

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

January 4, 2021
10:00 A.M.

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck 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, Public is encouraged to call in.

PLEDGE OF ALLEGIANCE

Approval of December 3, 2020 Meeting Minutes: Don motioned to approve. Mary Ann seconded the motion and the motion carried.

1. Consider approval of Resolution 1-2021, a resolution to approve a Chair and Vice-Chair for the Toole County Commission for 2021. **Don motioned to approve Resolution 1-2021. Terry seconded the motion and the motion carried.**
2. Consider approval of Resolution 2-2021, a resolution to approve meeting dates for regular Commission meetings in 2021. **Don motioned to approve Resolution 2-2021. Terry seconded the motion and the motion carried.**
3. Consider approval of Resolution 3-2021, a resolution to approve travel and per diem rates for Toole County employees for 2021. **Don motioned to approve Resolution 3-2021. Terry seconded the motion and the motion carried.**
4. Consider approval of Resolution 4-2021, a resolution appointing the Commissioners to represent Toole County on boards and committees for 2021. **Don motioned to approve Resolution 4-2021. Terry seconded the motion and the motion carried.**

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RESOLUTION 1-2021

A RESOLUTION TO ELECT THE CHAIR FOR THE BOARD OF TOOLE COUNTY COMMISSIONERS FROM JANUARY 2021 THROUGH DECEMBER 2021

WHEREAS: The Board of County Commissioners must elect one of its members as the Chair at the beginning of each calendar year per 7-4-2109, Montana Code Annotated, and shall appoint commissioner liaisons to County Boards; and

WHEREAS: The Chair must preside at all meetings of the Board and in case of his/her absence or inability to act, the members present must by an order select one of their number to act temporarily as Chair;

NOW THEREFORE BE IT RESOLVED: That the Chair of the Board of Toole County Commissioners is Mary Ann Harwood, commencing on January 1, 2021 through December 31, 2021. Commissioner Don Hartwell is designated as Vice-Chair, and he will preside over the meetings in case of the Chair's absence or inability to act.

BY THE BOARD OF TOOLE COUNTY COMMISSIONERS, dated January 4, 2021.

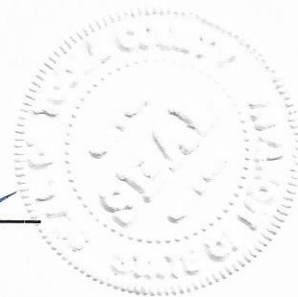
Mary Ann Harwood
Chair

Don Hartwell
Commissioner

Terry Tomscheck
Commissioner

ATTEST:

Trevia Nelson
Clerk & Recorder



Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
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RESOLUTION 2-2021

A RESOLUTION SETTING COMMISSIONER MEETING DATES FOR THE CALENDAR YEAR JANUARY 1, 2021 THROUGH DECEMBER 31, 2021

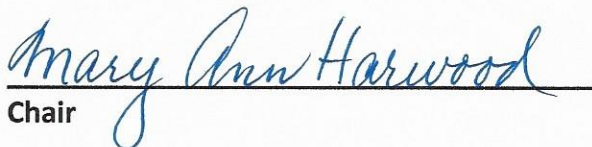
WHEREAS: The governing body of the County shall establish by Resolution a regular meeting date and notify the public of that date, per 7-5-2122 of the Montana Code Annotated; and

WHEREAS: The agenda for the regular Toole County Commissioners' meeting of January 4, 2021 was posted two working days prior to the meeting, notifying the public of Resolution 2-2021, an agenda item setting meetings of the Board of Toole County Commissioners for the year 2021; and

NOW THEREFORE BE IT RESOLVED: That the Toole County Commissioners will hold their regular Board Meetings at 10 AM on Monday and Thursday of each week in which they have an agenda of business posted. These meetings shall be conducted in the office of the Toole County Commissioners in the Toole County Courthouse at 226 1st Street South, Shelby, Montana, commencing January 2021 through December 2021; and


NOW THEREFORE ALSO BE IT RESOLVED: That the meeting agenda will be posted two days prior with the place, time and date in which public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

BY THE BOARD OF THE TOOLE COUNTY COMMISSIONERS, dated January 4, 2021.



Chair

ATTEST:





Commissioner



Commissioner



Clerk & Recorder

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomscheck - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
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RESOLUTION 3-2021

A RESOLUTION TO ADOPT TRAVEL/PER DIEM RATES FOR TOOLE COUNTY

WHEREAS, travel/per diem rates are set by the State of Montana, per 2-18-501 and 2-18-502, Montana Code Annotated; and

WHEREAS, the State may at any time during the year change these rates and the counties are notified; and

WHEREAS, Toole County has usually followed the travel/per diem rates of the State of Montana and for out of state travel, the maximum standard federal rate per day; and

WHEREAS, Toole County Commissioners have decided to deviate from the state rates in meal reimbursement: breakfast at \$8, lunch at \$11, and dinner at \$16 for a total daily rate of \$35; and

NOW THEREFORE BE IT RESOLVED; that the Board of Toole County Commissioners have elected to use the travel/per diem rates allowable by the State of Montana with the exception of meal reimbursement changed to \$35 per day and to follow the federal standard travel/per diem rates for out of state travel/per diem, except when specifically amended by the Commissioners.

BOARD OF TOOLE COUNTY COMMISSIONERS dated January 4, 2021


Chair


Commissioner

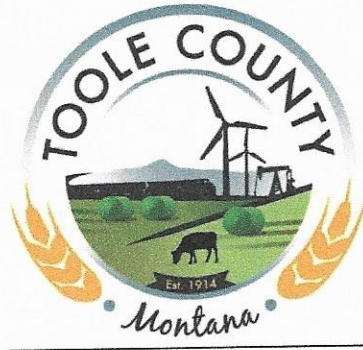

Commissioner

ATTEST:


Clerk & Recorder



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



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RESOLUTION 4-2021

A RESOLUTION TO APPOINT THE TOOLE COUNTY COMMISSIONERS TO BOARD, COMMITTEE, AND ADVISORY ASSIGNMENTS FOR JANUARY 2021 THROUGH DECEMBER 2021

WHEREAS: The Toole County Commissioners have many obligations and responsibilities to represent Toole County on different boards, committees, and in other advisory capacities; and

WHEREAS: To properly represent Toole County on these boards, the duties need to be distributed out to the three Commissioners, as the meeting times and dates sometimes conflict; and

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TOOLE COUNTY COMMISSIONERS: That the board, committee, and other appointments are assigned to the three Toole County Commissioners as follows:

Mary Ann Harwood

North Central Area on Aging Board
Kevin/Sunburst Board
STC Cemetery Board
Shelby Mosquito Board
Marias Medical Center Board
Northern Transit Interlocal Board
Toole County Transit Board
Opportunities, Inc. Board
Regional Juvenile Detention Board
Center for Mental Health Board
Mental Health Advisory Board

Sweetgrass Development Board
Heritage Center/Condo Board
NETA Board
Core Civic Advisory Board

Don Hartwell

Toole County Board of Health
Toole County Health Foundation Board
Road/Weed Board
Toole County Transit Board
Northern Transit Interlocal Board
Marias Medical Center Board
NETA Board (alternate for Mary Ann)
Toole County Planning Board
City/County Planning Board
NETA (alternate for Mary Ann)
Museum

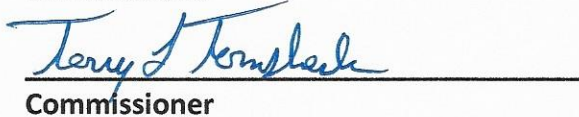
Terry Tomscheck

Safety Committee
Fair Board
Transportation & DUI Task Force
Public Safety Commission
NTC Cemetery Board
Marias Medical Center
Northern Transit Interlocal (alternate for Don)
LEPC Board
Airport Board

BY THE BOARD OF THE TOOLE COUNTY COMMISSIONERS, dated January 4, 2021.


Chair


Commissioner

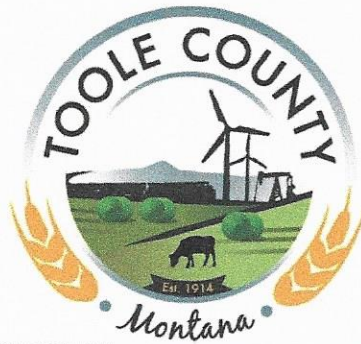

Commissioner

ATTEST:


Clerk & Recorder



Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
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Donna Whitt - Sheriff



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COMMISSIONERS' AGENDA FEBRUARY 4, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder.

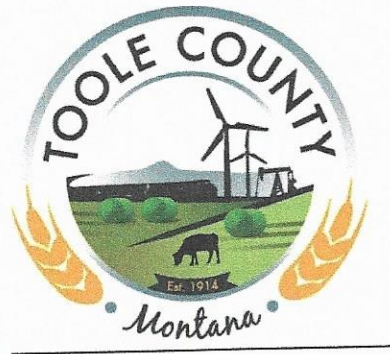
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of January 4, 2021 Meeting Minutes: **Don motioned to approve. Terry seconded the motion and the motion carried.**

1. Consider approval of Karen Jensen to County Board of Health to replace Alice Burchak for a three-year term ending 12/31/2023. **Don motioned to approve. Terry seconded the motion and the motion carried.**
2. Consider re-appointments of Linnet Doane and Blaine Suta to the Fair Board for a term of three years each ending 12/31/2023. **Don motioned to approve. Terry seconded the motion and the motion carried.**
3. Consider Paul Waite to the Shelby Senior Center Board for a term of three years to replace Marian Hinds. This term will end 12/31/2023. **Don motioned to approve. Terry seconded the motion and the motion carried.**
4. Approve re-appointment of Darlene Sherrard and Hattie Appley to the Shelby Senior Center Board for a three-year term ending 12/31/2023. **Don motioned to approve. Terry seconded the motion and the motion carried.**
5. Consider Paul Steiner to the Public Safety Commission Board as a representative for both City of Shelby and Toole County for a four-year term replacing Wally Howery. He was approved by the City Council at their meeting. This term would end 12/31/2024. **Don motioned to approve. Terry seconded the motion and the motion carried.**
6. Consider Colleen Lee to finish Eve Jacobsen's term ending 12/31/2022 to the Library Board. **Don motioned to approve. Terry seconded the motion and the motion carried.**
7. Consider re-appointment of Dan Waters and Emily McDermott for a five-year term ending 12/31/2025 on the Library Board. **Don motioned to approve. Terry seconded the motion and the motion carried.**

