

Joseph P. Pehan - Commission Chair
Mary Ann Harwood - Commissioner
Don Hartwell - Commissioner
Merle Raph - County Attorney
Donna Whitt - Sheriff
Phyllis Robertson - Public Admin.



Dan B. Whitted - Corone
Debra Munson - Clerk of Cour
Treva Nelson - Clerk and Recorde
Joe Rapkoch - Justice of the Peac
Boyd Jackson - Treasurer/Assessor
Superintendent of School

**COMMISSIONERS' AGENDA
SEPTEMBER 24, 2020
10:00 A.M.**

PRESENT: Joe Pehan, Mary Ann Harwood, Don Hartwell and Treva Nelson, Clerk & Recorder

Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules. Due to COVID-19, and Public would need to call in.

PLEDGE OF ALLEGIANCE

Approval of August 27, 2020 Meeting Minutes: Mary Ann motioned to approve. Don seconded the motion and the motion carried.

1. Consider RESOLUTION #14-2020, a resolution for prosecutorial assistance in the investigation and prosecution of Department of Corrections prison cases. **Mary Ann motioned to approve. Don seconded the motion and the motion carried.**
2. Consider RESOLUTION #15-2020, a resolution to adopt the Toole County Roads. **Mary Ann motioned to approve. Don seconded the motion and the motion carried.**

Toole County Courthouse - 226 1st Street South - Shelby, MT 59474

Commissioners' Office
Phone: (406) 424-8310
tccomm@toolecountymt.gov

Clerk & Recorder's Office
Phone: (406) 424-8300
tnelson@toolecountymt.gov

<http://www.toolecountymt.gov>

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RESOLUTION #15-2020

A RESOLUTION ESTABLISHING THE TOOLE COUNTY ROADS

WHEREAS, the Board of County Commissioners is vested with the authority and responsibility regarding roads and bridges pursuant to Montana Code Annotated §7-14-2101, et. seq., and

WHEREAS, Toole County has spent the last few years researching what is a Toole County road and what is not, and

WHEREAS, information was compiled from the records in the Clerk & Recorder's Office, the Commissioners' minutes, and the County Road Shop files since 1914, and

WHEREAS, a map was completed with all the county roads marked and presented to the Toole County Road Board for approval, and

WHEREAS, the Toole County Road Board, after a public meeting, adopted the map and recommended approval by the Board of County Commissioners, and

WHEREAS, if anyone believes that any road on the map that is not marked is a county road, this resolution does not preclude the presentation of evidence that it is a county road to the Board of County Commissioners, and

NOW THEREFORE BE IT RESOLVED, that in a public Toole County Commissioner meeting held on September 24, 2020, the Board of County Commissioners adopted the map as the Toole County Official County Road Map, and

FURTHER BE IT RESOLVED, that the Official County Road Map shall be in the Commissioners' Office, the Clerk & Recorder's Office and the County Road Shop for viewing.

Dated this 24th day of September, 2020.

BOARD OF TOOLE COUNTY COMMISSIONERS

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Joe Pehan, Board Chair

Mary Ann Harwood, Commissioner

Don Hartwell, Commissioner

ATTEST:

Treva Nelson, Clerk & Recorder

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BOARD OF COUNTY COMMISSIONERS
TOOLE COUNTY, MONTANA

RESOLUTION No. 14

Whereas, the Toole County Attorney has requested prosecutorial assistance in the investigation and prosecution of Department of Corrections prison cases, and

Whereas, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the prosecution of the aforementioned case, and

Whereas, Mont. Code Ann. § 44-4-111 authorizes and contemplates that the training coordinator for county attorneys and the bureau chief of Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the county attorney and upon the approval of the board of county commissioners, and

Whereas, Mont. Code Ann. § 2-15-501(6) authorizes the Attorney General to provide assistance to county attorneys in the discharge of his or her duties.

It Is Hereby Resolved:

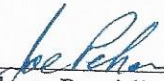
That the attorneys assigned to the Prosecution Services Bureau of the Department of Justice are hereby appointed as special deputy county attorneys for Toole County for the purpose of assisting in the prosecution of the aforementioned cases and that any of said deputies can fulfill the functions set out in Mont. Code Ann. § 44-4-103. This appointment begins the date of this resolution and expires on June 30, 2021.

It is Further Resolved:

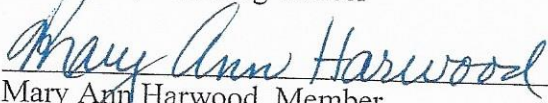
That under the terms of this agreement, no fee will be charged for attorney time provided by the Bureau based upon the fact that pursuant to the internal operational policies adopted by the Attorney General September 1, 1999, assistance in such cases is provided without an hourly fee. Witness fees and expenses, jury costs, and other normal costs associated with trial will be the County's responsibility as with all other prosecutions.

Dated this 24th day of September, 2020.

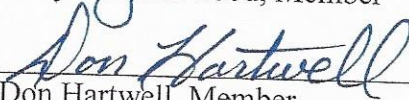
BOARD OF TOOLE COUNTY COMMISSIONERS



Joe Pehan, Presiding Officer



Mary Ann Harwood, Member



Don Hartwell, Member

ATTEST:



Treva Nelson, Clerk and Recorder

Toole County Attorney

153 Main Street
P.O. Box 730
Shelby, Montana 59474
Merle Raph, County Attorney

Telephone (406) 434-5417
Facsimile: (406) 434-5522
tooleca@3rivers.net
Autumn Running, Paralegal

August 28, 2020

Toole County Board of Commissioners
Toole County Courthouse
Shelby, MT 59474

Re: Prosecutor Service Bureau

Dear Commissioners:

The Prosecutor Services Bureau has been awarded a grant to create a position to assist county attorneys with prosecution of cases arising out of regional prisons. Patrick Moody has been hired to fill this position. I have worked with Patrick who was a Deputy Powell County Attorney assigned to prosecute cases arising from conduct at the Montana State Prison. He has developed a particular expertise in this area of criminal law.

Toole County currently has ten felony prison cases filed and ten more are in the investigative phase or need to be filed. We recently resolved five other prison cases. Patrick will assist in some cases and be the lead attorney on others. He will also assist in intake and evaluation of cases. This office will provide all non-attorney services such as word processing, filing and discovery compliance.

In the resolution I have provided for your review you may note that it expires on June 30, 2021. That coincides with the grant. Hopefully, the successful candidate for Attorney General will understand the value of this position and continue with the grant.

Please contact me if you have any questions or comments.

Sincerely,



Merle Raph
Toole County Attorney

MR:ar