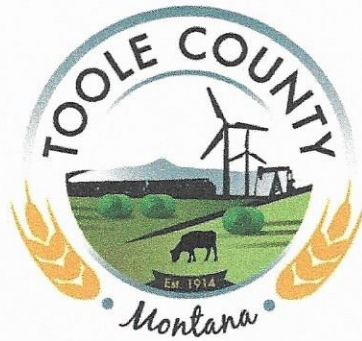


Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomscheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Donna Whitt - Sheriff



Debra Munson - Clerk of Court
Treva Nelson - Clerk & Recorder/
Election Administrator
Joe Rapkoch - Justice of the Peace
Boyd Jackson - Treasurer/Assessor/
Superintendent of Schools
Phyllis Robertson - Public Administrator

226 1ST Street South
Toole County Courthouse, Shelby, MT 59474
406-424-8300 www.toolecountymt.gov

COMMISSIONERS' AGENDA
August 12, 2021
10:00 am

PRESENT: Don Hartwell and Terry Tomscheck

Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

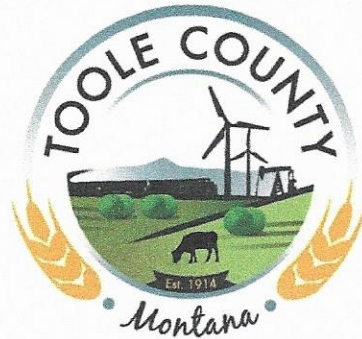
PLEDGE OF ALLEGIANCE

Approval of August 5, 2021, Meeting Minutes: Terry motioned to approved, seconded by Don. Motion carried.

1. Consider approval of an Obligating Document for Award from the Montana Disaster and Emergency Services to Toole County for the Emergency Management Program in the amount of \$20,000 with a required match of \$20,000. **Terry motioned to approved, seconded by Don. Motion carried.**
2. Consider approval an Agreement to Assign Opencut Mining Lease between Enneberg Excavation LLC (Assignor) and the Toole County Road Department (Assignee) in T35N, R3W, Section 22: SE/4SE/4, containing 40 acres, more or less. **Terry motioned to approved, seconded by Don. Motion carried.**
3. Consider the Abstract of Agreement to Assign Opencut Mining Lease between the Toole County Road Department (Assignee) and Enneberg Excavation LLC (Assignor) for the property located in the SE/4SE/4 of Section 22 in T35N, R3W. **Terry motioned to approved, seconded by Don. Motion carried.**

4. Consider RESOLUTION #11-2021, a Resolution for prosecutorial assistance in the prosecution of State of Montana vs. Bradley Williams. **Terry motioned to approved, seconded by Don. Motion carried.**

Mary Ann Harwood - Commission Chair
Jon Hartwell - Commissioner
Terry Tomsheck - Commissioner
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RESOLUTION #11-2021

A Resolution for prosecutorial assistance in the prosecution of State of Montana vs. Bradley Williams.

WHEREAS: the Toole County Attorney has requested prosecutorial assistance in the prosecution of *State of Montana vs. Bradley Williams*, and

WHEREAS: it is desired and deemed appropriate that a Special Deputy County Attorney be appointed to assist in handling prosecution issues in the aforementioned case, and

WHEREAS: Montana Code Annotated 7-4-2705(2019) authorizes the Board of County Commissioners to authorize the county attorney to employ special counsel in the prosecution of any criminal case pending in the county, and

WHEREAS: the Office of the Montana State Auditor, Commissioner of Securities and Insurance, is charged pursuant to Montana Code Annotated 33-1-1203(2019) investigate insurance fraud and assist in prosecutions of insurance fraud, and

THEREFORE BE IT RESOLVED: that the attorneys assigned to the Office of the Montana State Auditor, Commissioner of Securities and Insurance, and any attorneys retained by the Office of the Montana State Auditor, Commissioner of Securities and Insurance, are hereby appointed as a Special Deputy County Attorneys for Toole County for the purpose of assisting in the prosecution of the aforementioned case.

BE IT FURTHER RESOLVED, the Office of the Montana State Auditor, Commissioner of Securities and Insurance, shall charge the

County no fee for attorney time provided by its attorneys.
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 12th day of August, 2021.

Mary Ann Harwood
Mary Ann Harwood, Chair

Don Hartwell
Don Hartwell, Member

Terry Tomsheck
Terry Tomsheck, Member

ATTEST: Bobbi Hughes, Deputy
Trevia Nelson
Clerk & Recorder