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COMMISSIONERS' AGENDA
FEBRUARY 11, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, and Terry Tomsheck

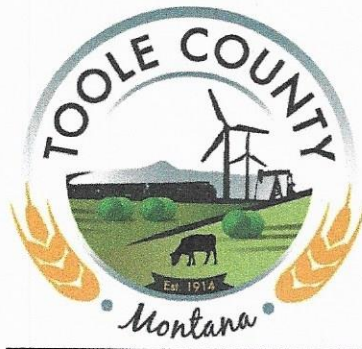
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of February 4, 2021 Meeting Minutes:

1. Consider extending the term of John Weigand on the Ethridge Water District Board to 5/31/2024, as his is a six-year term and not a four-year term. **Don made the motion, seconded by Terry and motion carried.**
2. Consider a Buy-Sell Agreement with the Tiber Agency for property located in Shelby First Addition, Block 7, a tract of 35'X50' in the NW corner of Lot 10, and all of lots 11 and 12, for a price of \$12,500 and prorated taxes for two months. **Don made the motion, seconded by Terry and motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomscheck - Commissioner
Merle Raph - County Attorney
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Donna Whitt - Sheriff



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COMMISSIONERS' AGENDA
FEBRUARY 16, 2021
10:00 am

PRESENT: Mary Ann Harwood, 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

- 1. Approval of February 11, 2021 Meeting Minutes: Don made the motion to approve, seconded by Terry. Motion carried.**
- 2. Consider accepting the bid on the Airport Engineer Agreement as recommended by the Airport Board. Don made the motion to approve, seconded by Terry. Motion carried.**
- 3. Consider approval of an Agricultural Covenant from Wiegand Farms Inc. to Gen Farm 4 Inc. in Township 32 North, Range 3 West: That portion of the SW1/4 lying South of Highway 2, in Toole County, Montana. Tabled until it has been reviewed by Stahly Engineering.**
- 4. Consider approval of an Agricultural Covenant for William W. and Rhonda S. Wiegand gifting it to John T. and Bonnie K. Wiegand containing 60 acres (more or less) in Township 32, Range 3 West: Section 10: W1/2W1/2W1/2E1/2E1/2, W1/2#1/2W1/2W1/2E1/2E1/2, E1/2E1/2E1/2W1/2E1/2, E1/2W1/2E1/2E1/2W1/2E1/2 of Toole County, Montana. Don made the motion to approve, seconded by Terry. Motion carried.**

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



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COMMISSIONERS' AGENDA
FEBRUARY 22, 2021
10:00 am

PRESENT: Mary Ann Harwood, Terry Tomscheck, and guest Brad Munson.

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

PLEDGE OF ALLEGIANCE

Approval of February 16, 2021 Meeting Minutes: Terry made the motion to approve, seconded by Mary Ann. Motion carried.

1. Approval of coordination plan and grant application to the Montana Department of Transportation's Transit Program for operational funding in the amount of \$91,463.00 FTA Section 5311 – Toole County Transit Combined – On Behalf of Glacier County Transit, Pondera County Transit and Toole County Transit Fiscal Year 2022. TransADE in the amount of \$4,691.00 on behalf of Toole County Transit Fiscal Year 2022. **Terry made the motion to approve, seconded by Mary Ann. Motion carried.**
2. Consider approval of coordination plan and grant application to the Montana Department of Transportation's Transit Program for operation funding in the amount of \$92,143.00 for Northern Transit Interlocal for Fiscal Year 2022. **Terry made the motion to approve, seconded by Mary Ann. Motion carried.**

3. Consider approval of the bid from Shumaker Trucking & Excavating Contractors, Inc. out of Great Falls, Montana for gravel crushing. The bid opening was held at 1:30 pm on February 11, 2021 and opened by the Commissioners after it had been published in the Shelby Promoter January 15th and 22nd, 2021. The bids were taken to the Road Board meeting on February 16, 2021, at which time the Road Board unanimously recommended that Shumaker Trucking & Excavating, Inc. should be awarded the project as they were the lowest bidder coming in at \$266,800.00. **Terry made the motion to approve, seconded by Mary Ann. Motion carried.**
4. Consider approval of a COS located in the Townsite of Ethridge in the NE1/4SE1/4 of Section 4 in Township 32N, R4W if all the required signatures have been acknowledged. **TABLED**
5. Consider applying for a right-of-way easement from the State of Montana for a historical road in Toole County as recommended by the Road Board at their meeting on February 16, 2021. **Terry made the motion to approve, seconded by Mary Ann. Motion carried.**
6. Consider accepting Governor Gianforte's mask requirements as recommended by the Toole County Board of Health, the County's Health Officer, and the County Health Nurse. **Terry made the motion to approve, seconded by Mary Ann. Motion carried.**
7. Consider approval of a meeting with the three County Commissioners, attorneys from Crowley Fleck and representatives from KRH out of Kalispell. This meeting will be held at 3:00 pm in the offices of Crowley Fleck in Missoula, MT., on February 24, 2021. **Terry made the motion to approve, seconded by Mary Ann. Motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - Commissioner
Merle Raph - County Attorney
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COMMISSIONERS' AGENDA
MARCH 4, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder.

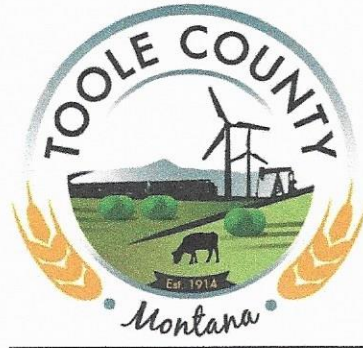
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of February 22, 2021 Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

- 1. Consider approval of Resolution #5-2021, a Resolution for prosecutorial assistance in the case of State v. Loren Skartved. Don motioned to approve. Terry seconded the motion and the motion carried.**

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



Debra Munson - Clerk of Court
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RESOLUTION 5-2021

A RESOLUTION TO APPOINT PROSECUTORIAL ASSISTANCE FROM THE PROSECUTION SERVICES BUREAU OF THE DEPARTMENT OF JUSTICE.

WHEREAS, the Toole County Attorney has requested prosecutorial assistance in the case of State v. Loren Skartved, 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 authorized and contemplates that the raining coordination 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 this or her duties, and;

THEREBY BE IT 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 case, and that any of said deputies can fulfill the functions set out in Mont. Code Ann. 44-4-103, and;

FURTHER BE IT RESOLVED that under the terms of this agreement, no fee will be charged for attorney time provided by the Bureau. 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 4TH DAY OF MARCH, 2021 BY THE BOARD OF TOOLE COUNTY COMMISSIONERS.

Mary Ann Harwood
BOARD CHAIR

Terry Tomshack
COMMISSIONER

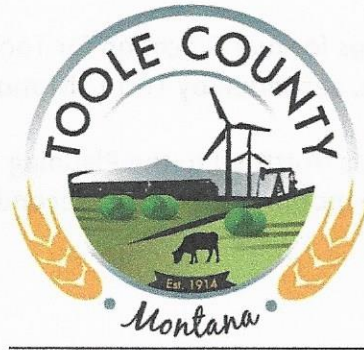
ATTEST:

Don Hartwell
COMMISSIONER

Maria Nils
CLERK & RECORDER



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
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Election Administrator
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**COMMISSIONERS' AGENDA
MARCH 8, 2021
10:00 am**

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck.

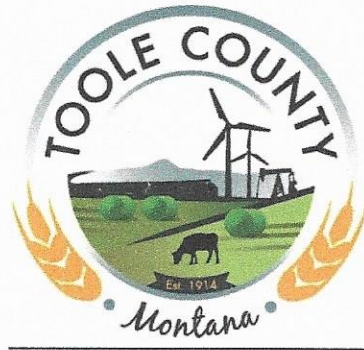
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of March 4th, 2021 Meeting Minutes: Don made the motion to approve, seconded by Terry. Motion passed.

1. Consider approval of a COS located in the Townsite of Ethridge in the NE1/4SE1/4 of Section 4 in Township 32N, R4W, which has met all the requirements. **Don made the motion to approve, seconded by Terry. Motion passed.**
2. Consider going out for bid for a new 2021 Motor Grader. The bid opening will be at 1:30 p.m. on March 25th, 2021 after being published in the Shelby Promoter on March 10th and March 17th. **Don made the motion to approve, seconded by Terry. Motion passed.**
3. Consider approval of the yearly fuel tax certification of roadway mileage – SFY 2022 as set forth 15-70-101, MCA. **Don made the motion to approve, seconded by Terry. Motion passed.**

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



Debra Munson - Clerk of Court
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COMMISSIONERS' AGENDA
MARCH 15, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder

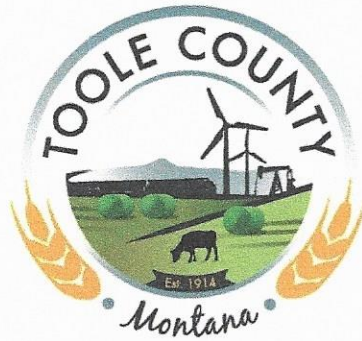
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of March 8th, 2021 Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

- 1. Consider approving and accepting the renewal rates from MACoHCT (MACo Health Care Trust) for Fiscal Year 21/22. Don motioned to approve the renewal rates with the county contributing \$745 toward the employee health premium. Terry seconded the motion and the motion carried.**

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
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COMMISSIONERS' AGENDA
MARCH 31, 2021
1:00 pm

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

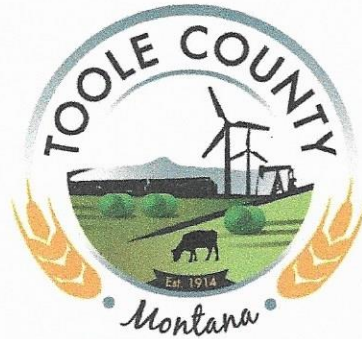
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of March 29th, 2021 Meeting Minutes: Don motioned to approve. Mary Ann seconded the motion and the motion carried.

