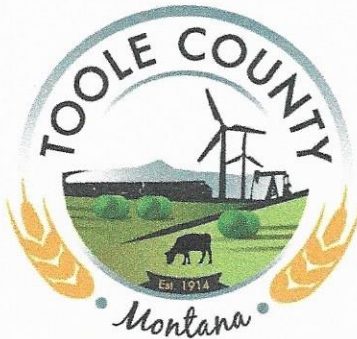


Mary Ann Harwood - Commission Chair
Terry Tomsheck - Commissioner
Terry Kimmet - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Tyler Padilla - Sheriff



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

January 5, 2023

10:00 A.M.

PRESENT: Mary Ann Harwood, Terry Tomsheck, Terry Kimmet, Treva Nelson Clerk & Recorder and Carol Tomsheck from the public.

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

PLEDGE OF ALLEGIANCE

Approval of October 17, 2022, Meeting Minutes: Terry Tomsheck motioned to approve. Mary Ann second the motion, the motion carried.

1. Consider approval of Resolution 1-2023, a resolution to approve a Chair and Vice-Chair for the Toole County Commission for 2023. **Terry Tomsheck motioned to approve Resolution 1-2023 stating Mary Ann as chair and Terry Tomsheck as Vice-Chair. Terry Kimmet seconded the motion, the motion carried.**
2. Consider approval of Resolution 2-2023, a resolution to approve meeting dates for regular Commission meetings in 2023. **Terry Tomsheck motioned to approve Resolution 2-2023 stating meetings will be held at 10:00 AM on Mondays and Thursdays each week if agenda business has been posted. Terry Kimmet seconded the motion, the motion carried.**
3. Consider approval of Resolution 3-2023, a resolution to approve travel and per diem rates for Toole County employees for 2023. **Terry Tomsheck motioned to approve Resolution 3-2023 stating that mileage rate will be at the federal rate of 65.5 for the first 1,000 miles. Meal reimbursement will be \$10 breakfast, \$12 lunch, and \$18 supper/dinner. Terry Kimmet seconded the motion, the motion carried.**
4. Consider approval of Resolution 4-2023, a resolution appointing the Commissioners to represent Toole County on boards and committees for 2023. **Terry Tomsheck motioned**

**to approve Resolution 4-2023 appointing commissioners to Toole County Boards.
Terry Kimmet seconded the motion, the motion carried.**

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



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

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RESOLUTION 1-2023

A RESOLUTION TO ELECT THE CHAIR FOR THE BOARD OF TOOLE COUNTY COMMISSIONERS FROM JANUARY 2023 THROUGH DECEMBER 2023

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, 2023 through December 31, 2023. A Commissioner is Terry Tomscheck 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 5, 2023.

Mary Ann Harwood
Chair

Terry Tomscheck
Commissioner

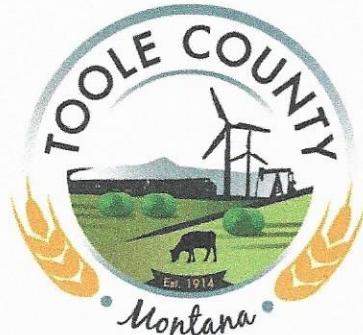
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Commissioner

ATTEST:

Trevia Nelson
Clerk & Recorder



Mary Ann Harwood - Commission Chair
Ferry Kimmert - Commissioner
Terry Tomscheck - 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
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Superintendent of Schools
Phyllis Robertson - Public Administrator

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RESOLUTION 2-2023

A RESOLUTION SETTING COMMISSIONER MEETING DATES FOR THE CALENDAR YEAR JANUARY 1, 2023 THROUGH DECEMBER 31, 2023

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 5, 2023 was posted two working days prior to the meeting, notifying the public of Resolution 2-2023, an agenda item setting meetings of the Board of Toole County Commissioners for the year 2023; and

WHEREAS, The Commissioners may, by resolution and prior two days' post public notice, designate another meeting time and place; 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 2023 through December 2023; 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 5, 2023.

