to apply appropriate measures, as well as the fine per acre and the 25% penalty be left there which gives the Commissioners the latitude to do what needs to be done on each different issue.

Commissioner Iman stated having these steps follows the policies of other county departments such as Environmental Health, Planning and Conversation District. He likes that but does not like assessing a civil penalty/fine per acre. He prefers a standard fine.

Kellieann stated in the new Montana Weed Control Act, page 6, under Procedure for Non-compliance, it describes the law. On page 27, #4, the language addresses how the Commissioners can assess the fines. She stated "this sentence is important when the Commissioners decide to take any enforcement action" (it basically is their findings of fact).

Kellieann also noted another change in the state law, is that at any stage of the five steps, the landowner has the ability to meet with the Commissioners. If that happens, the Weed District steps out and the Commissioners are now in charge of the process. The landowners also have the right to go to District Court for a hearing at any time during the five steps.

Another document discussed is the Ravalli County Weed District Ground Disturbance and Revegetation Guideline (marked Commissioner/board forms). This is for subdivision, gravel pits or any ground disturbed under MCA 7-22-2152. The Commissioners would be the governing authority and would need to approve this. Commissioner Foss suggested the form state the Weed District/Board/Coordinator is ready and willing to help. Discussion included the fee assessed on page 3 and the subdivision process which might or might not include the Weed Districts participation. Kellieann stated while the landowner could have an applicator assist them with the compliance form, the inspection still needs to be completed by the Weed District. Commissioner Stoltz asked why they would be taxing or assessing a fee when it has already been paid. Kellieann stated this fee was started in April 2005 by the Commissioners. The fee amount has not been changed. Randy stated the Commissioners can make the determination if they want to change the fee assessment. The form could allow a professional applicator to sign off on this form without Weed Board inspection. Inspection fees include the piece to be subdivided, not necessarily the whole piece that the owner might still own and retain. It was noted the development of a power line would not be approved by the Commissioners unless it is on county property, therefore the Weed District never makes an inspection and there are no fees. Kellieann noted it is important to walk the property and forty acres dictate at least of couple of hours. This also helps educate the landowners on what exists on their property and what they can do for a management plan. She noted the plans address the weeds, how to eradicate them within the confines of what the landowner can afford and what fits in their lifestyle, for example the landowner might not want the use of chemical, so other venues can be utilized.

Public Comment was called for:

Michael Howell suggested they simply address the subject property (what is being disturbed).

After further Board discussion Commissioner Iman suggested a \$100.00 flat fee for 10 acres and an additional fee of \$15.00 per acre for anything over 11 acres with a fee not to exceed \$300.00; and for the subject property only. Everyone concurred.

Commissioner Kanenwisher made a motion to forward the weed policies to legal as amended here today. Commissioner Stoltz seconded the motion and all voted "aye" (4-0).

Discussion included when the fee would be made. It was the consensus of the Board to pay the fee when they submit the plan. That requirement can be added on page 3 of 5 on the Ground Disturbance and Revegetation Guidelines.

Scott Koppas lives off of Fish Hatchery Road. He has lived on this property for twelve years and has some neighbors who refuse to deal with their weeds, thus causing him a problem on his 40 acres. He did not want to file a complaint but he and other neighbors finally did file a weed

compliant. He was pleased with the professionalism of the Weed Board and Weed Coordinator. However, because the Commissioners have been 'working' on this policy, nothing is being done. He then wrote a letter to the Commissioners in April with no response. He explained he is exasperated at the process and asked what happens from here. Commissioner Kanenwisher stated since the steps were all taken, the Commissioners need to visit with the County Attorney to move to the next step which might be a tax lien against the property. Randy noted Scott's complaint got caught up in the changes the Commissioners are making. He asked the Commissioners if they can pick up where they left off in the complaint policy. The Commissioners indicated the process can be picked up where left off.

The Board concurred Kellieann can make the changes addressed today, send the final draft over to Glenda and she will submit the changes to the County Attorney with a County Attorney Request/Action Form.

Sherry Lee thanked the Commissioners for this positive meeting today.

- ▶ Commissioner Kanenwisher attended a Board of Health meeting at 3:00 p.m.
- ▶ Commissioner Stoltz attended a road union negotiation meeting at 3:00 p. m..