1. Consider a Settlement and Mutual Release Agreement with EmpRes at Shelby, LLC and EmpRes Healthcare Management, LLC (parties of the first part) and Toole County d/b/a Marias Medical Center (party of the second part). **Don motioned to approve. Mary Ann seconded the motion and the motion carried.**

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
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COMMISSIONERS' AGENDA
APRIL 5, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, 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 March 31ST, 2021 Meeting Minutes: Don made the motion to approve. Terry seconded it and motion carried.

1. Consider approval of a Notification of Tentative Agreement in support of facility licensing applications for the sale of the Marias Medical Center to Logan Health – Shelby, and the sale of the Marias Heritage Center to Logan Health Assisted Living – Shelby. **Don made the motion to approve, seconded by Terry. Motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - 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
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COMMISSIONERS' AGENDA

APRIL 8, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder.

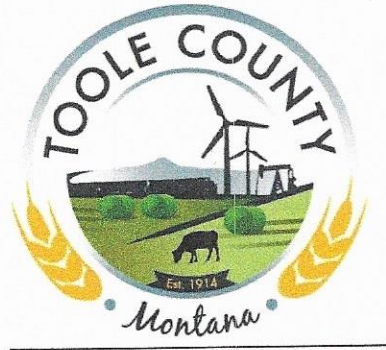
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of April 5, 2021 Meeting Minutes: Don motioned to approve. Terry seconded; the motion carried.

1. Consider approval of the grader bid that was recommended by the Road Board meeting held on April 6, 2021. **Don motioned to approve the Road Board's recommendation and to accept the RDO bid of \$398,596 and to execute the buy back option with T & E for approximately \$170,000. Terry seconded the motion; the motion carried. The payment from this grader will be taken out of Fund 4050. All records are on file in the Commissioner's office.**
2. Consider a Valuation Engagement Agreement with VMG Health for appraising the real estate part of the Marias Medical Center, the Care Center, the Marias Heritage Center and the Britain House. **Don motioned to approve the Engagement Agreement. Terry seconded the motion; the motion carried. KRH/Logan Health will split the cost of the real estate appraisal.**

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

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COMMISSIONERS' AGENDA

April 15, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck.

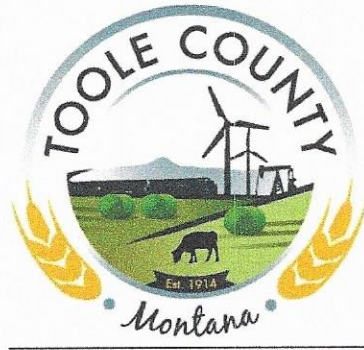
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of April 8, 2021 Meeting Minutes: Don made the motion to approve the minutes, seconded by Terry. Motion carried.

- 1. Consider approval of an Asset Purchase Agreement with KRH/Logan Health-Shelby. Mary Ann explained that by approving the Asset-Purchase Agreement, KRH/Logan Health can move forward on getting their licensing. The schedules will be supplemented and approved before the time of closing. Don made the motion to approve, seconded by Terry and motion passed.**
- 2. Consider Rachel Brown to fulfill the term held by Mark Castle on the Fair Board with a term ending 12/31/2022. Don made the motion to approve, seconded by Terry and motion passed.**
- 3. Consider Mikalaya Jordan-Garcia to fulfill the term held by Todd Howell on the Fair Board with a term ending 12/31/2023. Don made the motion to approve, seconded by Terry and motion passed.**

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

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COMMISSIONERS' AGENDA

April 22, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck and Treva Nelson, Clerk & Recorder.

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

PLEDGE OF ALLEGIANCE

Approval of April 15, 2021 Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

1. Consider approval of an amendment to the Asset Purchase Agreement with KRH/Logan Health-Shelby, due to the law language that was erroneously left out dealing with compliance. **This was a small adjustment to add a template. Don motioned to approve. Terry seconded the motion and the motion carried.**
2. Consider paying for Vision and Dental on our MACo Health Plan for those employees who are not on our health plan but are on a health plan of their own or with someone else. **Don motioned to approve with the effective date of July 1, 2021. Terry seconded the motion and the motion carried.**

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



Debra Munson - Clerk of Court
Treva Nelson - Clerk & Recorder/
Election Administrator
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Phyllis Robertson - Public Administrator

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COMMISSIONERS' AGENDA

May 3, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck, Merle Raph, County Attorney and Treva Nelson, Clerk & Recorder

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

PLEDGE OF ALLEGIANCE

Approval of April 22, 2021 Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

***NOTE TO MEETING: ***

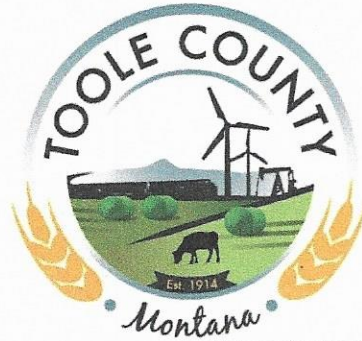
On April 30, 2021, Don and Terry, via phone, with Mary Ann and Merle in person, passed Resolution 7-2021, a Resolution to approve an Amendment to the Staff Leasing Agreement to deal with an emergency situation affecting the public health, welfare or safety or the decision is a ministerial act. MCA 2-5-112 (2019) provides for the exception to MCA 2-3-103 (2019) and MCA 2-3-111 (2019). The execution of the amendment would abate the emergency situation. **Don motioned to approve Resolution 7-2021. Terry seconded the motion. All were in favor and the motion carried. Don motioned to pass the Amendment to the Staff Leasing Agreement with KRH. Terry seconded the motion. All were in favor and the motion carried.**

When the agenda was posted, it showed approval of Resolution 7-2021 as item #5. This needs to be changed to Resolution #8-2021, as Resolution #7-2-21 was passed in the April 30, 2021 meeting. **Motion was made by Don to approve the agenda with the correction. Terry seconded it and motion carried.**

1. Consider approval of the VGM Health Appraisal for the Fair Market Value Analysis of the Marias Medical Center, the Marias Heritage Center, and the Brittain House. **Don motioned to approve. Terry seconded the motion and the motion carried.**

2. Consider approval of the VGM Health Appraisal of the Fair Market Value Analysis of the Tangible Personal Property for the Marias Medical Center and the Marias Heritage Center. **Don motioned to approve. Terry seconded the motion and the motion carried.**
3. Consider approval of the Officer's Certificate for the Health Care Facilities Revenue Refunding Bonds for the Master Loan Program for the Marias Medical Center Project. **Don motioned to approve. Terry seconded the motion and the motion carried.**
4. Consider Approval of the Escrow Agreement among the Montana Facility Finance Authority, Toole, Montana, Kalispell Regional Healthcare System and U.S. Bank National Association as Trustee and Escrow Agent. **Don motioned to approve. Terry seconded the motion and the motion carried.**
5. Consider Resolution 8-2021, a resolution for the approval and sale of the operations of the Marias Medical Center, Marias Heritage Center, and the Brittain House. **Don motioned to approve. Terry seconded the motion and the motion carried.**

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



Debra Munson - Clerk of Court
Treva Nelson - Clerk & Recorder/
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RESOLUTION 8-2021

A RESOLUTION APPROVING THE SALE OF THE FACILITIES, PROPERTY AND OPERATIONS OF THE MARIAS MEDICAL CENTER TO KALISPELL REGIONAL HEALTHCARE SYSTEM AND AUTHORIZING ACTIONS FOR CLOSING THE TRANSACTION

WHEREAS, the Board of County Commissioners (BOCC) of Toole County (the "County") held a public hearing as required by 7-8-2521, M.C.A, and approved Resolution 14-2019 on September 19, 2019 setting forth the procedures and process for the sale of County owned real property and County owned personal property and operational interests (like health care operations, including hospital, skilled nursing facility and assisted living facility operations) that may coincide with the sale of real property; and

WHEREAS, the BOCC held an additional public meeting on October 3, 2019, at which the BOCC reconsidered and amended Resolution 14-2019 to allow the sales procedure to include all County owned real property and personal property through a single competitive request for proposal (RFP) process; and

WHEREAS, the BOCC held a public meeting on October 7, 2019, and passed Resolution 17-2019 indicating the County's intent to accept proposals to acquire the operations and related real and personal property of Marias Medical Center, Marias Heritage House and the Brittain House; and

WHEREAS, as provided in Resolution 17-2019, the BOCC held a public meeting on October 30, 2019, to discuss a draft RFP identifying the conditions of the proposed sale of the County property and to accept public comment and input regarding important community considerations for the proposed RFP;

WHEREAS, the BOCC received and considered community comments throughout the months of November and December; and

WHEREAS, following notice as required by 7-1-2121, M.C.A, the BOCC considered and approved the final RFP for proposals to acquire the facilities, property and operations of Marias Medical Center at a public meeting on January 16, 2020, and immediately released the RFP for review by the public and potential interested parties; and

WHEREAS, in response to the RFP, the BOCC received sealed proposals from Benefis Health System (Benefis) located in Great Falls, Montana and Kalispell Regional

Healthcare System (KRHS) located in Kalispell, Montana;

WHEREAS, the BOCC opened the sealed bid at a public meeting on May 25, 2020;

WHEREAS, at a public meeting on May 11, 2020, the BOCC approved the BOCC to travel to Great Falls and Kalispell during the month of May, 2020 to visit the primary facilities of each interested party, discuss the proposal with the management teams, and to gather information to assist in the BOCC decision regarding which proposal to approve;

WHEREAS, after meeting with both organizations that provided bids, the BOCC held a public meeting on June 15, 2020, and passed Resolution 10-2020 selecting the KRHS proposal and directing counsel to prepare the written agreement and associated documents necessary to accomplish the transfer of assets consistent with the KRHS proposal;

WHEREAS, the BOCC held a public meeting on April 15 2021 and approved an Asset Purchase Agreement (as amended at a public meeting on April 22, 2021), to transfer the assets consistent with the KRHS proposal and defease the "Series 2016B Bonds" covering the assisted living facility known as the Marias Heritage Center and located at 111 2nd Street South, Shelby, Montana 59474, subject to the receipt of the formal appraisal of the property with closing of the transaction to occur on or about April 30, 2021, or pursuant to the terms of the Asset Purchase Agreement;

WHEREAS, as required by Section 7-8-2211, et. seq. , M.C.A., the BOCC has engaged the professional appraisal company VMG Health to conduct an appraisal of the real estate and personal property to be sold pursuant to the Asset Purchase Agreement;

WHEREAS, VMG Health has provided an appraisal of the current fair market value of the personal property and the real estate to be transferred pursuant to the Asset Purchase Agreement;

WHEREAS, the VMG Health appraisal has determined that the fair market value of the personal property to be transferred is \$698,910; the real property associated with the Marias Medical Center to be \$1,700,000; the real property associated with the Marias Heritage Center to be \$1,500,000, and the real property associated with the Brittain House used for travelling professionals to be \$100,000.

