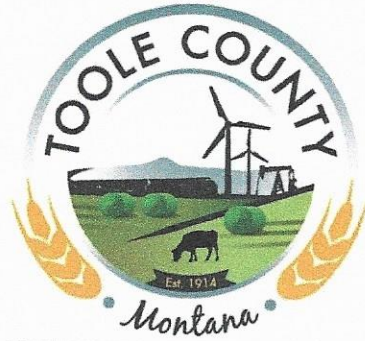


Mary Ann Harwood - Commission Chair
Terry Tomsheck - Commissioner
Terry Kimmet - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Tyler Padilla - Sheriff



Debra Munson - Clerk of Court
Treva Nelson - Clerk & Recorder/
Election Administrator
Donna Whitt - 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 19, 2023
10:00 A.M.

PRESENT: Mary Ann Harwood, Terry Tomsheck and Treva Nelson

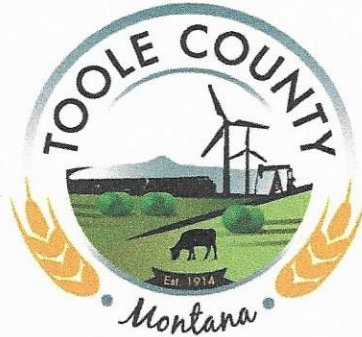
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of October 5, 2023, Meeting Minutes: Mary Ann motioned to approve. Terry seconded the motion, the motion carried.

1. Consider renewing our Third-Party Administrator Contract (Controlled Substance and Alcohol Testing Program) between Toole County, specifically the Road Department, and Mobile testing with Integrity LLC for 2024. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**
2. Consider a contract with drawings, specifications and other contract documents prepared by Robert Peccia & Associates between Toole County (Airport) and Frontline Ag Solutions, LLC for Snow Removal Equipment Acquisition. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**
3. Consider Chad Scarborough to replace Cody Rolf on the Fair Board for a term ending 12/31/2024. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**
4. Consider Remington Campbell to replace Lena Tronson on the Fair Board for a term ending 12/31/2025. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**
5. Consider Resolution #20-2023, a Resolution authorizing MACo to represent the interest of the County in seeking a Declaratory Judgment from the Montana Supreme Court regarding the statewide mills. **Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**

Mary Ann Harwood - Commission Chair
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RESOLUTION #20-2023

A RESOLUTION AUTHORIZING MACO TO REPRESENT THE INTEREST OF THE COUNTY IN SEEKING A DECLARATORY JUDGMENT FROM THE MONTANA SUPREME COURT REGARDING STATEWIDE MILLS

Whereas, there is an ongoing dispute regarding the calculation and levying of statewide mills authorized by Mont. Code Ann., 20-9-331, 333, and 360 which now requires a judicial resolution; and

Whereas, the Montana Quality Education Coalition has filed OP-23-0592, a Writ of Mandate, with the Montana Supreme Court listing all 56 counties as the Respondent; and

Whereas, taxpayers and other parties has filed an action for declaratory relief against Missoula County and its Commissioners and Treasurer, in the Fourth Judicial District Court; and

Whereas, the ongoing dispute regarding the proper calculation and levying statewide education mills is an issue of statewide importance, impacting every property taxpayer in the State, which can and should be more efficiently resolved by an original action before the Montana Supreme Court than separate lawsuits in different courts; and


Whereas, pursuant to Mont. Code Ann., 7-5-2104 the board of county commissioners has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to direct and control the prosecution and defense of all suites to which the county is a party; and

Whereas, Toole County is a member of the Montana Association of Counties (MaCo); and

Whereas, MACo has proposed to pursue an original action at the Montana Supreme Court on behalf of its member counties seeking a declaration as the proper interpretation of Mont. Code Ann., 15-10-420 and the Counties' legal rights and obligations regarding levying of the statewide mills authorized by Mont. Code Ann., 20-0-331, 333, and 360; and

NOW THEREFORE BE IT RESOLVED that the Toole County Commissioners authorize MACo to take all steps necessary to file and prosecute an original action before the Montana Supreme Court regarding the statewide mill levy calculation issues and to represent interests of Toole County in that action.


Dated this 19th day of October, 2023 by the Board of Toole County Commissioners.


Mary Ann Harwood, Chair


Terry Tomscheck, Commissioner


Terry Kimmet, Commissioner

ATTEST:


Treva Nelson, Clerk & Recorder

I have read this Resolution.


Merle Raph, County Attorney