NOW, THEREFORE BE IT RESOLVED by the Toole County Board of County Commissioners that:

1. Authorization and Findings

1.1 Authorization. Section 7-8-2501, M.C.A. authorizes the BOCC to sell or dispose of County owned real property in the best interest of the County and for the public benefit and welfare of its residents. Section 7-8-2211, et.seq. provide the requirements for the sale of County owned personal property. The BOCC determined it is in the best interest of the County residents to ensure long-term quality health care services, the proposed sale must include a both real property and personal property associated with the Marias Medical Center. Since one part of the sale will include real property, the BOCC passed Resolution 14-2019, in compliance with Section 7-8-2521, M.C.A.

1.2 Findings. Based upon the valuation of the assets identified in the VMG Health appraisal, the amount of consideration provided by KRHS pursuant to the terms of the Asset Purchase Agreement is in excess of the amount required by the

applicable law related to the County's obligations and responsibilities associated with the sale of County owned real and personal property.

2 Authorization for Sale and Transfer of Assets pursuant to Closing of the Asset Purchase Agreement and Authorization for Actions by Commissioners.

2.1 The BOCC hereby confirms that the sale of the County owned assets identified in the attached Asset Purchase Agreement pursuant to its terms is in the best interest of the County and its residents, and that the consideration provided to the County by KRHS will be in excess of the amounts required by Montana law. The BOCC hereby authorizes the Commissioners to execute all documents associated with the Asset Purchase Agreement necessary to complete the sale of the property.

Dated *May 3rd, 2021*

Mary Ann Harwood
Toole County Commissioner

Don Hartwell
Toole County Commissioner

Terry Tomsted
Toole County Commissioner

Attested:

Anna Nelson
Clerk and Recorder



Resolution No. 7-2021

A RESOLUTION APPROVING THE AMENDMENT TO THE STAFF LEASING AGREEMENT

Whereas, Toole County is in the process of selling its facilities and operations of the Marias Medical Center to Kalispell Regional Healthcare System; and

Whereas, the closing was set for April 30, 2021, however, to comply with statutory notice and public meeting requirements the closing has been set for May 5, 2021; and


Whereas, it is necessary to amend the STAFF LEASING AGREEMENT to extend the term until May 5, 2021; and


Whereas, Montana Code Annotated §2-3-112(2019) provides an exception to Montana Code Annotated §2-3-103(2019) and Montana Code Annotated §2-3-111(2019) if the decision must be made to deal with an emergency situation affecting the public health, welfare or safety or the decision is a ministerial act.

NOW THEREFORE BE IT RESOLVED by the Toole County Board of Commissioners that:

1. An emergency situation exist affecting the health, safety and welfare of the citizens of Toole County.
2. The execution of an Amendment to the STAFF LEASING AGREEMENT will abate the emergency situation.
3. The Board of County Commissioners hereby approves the Amendment to the STAFF LEASING AGREEMENT and authorizes the Chairperson to execute the Amendment to the agreement.

BOARD OF TOOLE COUNTY COMMISSIONERS


Mary Ann Harwood, Chairperson


Don Hartwell, Member

Terry Tomsheck, Member

ATTEST:

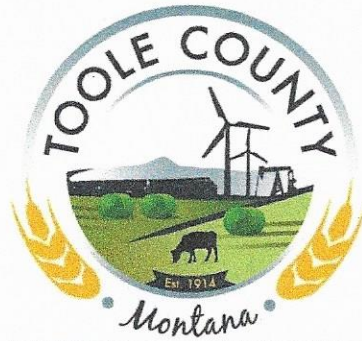


Treva Nelson

Treva Nelson, Clerk and Recorder



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/
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Joe Rapkoch - Justice of the Peace
Boyd Jackson - Treasurer/Assessor/
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Phyllis Robertson - Public Administrator

226 1ST Street South
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COMMISSIONERS' AGENDA

May 17, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck and Treva Nelson, Clerk & Recorder.

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

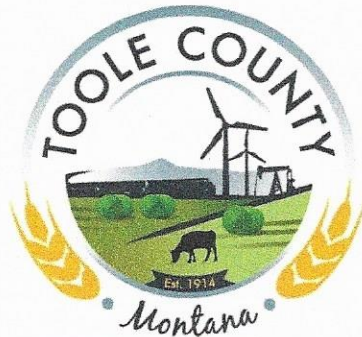
PLEDGE OF ALLEGIANCE

Approval of May 3, 2021 Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

1. Consider approval of a Subdivision Plat Application from Somont Oil Company in the S/2SW/4 of Section 29 in Township 35N, R1W in Toole County, Montana. **Don motioned to approve the Application. Terry seconded the motion, the motion carried.**
2. Consider reviewing and approving the proposed preliminary plat submittal for a 2-lot minor subdivision to be called "Somont Oil Company Minor Subdivision" pursuant to the Montana Subdivision and Platting Act, Section 76-3-101 through 73-3-614, MCA and the Toole County Subdivision Regulations (TCSR). **Don motioned to approve the preliminary plat. Terry seconded the motion, the motion carried.**
3. Consider approval of the FY/22 DUI Task Force Program Plan. **Don motioned to approve. Terry seconded the motion, the motion carried.**

4. Consider approval of the renewal of MACo Property & Casualty Trust for 2021-2022. **Don motioned to approve. Terry seconded the motion, the motion carried.**
5. Consider approval to waive and transfer \$123,995.00 of the funds apportioned to Toole County/Shelby Airport to the Jordan Airport in Garfield County, Montana. **Don motioned to approve. Terry seconded the motion, the motion carried.**

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



Debra Munson - Clerk of Court
Treva Nelson - Clerk & Recorder/
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Joe Rapkoch - Justice of the Peace
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COMMISSIONERS' AGENDA

June 3, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Reorder.

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

PLEDGE OF ALLEGIANCE

Approval of May 17, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion, the motion carried.

1. Consider going out for bids for re-roofing several buildings out at the fairgrounds. **Don motioned to approve the bids for re-roofing/repairing 13 roofs at the fairgrounds. Terry seconded the motion, the motion carried.**
2. Consider applying for the American Rescue Plan Act (ARPA) of 2021. **Don motioned to consider applying for ARPA. Terry seconded the motion, the motion carried.**

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

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COMMISSIONERS' AGENDA

June 17, 2021

10:00 am

PRESENT: Don Hartwell, Terry Tomscheck, Donna Grant, Merle Raph, Kristen Russell and Treva Nelson, Clerk & Recorder

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

PLEDGE OF ALLEGIANCE

Approval of June 3, 2021, Meeting Minutes: Terry motioned to approve. Don seconded the motion. The motion carried.

1. Consider approval of an Agreement to provide health care services to community patients between Logan Health-Shelby dba Marias Medical Center and Toole County for the 340 Drug Pricing Program, which resulted from the enactment of Public Law 102-58. **Kristen read the documents and explained the purpose of the agreement. Terry motioned to approve. Don seconded the motion. The motion carried.**

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/
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COMMISSIONERS' AGENDA

June 24, 2021

10:00 am

PRESENT: Don Hartwell, Terry Tomscheck, Donna Whitt, Merle Raph, Donna Grant, Rick Roberts, Tiffany Uylaki and Treva Nelson, Clerk & Recorder.

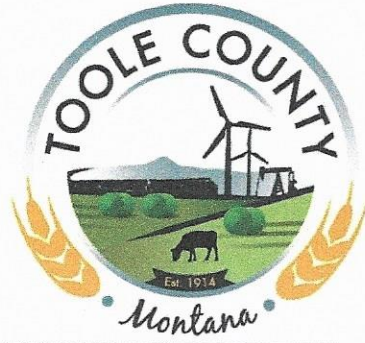
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of June 17, 2021, Meeting Minutes: Terry motioned to approve. Don seconded the motion, the motion carried.

1. Consider approval of renewing a standard lease contract with the State of Montana, Department of Revenue for two years effective July 1, 2021, through June 30, 2023, with the first-year monthly payments at \$721.17 per month and the second year at \$721.93 per month. **Terry motioned to approve. Don seconded the motion, the motion carried.**
2. Consider approval of a Warranty Deed with an Agricultural Covenant from Larry E. Munson Farms, Inc to Patrick and Whitney Wicks described as T30N, R2E, Section 18, NE/4SW/4, W/2NW/4SE/4, W/2SE/4SE/4, pursuant to MCA 76-3-207(1)(c). **Terry motioned to approve. Don seconded the motion, the motion carried.**
3. Consider putting the current and future detention officers and dispatchers with the Sheriff's Office on the county wage scale to commence on July 1, 2021. **Donna asked if the commissioners were going to approve the starting wage as a grade 3 and she talked about changing the grade of her Administrative Assistant. Terry motioned to approve putting the Detention and Dispatchers on the wage scale. Don seconded the motion, the motion carried.**

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
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COMMISSIONERS' AGENDA

June 28, 2021

10:00 am

PRESENT: Don Hartwell, Terry Tomscheck and Bobbi Hughes, Deputy Clerk & Recorder.

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

PLEDGE OF ALLEGIANCE

Approval of June 24, 2021, Meeting Minutes: Terry made the motion to approve the minutes, seconded by Don. Motion carried.

1. Public Hearing to consider budget amendments for the fiscal year 2020-2021. Terry made the motion to approve the budget amendments as presented from the Clerk & Recorder's Office, seconded by Don. Motion carried. No Public was in attendance.
2. Consider approval of Resolution 9-2021, a resolution to amend the FY 2020-2021 budget. Terry made the motion to approve the Resolution, seconded by Don. Motion carried.

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - 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
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RESOLUTION 9-2021
A RESOLUTION AMENDING BUDGETS

WHEREAS: Toole County is very fiscally responsible, minimal changes to the budget were necessary, and

WHEREAS: the COVID-19 Pandemic added needed revenue resources to the County, and

WHEREAS: the State provided CARE's money to the county for machinery, equipment, supplies and payroll expenses. New line items were added to Fund 2991- Federal Grants to account for these expenditures. This did not change the overall budget for this fund, and

WHEREAS: money was received from the state for CARE's, Public Safety Fund 2301, Ambulance Fund 2230 and Care & Custody of Prisoners Fund 1000, the Transfer Out accounts increased to move the money to the respective Capital Improvement Funds. This did not change the overall budget, and

WHEREAS: Shelby Mosquito Fund 2200 needed a pickup for the chemical sprayer. \$5,100 was moved from line item 212-chemicals to line 940-machinery & equipment. This did not change the overall budget, and

WHEREAS: a budget amendment in the amount of \$9,265.64 for Junk Vehicle Fund 2830-430840-100-210-230-531 was decreased and the transfer account 521000-820 was increased, to transfer leftover budget and cash to Junk Capital Improvements Fund 4040. This did not change the overall budget, and

WHEREAS: a budget amendment in the amount of \$84,175.80 for Fund 2820-430240-230 was made after receiving the same amount in BARSAA money from the State. The budget did change and was necessary to expend the money in the allotted time frame, and

WHEREAS: the Road Fund- 2110 has a 5% contribution expected for the BARSAA funding. Transfer out in fund 2110 was increased but did not change the overall budget, and

WHEREAS: the County Health Nurse was awarded a grant in the amount of \$91,811.84 for Public Health Emergency. This money increased the expenditures and revenues for FUND 2979, changing the

expenditure and revenue budgets. A budget amendment was done to authorize the expenditure from this fund, and

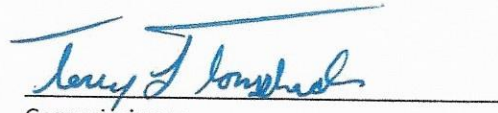
WHEREAS: a budget amendment in the amount of \$79.29 for Fund 2975-440100-220 was made to accommodate a payment to the county nurse for services. This fund will not have a budget in the next year and funds needed to be expended this budget year. This changed the overall budget, and

WHEREAS: a short-term loan was given to Fund 2975 who had a negative cash balances at the end of FY20-21. Fund 2975-Home Visits Lead is a State Program that runs on a different fiscal year then the county. Because reimbursement comes from the state, it can take time to receive it, and

THEREFORE, BE IT RESOLVED that a public hearing was held on June 28, 2021, to amend the FY 20-21 budgets as stated above.

ADOPTED THIS 28TH DAY OF JUNE 2020 BY THE TOOLE COUNTY COMMISSIONERS.


Commission Chair


Commissioner


Commissioner

ATTEST

Clerk & Recorder

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
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226 1ST Street South
Toole County Courthouse, Shelby, MT 59474
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COMMISSIONERS' AGENDA

July 22, 2021

10:00 am

PRESENT Mary Ann Harwood, Don Hartwell, Terry Tomscheck and Treva Nelson, Clerk & Recording

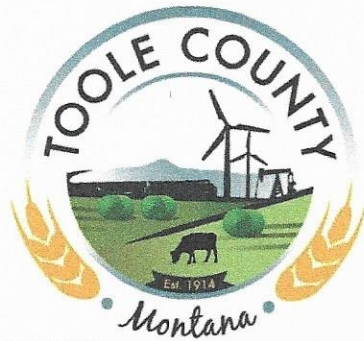
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of June 28, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion, the motion passed.

1. A Proclamation on Special Fire Restriction on July 16th was made and an amendment on July 19th was made for this proclamation. It was deemed a necessary and emergent decision. Consider approval of **Resolution #10-2021, A Resolution Prohibiting Burning - Stage II.** Don motioned to approve Resolution 10-2021. Terry seconded the motion, the motion carried.
2. Consider approval of reappointment of Doug Hellinger to the Airport Board for a term of three years ending December 31, 2023. Don motioned to approve. Terry seconded the motion, the motion carried.

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - 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
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RESOLUTION #10-2021

A Resolution for Special Fire Restrictions - Stage II

WHEREAS: Toole County is experiencing a period of Very high to extreme fire danger, and

WHEREAS: the Toole County Board of Commissioners have the authority to declare a local emergency pursuant to MCA 10-3-402 and take actions consistent with such declaration, and

WHEREAS: Toole County passed a Proclamation for Stage II Fire Restrictions from the advice of the Toole County Fire Warden and the North Toole County Fire Chief, and

WHEREAS: Toole County amended the Proclamation to include an exception for agricultural and livestock purposes, and

WHEREAS: the Board of Toole County Commissioners are authorized by law including MCA 7-33-2205 and 7-33-2212, to restrict burning within the County, and

NOW, THEREFORE BE IT RESOLVED: that as of July 16, 2021, at 12:01 am, the ignition of any open fire on any forest, range, cropland, parks and/or private property, unless within the below guidelines of Stage II Restriction Procedures, is hereby prohibited. More particularly, the below shall outline restrictions until further notice:

STAGE II RESTRICTIONS

The following shall be prohibited and followed until further notice:

1. Building, maintaining, attending, or using a fire or campfire for any purpose.
2. Smoking, except within an enclosed vehicle or building, a developed recreation site or while stopped in an area of at least three feet in diameter that is barren or cleared of all flammable materials.
3. Barbecuing, including wood pellet, charcoal, gas, except in a developed recreation site or in an area of at least three feet in diameter that is barren or cleared of all flammable materials, and there must be water available at all times.
4. Operating a chainsaw or other equipment powered by an internal combustion engine, blasting, grinding, or welding between 1:00 pm and 1:00 am.
5. The use of any combustible entertainment device including but not limited to fireworks, unless granted a permit from the Toole County Sheriff and Fire Warden for community-related purposes and subject to the requirements put into place by the Sheriff and Fire Warden.
6. Operating motorized vehicles off designated road and trails.

Exemptions to the above prohibitions only for the following:

- a) A federal, state, or local officer or member of an organized law enforcement rescue, or fire-fighting force in the performance of an official duty.
- b) Emergency repair of public utilities and railroads.
- c) Due to the time and weather sensitiveness, agricultural harvesting and off-road activated associated with the agricultural operations. (e.g, maintaining livestock, etc). Farmers and ranchers are encouraged to keep harvesting equipment in good working order to prevent sparks, provide spark arrestors, and must carry firefighting tools with them while harvesting and tending to other agricultural operations off-road.

None of the above exemptions shall absolve an individual or organization from liability or responsibility for any fire ignited by the exempted activity, including possible criminal and/or civil sanctions as determined by a court.

DATED this 22nd day of July, 2021

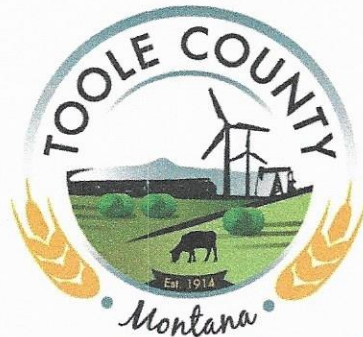
Mary Ann Harwood, Chair

Terry Tomsheck, Member

Don Hartwell, Member
ATTEST:

Treva Nelson
Clerk & Recorder

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

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COMMISSIONERS' AGENDA

August 5, 2021

10:00 am

PRESENT Mary Ann Harwood, Don Hartwell, Terry Tomscheck and Treva Nelson, Clerk & Recorder

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

PLEDGE OF ALLEGIANCE

Approval of July 22, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

1. Consider approval of accepting Denning, Downey and Associates to assist the Clerk and Recorder in calculating the Other Post Employment Benefits (OPEB) Liability under the Alternative Measurement Method as described in Financial Reporting by Employers for Postemployment Benefits Other than Pensions. The fee is \$2,400 for this service and only needs to be performed every other year. **Don motioned to approve. Terry seconded the motion and the motion carried.**
2. Consider entering into an Audit Engagement Service with Denning, Downey and Associates for the years ending June 30, 2021, June 30, 2022, and June 30, 2023. **Don motioned to approve. Terry seconded the motion and the motion carried.**
3. Consider approving the contract for the Shelby Senior Center from the North Central Area on Aging. **Don motioned to approve. Terry seconded the motion and the motion carried.**

4. Consider approving the contract for the Kevin/Sunburst Senior Center from the North Central Area on Aging. **Don motioned to approve. Terry seconded the motion and the motion carried.**

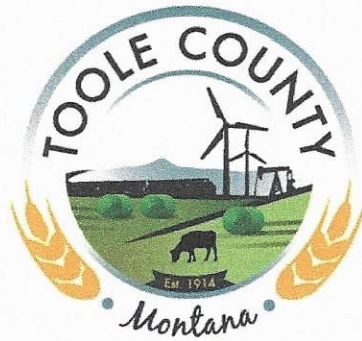
5. Consider a request from John Larson with BNSF to be exempted from the Stage II Fire Restrictions, so they may continue to maintain the track. **Don motioned to approve. Terry seconded the motion and the motion carried. Mary Ann will respond to Mr. Larson and let him know that fire suppression equipment and liability will be their responsibility.**

6. Consider a Right-Of-Way Lease between Toole County and Douglas Demarest to obtain access to the Mount Royal sites beginning July 1, 2021, and ending June 30, 2022, in the amount of \$150.00. **Don motioned to approve. Terry seconded the motion and the motion carried.**

7. Consider accepting the Fairgrounds Roofing Bid from CS Roofing Commercial LLC out of Fairfield in the amount of \$113,942. We received \$66,256.41 from the MACo Insurance. **Don motioned to approve. Terry seconded the motion and the motion carried. The difference between the insurance payment and the bid will come out of Fund 4024, Fair Capital Improvement.**

8. Consider the Somont Oil Company Minor Subdivision situated in the S1/2SW1/4 of Section 29 in T35N, R1W P.M.M. **Don motioned to approve. Terry seconded the motion and the motion carried. Mary Ann said the COS is approved but will not be signed by the commissioners until Somont has signed it.**

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

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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.

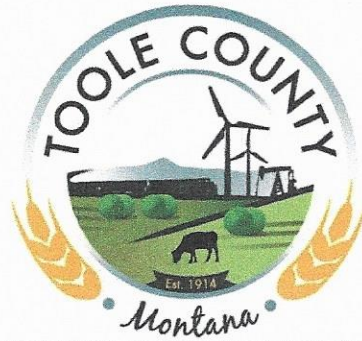
PLEDGE OF ALLEGIANCE

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
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

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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.

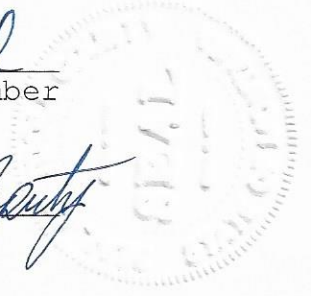
DATED this 12th day of August, 2021.

Mary Ann Harwood
Mary Ann Harwood, Chair

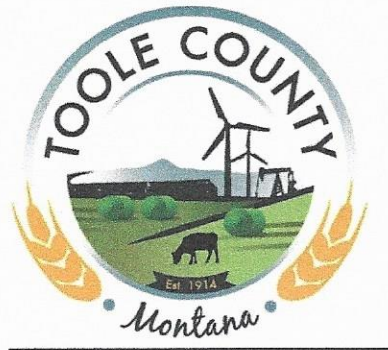
Don Hartwell
Don Hartwell, Member

Terry Tomsheck
Terry Tomsheck, Member

ATTEST: Bobbi Hughes, Deputy
Trevva Nelson
Clerk & Recorder



Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - 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

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COMMISSIONERS' AGENDA
August 19, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder

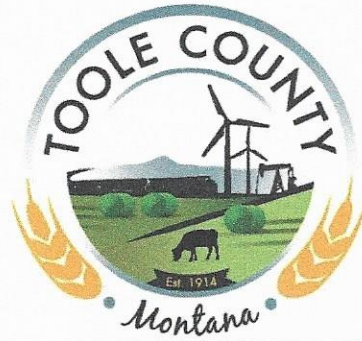
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of August 12, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

1. Consider approval of **RESOLUTION #12-2021**, a resolution for prosecutorial assistance in the investigation and prosecution of all Crossroad Correctional Center criminal cases, as requested by Toole County Attorney. **Don motioned to approve. Terry seconded the motion and the motion carried.**
1. Consider approval of **RESOLUTION #13-2021**, a resolution to adopt and approve the rules and procedures of the Toole County Health Board and Health Officer and/or designee. **Don motioned to strike the words "and/or designee". Terry seconded the motion and the motion carried. Don motioned to approve Resolution 13-2021 as corrected. Terry seconded the motion and the motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - 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

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RESOLUTION #12-2021

A Resolution for prosecutorial assistance in the prosecution in the investigation and prosecution of all Crossroad Correctional Center criminal cases.

WHEREAS: the Toole County Attorney has requested prosecutorial assistance in the investigation and prosecution of all Crossroad Correctional Center criminal 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 cases; and,

WHEREAS: Montana Code Annotated 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: Montana Code Annotated 2-15-501(6) authorizes the Attorney General to provide assistance to county attorneys in the discharge of her/his duties; and,

THEREFORE BE IT 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 Montana Code Annotated 44-4-103. This Appointment begins the date of this Resolution and expires on June 30, 2023; and,

BE IT 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 on 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 the trial will be the County's responsibility as with all other prosecutions.

DATED this 19th day of August, 2021.

Mary Ann Harwood
Mary Ann Harwood, Chair

Don Hartwell
Don Hartwell, Member

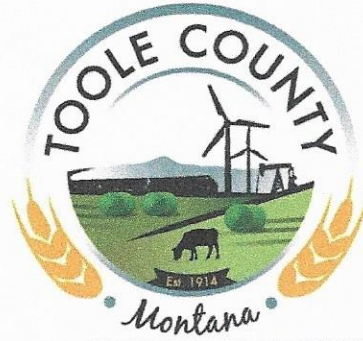
Terry Tomscheck
Terry Tomscheck, Member

ATTEST:

Treva Nelson
Treva Nelson
Clerk & Recorder



Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - 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

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RESOLUTION #13-2021

A RESOLUTION TO ADOPT AND APPROVE THE RULES AND PROCEDURES OF THE TOOLE COUNTY HEALTH BOARD AND HEALTH OFFICER.

WHEREAS: the 2021 Montana Legislature enacted House Bill 121 and the Governor signed it with an immediate effective date; and,

WHEREAS: House Bill 121 amended Montana Code Annotated 50-1-101; 50-2-116; 50-2-118; 50-2-124; and 50-2-130 to provide that rules, regulations and fees of the Health Board and the Health Officer must be approved or adopted by the local governing body; and,

WHEREAS: the Health Board has considered and approved the fees, rules, and regulations as well as the necessary procedures to implement the fees, rules and regulations and has recommended to the governing body the adoption and approval of the same; and,

WHEREAS: the governing body in Toole County, Montana is the Toole County Board of Commissioners; and,

WHEREAS: the Toole County Board of Commissioners is charged with the health, safety, and welfare of all citizens; and,

NOW, THEREFORE BE IT RESOLVED: that the Toole County Board of Commissioners, as governing body, hereby adopts and approves the rules and procedures of the Toole County Health Board and Health Officer.

DATED THIS 19TH DAY OF AUGUST, 2021.

BOARD OF TOOLE COUNTY COMMISSIONERS

Mary Ann Harwood
Mary Ann Harwood, Chair

Don Hartwell
Don Hartwell, Commissioner

Terry Tomscheck
Terry Tomscheck, Commissioner

ATTEST:

Treva Nelson
Treva Nelson, Clerk & Recorder



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

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COMMISSIONERS' AGENDA
September 2, 2021
10:00 am

PRESENT Mary Ann Harwood, Don Hartwell, Terry Tomscheck and Treva Nelson, Clerk & Recorder.

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

PLEDGE OF ALLEGIANCE

Approval of August 19, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

- 1. Consider approval of the FY 2022 Galata Elementary Budget. Don motioned to approve. Terry seconded the motion and the motion carried.**
- 2. Consider approval of the FY 2022 Sunburst K-12 Schools Budget. Don motioned to approve. Terry seconded the motion and the motion carried.**
- 3. Consider approval of the FY 2022 Shelby Elementary Budget. Don motioned to approve. Terry seconded the motion and the motion carried.**
- 4. Consider approval of the FY 2022 Shelby High School Budget. Don motioned to approve. Terry seconded the motion and the motion carried.**

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

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COMMISSIONERS' AGENDA
September 9, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck

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

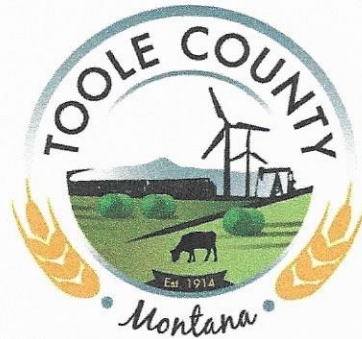
PLEDGE OF ALLEGIANCE

Approval of September 2, 2021, Meeting Minutes:

PUBLIC HEARING TO APPROVE THE FY/22 BUDGET. No public in attendance or any other forms of communications from the public.

1. Consider approval of the FY 2021/2022 Budget for Toole County. Two forms of budget were presented. One was with raises and one without the raises. It was determined that the budget including the raises did not raise the taxes. **Don motioned to approve the budget for FY 2021/2022 with the raises included. Terry seconded it and motioned passed.**

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



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

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RESOLUTION # 15-2021

A RESOLUTION FOR ADOPTING A BUDGET FOR TOOLE COUNTY FISCAL YEAR 2021-20212

WHEREAS; pursuant to Sections 7-6-4021 and 4024, MCA, the Toole County Board of Commissioners, Montana has held a public hearing and passed a resolution as applicable on the proposed budget for Toole County for fiscal year 2021-2022 as required by law, and

WHEREAS; the Montana Department of Revenue is required to certify to the County Commissioners the value of the mill in each taxing jurisdiction in the County, and

WHEREAS; Section 7-6-4036, MCA, provide for the fixing of various tax levies sufficiently enough to raise funds to meet said expenditures authorized in the budget, and

WHEREAS; amendments to the final budget may be made throughout the fiscal year as provided in 7-6-4031, and

WHEREAS; Resolution #15-2021 adopting the budget in a regular meeting on September 9th, 2021, after holding a public hearing prior to the meeting, and

NOW THEREFORE BE IT RESOLVED by this Board of Toole County Commissioners that the county budget be approved and adopted as the final budget for fiscal year 2021-2022, and that warrants be issued in accordance with the laws appertaining thereto, and

ALSO, NOW THEREFORE BE IT RESOLVED that the Montana Department of Revenue's certified value of a county mill is \$21,368.90 and of specialized mills are the following:

Road	\$ 17,551.782
Shelby Mosquito District	\$ 3,237.328
Sunburst Mosquito District	\$ 465.489

NTC Cemetery	\$ 9,200.768
STC Cemetery	\$ 12,168.139
Soil Conservation District	\$ 16,271.331
Port Authority	\$ 21,368.90 – a voted two mills

DATED THIS 9TH DAY OF SEPTEMBER, 2021

BOARD OF TOOLE COUNTY COMMISSIONERS

Mary Ann Harwood
Mary Ann Harwood, Board Chair

Don Hartwell
Don Hartwell, Commissioner

ATTEST:

Terry Tomscheck
Terry Tomscheck, Commissioner

Treva Nelson
Treva Nelson, Clerk & Recorder



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

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COMMISSIONERS' MINUTES

September 13, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, 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 September 9, 2021, Meeting Minutes: Don made the motion to approve. Terry seconded it and motioned passed.

- 1. Consider approval of RESOLUTION #14-2021, a resolution to authorize the cost-of-living salary adjustments for Toole County Elected Officials and some county employees. Don made the motion to approve. Terry seconded it and motioned passed.**
- 2. Consider adopting a CodeRed Emergency Notification System for Toole County. Don made the motion to approve. Terry seconded it and motioned passed.**

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

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COMMISSIONERS' AGENDA

RESOLUTION #14-2021

A RESOLUTION TO AUTHORIZE COST-OF-LIVING SALARY ADJUSTMENTS FOR TOOLE COUNTY ELECTED OFFICIALS AND SOME COUNTY EMPLOYEES

WHEREAS: the 2001 Legislature determined that county government governing bodies create a County Compensation Board to determine if a cost-of-living salary be given to elected officials and if so, an amount approved by the majority of the Compensation Board would be recommended to the Board of County Commissioners; and,

WHEREAS: the Commissioners and the County Compensation Board met during two public hearings called by the Commissioners held on June 17th and June 24th, 2021, to discuss several compensation schedules; and,

WHEREAS: the Toole County Compensation Board recommended that compensation for elected officials in Toole County for FY 2021-2022 be a 4% increase to current wages, and

WHEREAS: in a regular Commissioner meeting held on September 9th, 2021, the Toole County Commissioners voted to accept the recommendation of the Toole County Compensation Board for the cost-of-living allowance at the rate of 4%, and

NOW, THEREFORE BE IT RESOLVED: by the Board of the Toole County Commissioners that elected officials will receive the 4% cost-of-living adjustment on certain base salaries retroactive to July 1, 2021, and

FURTHER BE IT RESOLVED: that the Toole County Commissioners set the cost-of-living increase adjustment at \$.76 per hour, which is 4% of the average other county employees' wages. This increase is for the employees who are employed on September 1, 2021, retroactive to July 1, 2021.

BOARD OF TOOLE COUNTY COMMISSIONERS dated this 13th day of
September, 2021.

Mary Ann Harwood
Mary Ann Harwood
Commission Chair

Don Hartwell
Don Hartwell
Commissioner

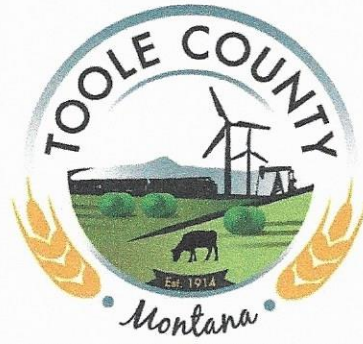
Terry Tomscheck
Terry Tomscheck
Commissioner

ATTEST:

Treva Nelson
Treva Nelson
Clerk & Recorder



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

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COMMISSIONERS' AGENDA
September 16, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, 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 September 13, 2021, Meeting Minutes: Don Hartwell motioned to approve, seconded by Terry Tomscheck. Motion carried.

1. Consider approval of a Proclamation lifting the Fire Restrictions in Toole County. **Don Hartwell approved the Proclamation, seconded by Terry Tomscheck. Motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - 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

October 12, 2021

10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder.

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

PLEDGE OF ALLEGIANCE

Approval of September 16, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion and the motion carried.

1. Consider Resolution #15-2021, a Resolution adopting the budget which as adopted in a regular meeting held on September 9th, after a l hearing. The Resolution itself was erroneously left off the agenda. **Don motioned to approve Resolution 15-2021. Terry seconded the motion, the motion carried.**
2. Consider appointment of Marigail Sveum to Toole County Health Foundation Board, replacing Renae Manley, whose term finishes 10/31/2023. **Don motioned to approve. Terry seconded the motion, the motion carried.**
3. Consider having one full time Extension Agent for a salary of \$35,862.23 per year, which is 65% of the Clerk & Recorder's salary. **Don motioned to approve a full time Extension Agent at the salary listed above. Terry seconded the motion, the motion carried.**
4. Consider approval of an MOU with the City of Shelby for the ARPA funding. **Don motioned to approve the MOU with the City of Shelby for ARPA funding. Terry seconded the motion, the motion carried.**
5. Consider an Abstract of Agreement to Assign Opencut Mining Lease from Matt Ennenberg to the Toole County Road Department. **Don motioned to approve the Agreement Lease. Terry seconded the motion, the motion carried.**
6. Consider an Agreement to Assign Opencut Mining Lease between Toole County and James Goeddertz, Russell Dean Alcorn and Barbara Diane Alcorn in T35N, R3W, Section 22: SE/4SE/4. **Don motioned to approve the Agreement Lease. Terry seconded the motion, the motion carried**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - 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

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COMMISSIONERS' AGENDA
October 21, 2021
10:00 am

PRESENT: 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.

PLEDGE OF ALLEGIANCE

Approval of October 12, 2021, Meeting Minutes: Don motioned to approve. Mary Ann seconded the motion and the motion carried.

1. Consider renewing the Third-Party Contract for the Substance and Alcohol Testing Program to meet DOT requirements with Mobile Testing with Integrity LLC. This renewal would be at the same pricing of \$250.00. **Don motioned to approve. Mary Ann seconded the motion and the motion carried.**
2. Consider Toole County to opt in on the Opioid Settlement Payments. **Don motioned to approve after discussion with County Attorney Merle Raph. Mary Ann seconded the motion and the motion carried.**

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

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COMMISSIONERS' AGENDA
October 25, 2021
10:00 am

PRESENT: Don Hartwell and Terry Tomscheck

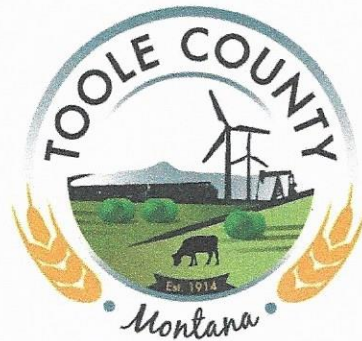
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of October 21, 2021, Meeting Minutes: Terry motioned to approve. Don seconded; the motion carried.

1. Consider Resolution #16-2021, a Resolution Distribution of Bridge and Road Safety Accountability Program Funds. **Terry motioned to approve. Don seconded; the motion carried.**

Gary Ann Harwood - Commission Chair
Jon 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

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RESOLUTION #16-2021

A RESOLUTION REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS

WHEREAS, the Bridge and Road Safety and Accountability Account requires the Montana Department of Transportation to allocate accrued funds to cities, towns, counties, and consolidated city-county governments for construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys, bridges, or roads and streets the city town, county, or consolidated city-county government has the responsibility to maintain; and,

WHEREAS, a city, town, county or consolidated city-county government that requests funds under the Bridge and Road Safety and Accountability Account must match each \$20 requested with \$1 of local government matching funds; and,

WHEREAS, city, town county or consolidated city-county government requesting distribution between March 1 and November 1 of the year the funds were allocated; and,

WHEREAS, the project(s) to be funded is to crush gravel to put on and maintain all county roads.

WHEREAS, the local match for the allocated funds has been budgeted from Fund 2110, the Road; and,

NOW, THEREFORE BE IT RESOLVED THAT;

1. Toole County requests distribution of its share of the allocated Bridge and Road Safety and Accountability funds to be used for the projects identified herein; and,
2. That the Toole County Board of Commissioners hereby empowers and authorized a Commissioner or other staff to execute such further documents as may be necessary to facilitate the distribution of said funds.

Adopted this 25th day of October, 2021 by the Board of Toole County Commissioners.

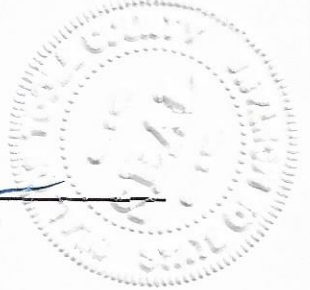
Mary Ann Harwood
Mary Ann Harwood, Commission Chair

Don Hartwell
Don Hartwell, Commissioner

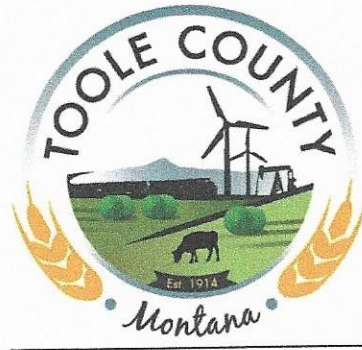
Terry Tomscheck
Terry Tomscheck, Commissioner

ATTEST:

Treva Nelson
Treva Nelson, Clerk & Recorder



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

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COMMISSIONERS' AGENDA
November 1, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomscheck and Treva Nelson, Clerk & Recorder

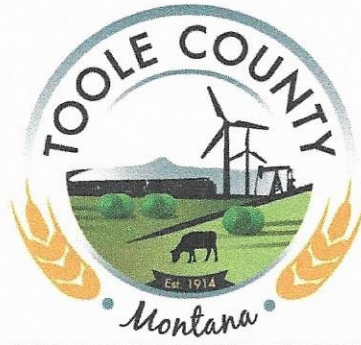
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of October 25, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion; the motion carried.

1. Consider a Dietary Service Agreement between Logan Health – Shelby and Toole County Department of Public Safety effective November 1, 2021. **Don motioned to approve. Terry seconded the motion; the motion carried.**
2. Consider reappointing Bonnie Nichol to the Toole County Health Foundation Board for a term of three years ending December 31, 2023. Her term was up December 31, 2020. **Don motioned to approve. Terry seconded the motion; the motion carried.**
3. Consider adding Don Hartwell to the Shelby Senior Center signature card at the First State Bank in Shelby. **Terry motioned to approve. Don seconded the motion; the motion carried.**
4. Consider canvassing the ballots for the election of the City of Shelby, Town of Kevin, and Town of Sunburst on November 15, 2021, at 10:00 am in the Commissioners' Office at the Courthouse. **Don motioned to approve. Terry seconded the motion; the motion carried.**

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/
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COMMISSIONERS' AGENDA
December 6, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell

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

PLEDGE OF ALLEGIANCE

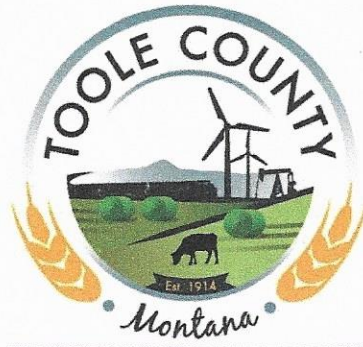
Approval of November 1, 2021, Meeting Minutes: Don made a motion, seconded by Mary Ann. Motion carried.

- 1. Consider an Agricultural Covenant in T32N, R1E, Section 19: Tract 3, located in the SW/4SE/4 from landowner Virginia Kalbfleisch to Larry E. Munson and Bradley K. Munson. Don made a motion to approve, seconded by Mary Ann. Motion carried.**
- 2. Consider reappointing Darlene Sherrard to the Shelby Senior Center Board for a term of three years ending December 31, 2024. Her term is up December 31, 2021. Don made a motion approve. Mary Ann Seconded it and motion was passed.**
- 3. Consider having Mary Ann close the account number 110628 for Marias Medical Center and move it to Toole County account number 929903 at the First State Bank in Shelby. The cash will be reflected on the Cash Report in Fund 5420**

in the Black Mountain system. **Don motioned to approve, seconded by Mary Ann. Motion carried.**

4. Consider appointing Gwen Marshall for a three-year term ending December 31, 2024 to the Shelby Senior Center Board to replace Hattie Appley whose term is up December 31, 2021. **Don made a motion to approve, Mary Ann seconded it and motion was passed.**
5. Consider approving a Comprehensive County Plan for Substance Abuse Prevention. **Don motioned to approve, seconded by Mary Ann and motion carried.**
6. Consider continuing Misfits, LLC to be the treatment providers for Toole County. **Don motioned to approve. Mary Ann seconded it and motion was carried.**
7. Consider re-appointment of Billiette Coolidge, Sofie Gottfried and Lenora Mcewen to the Kevin/Sunburst Senior Center Board for a term of three years ending December 31, 2024. **Don motioned to approve. Mary Ann seconded it motion carried.**
8. Consider appointing Renae Manley to the Board of Health to replace Angela Lamb to fullfill her term ending December 31, 2022. **Don made the motion to approved, seconded by Mary Ann and motion carried.**
9. Consider approval of a Certificate of Survey in T32N, R1E, Tract 3 located in SW/4SE/4, containing 22 acres more or less under Virginia A. Kalbfleisch. **Don made the motion to approve and it was seconded by Mary Ann. Motion carried.**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - 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
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COMMISSIONERS' AGENDA
December 20, 2021
10:00 am

PRESENT: Mary Ann Harwood, Don Hartwell, Terry Tomsheck and Treva Nelson, Clerk & Recorder

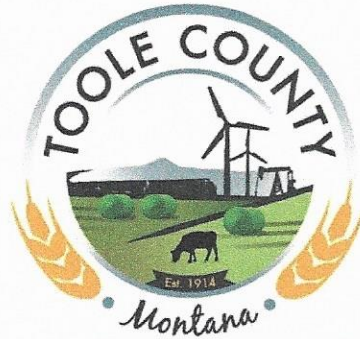
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of December 6, 2021, Meeting Minutes: Don motioned to approve. Terry seconded the motion, the motion carried.

1. Consider RESOLUTION #17-2021, a resolution for Toole County to participate in Janssen Opioids Settlement and the McKesson Corporation, Cardinal Health, Inc., and Amerisource Bergen Settlement. **Don motioned to approve. Terry seconded the motion, the motion carried.**
2. Consider the Toole County Attorney Merle Raph to act as the County's Authorized Official to execute all required documentation for the participation of Toole County in the Janssen Opioids Settlement and the McKesson Corporation, Cardinal Health, Inc., and Amerisource Bergen Settlement. **Don motioned to approve. Terry seconded the motion, the motion carried.**
3. Consider RESOLUTION #18-2021, a resolution dissolving the North Toole County Cemetery and the South Toole County Cemetery as their own government entity for reporting purposes for the Dept. of Administration. **Don motioned to approve. Terry seconded the motion, the motion carried.**
4. Consider MOU with the City of Shelby for the ARPA funds. **TABLED**

Mary Ann Harwood - Commission Chair
Don Hartwell - Commissioner
Terry Tomsheck - 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

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BOARD OF COUNTY COMMISSIONERS
TOOLE COUNTY, MONTANA

RESOLUTION No. 17-2021

WHEREAS, the people of the State of Montana and its communities have been harmed by serious and substantial wrongdoing committed by certain entities within the Pharmaceutical Supply Chain; and,

WHEREAS, the State of Montana, through the State's Attorney Office of the Montana Attorney General, and certain litigating cities and counties, through their elected representatives and counsel, are separately engaged in litigation seeking to hold manufacturers, distributors, and others in the Pharmaceutical Supply Chain accountable for the harms caused by their wrongdoing; and,

WHEREAS, the State of Montana and Montana's cities and counties (hereafter Local Governments) share a common desire to abate and remediate the impacts of that wrongdoing throughout the State of Montana and to maximize the resources devoted to combatting the opioid crisis; and,

WHEREAS, researchers and clinicians in Montana and elsewhere have now built a substantial body of evidence demonstrating which opioid abatement strategies work and which do not and there are public health leaders in the State and at the local level with expertise in addiction and substance use available to guide determinations for the use of any settlement funds; and,

WHEREAS, recently the State of Montana agreed to join a settlement agreement process (hereafter Settlement Agreements) which, if finalized, will resolve litigation against certain specific defendants in the Pharmaceutical Supply Chain, namely the opioid distributors McKesson Corporation, Cardinal Health, Inc., and Amerisource Bergan Corporation and also Janssen and the related entities listed in the Section I. 32 of the Janssen Settlement Agreement (hereafter the Opioid Settlement Defendants) for harms caused by their wrongdoing that require – with limited exception – that all settlement funds be used for forward looking remediation and abatement of opioid associated harms, and,

WHEREAS, maximum monetary payments available to the State of Montana and its Local Governments depend upon maximum Local Government participation in the Settlement Agreements and in this Memorandum of Understanding (MOU); and,

WHEREAS, approval of Toole County's participation in the settlements was an agenda item and proved at a public meeting on October 21, 2021;

BE IT RESOLVED that Toole County elects to participate in Janssen Opioids Settlement and the McKesson Corporation, Cardinal Health, Inc. and Amerisource Bergen Settlement.

BE IT RESOLVED that the Toole County Attorney Merle Raph shall act as Toole County's Authorized Official to execute all required documentation.

Dated this 20th day of December, 2021.

BOARD OF TOOLE COUNTY COMMISSIONERS

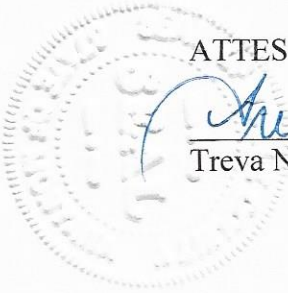
Mary Ann Harwood
Mary Ann Harwood, Chair

Don Hartwell
Don Hartwell, Member

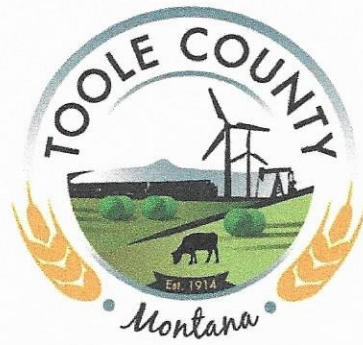
Terry Tomscheck
Terry Tomscheck, Member

ATTEST:

Treva Nelson
Treva Nelson, Clerk and Recorder



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



Debra Munson - Clerk of Court
Treva Nelson - Clerk & Recorder/
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RESOLUTION #18-2021

A RESOLUTION FOR REPORTING PURPOSES FOR THE NORTH AND SOUTH TOOLE COUNTY CEMETARY DISTRICTS

WHEREAS, MCA 7-6-611 (3) states that the governing body of each county or municipality shall notify the department of administration in writing, on a form prescribed by the department of administration, of the creation, dissolution, combination, or other legal alteration of any special purpose district within the county or municipality, and

WHEREAS, the form required to be filled out by Toole County would only change the reporting requirements with the State of Montana and not change anything within each District and,

WHEREAS, Toole County is dissolving the North and South Cemetery Districts as their own government reporting entity, and not dissolving them as a District, and

WHEREAS, both North and South Toole County Cemetery Districts' Financials will be reported with Toole County's Financials, and

THEREFORE BE IT RESOLVED, filling out the form for the North Toole County Cemetery District to be given to the Montana Department of Administration and, filling out a form for the South Toole County Cemetery District to be given to the Montana Department of Administration will cease the double reporting that we have done in the past.

DATED THIS DAY 20TH DAY OF DECEMBER, 2021 BY THE BOARD OF TOOLE COUNTY COMMISSIONERS.

Mary Ann Harwood
Mary Ann Harwood, Chair

Don Hartwell
Don Hartwell, Commissioner

ATTEST:

Terry Tomsheck
Terry Tomsheck, Commissioner

Treva Nelson
Treva Nelson
Clerk & Recorder