Mary Ann Harwood

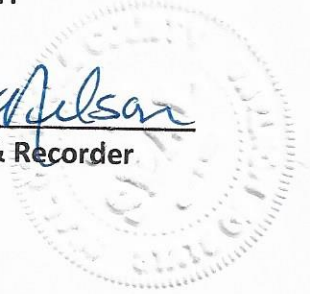
Chair

Terry J. Tomblach
Commissioner

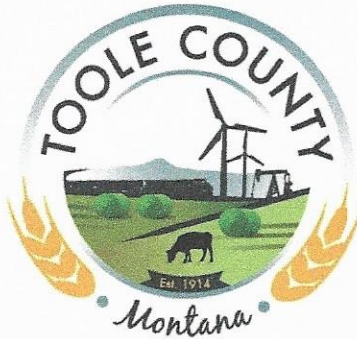
[Signature]
Commissioner

ATTEST:

[Signature]
Clerk & Recorder



Mary Ann Harwood - Commission Chair
Ferry Tomsheck - Commissioner
Terry Kimmert - 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

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RESOLUTION 3-2023

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

WHEREAS: Travel/per diem rates are set by the State of Montana, 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 follows the travel and lodging rates for the State of Montana and for out of state travel, the maximum standard federal rate per day; and

WHEREAS: Toole County Commissioners have set the meal reimbursement rate to be breakfast at \$10.00, lunch at \$12.00 and dinner at \$18.00, for a total of \$40.00 per day; and

WHEREAS: Meal reimbursement is only allowed if a meal is not supplied; and

NOW THEREFORE BE IT RESOLVED: That the Board of Toole County Commissioners have elected to use the travel and lodging rates allowable by the State of Montana and to follow the federal standard travel/per diem rates for out of state travel.

NOW THEREFORE ALSO BE IT RESOLVED: That in state meal reimbursement will be the \$40.00 per day.

BY THE BOARD OF THE TOOLE COUNTY COMMISSIONER dated January 5, 2023.

Mary Ann Harwood

Chair

Terry J Tomstedt

Commissioner

[Signature]

Commissioner

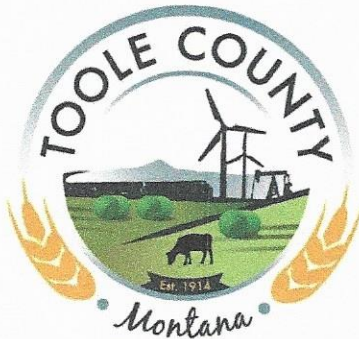
ATTEST:

[Signature]

Clerk & Recorder



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



Debra Munson - Clerk of Court
Treva Nelson - Clerk & Recorder/
Election Administrator
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RESOLUTION 4-2023

A RESOLUTION TO APPOINT THE TOOLE COUNTY COMMISSIONERS TO BOARD, COMMITTEE, AND ADVISORY ASSIGNMENTS FOR JANUARY 2023 THROUGH DECEMBER 2023

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
STC Cemetery Board
Shelby Mosquito Board
Logan Health-Shelby Board
Northern Transit Interlocal Board
Toole County Transit Board
Opportunities, Inc. Board
Regional Juvenile Detention Board
Center for Mental Health Board
Toole County Health Foundation
Sweetgrass Development Board

Logan Health/Condo Board
NETA Board
Core Civic Advisory Board

Terry Tomsheck

Safety Committee
Road board
Ambulance Committee
Fair Board
Transportation & DUI Task Force
Public Safety Commission
Toole County Transit Board (alternate for Mary Ann)
Northern Transit Interlocal (alternate for Mary Ann)
NETA Board (alternate for Mary Ann)
LEPC Board
Airport Board

Terry Kimmet

Toole County Board of Health
Toole County Planning Board
City/County Planning Board
NTC Cemetery Board
Sunburst Mosquito Board
Museum Board
Shelby Senior Center Board
Kevin/Sunburst Senior Center Board

BY THE BOARD OF THE TOOLE COUNTY COMMISSIONERS, dated January 5, 2023.

Mary Ann Harwood
Chair

Terry J. Tomsheck
Commissioner

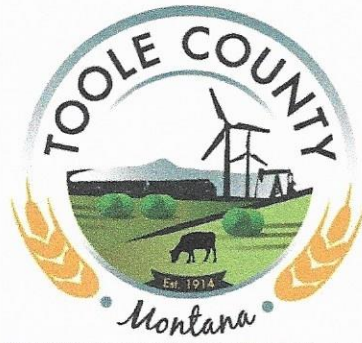
[Signature]
Commissioner

ATTEST:

[Signature]
Clerk & Recorder



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
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COMMISSIONERS' AGENDA

January 19, 2023
10:00 A.M.

PRESENT: Mary Ann Harwood, Terry Tomsheck and Terry Kimmet Commissioners, Treva Nelson Clerk & Recorder and Tyler Foss Undersheriff as public.

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

PLEDGE OF ALLEGIANCE

Approval of January 5, 2023, Meeting Minutes: Terry Kimmet motioned to approve, Terry Tomsheck seconded the motion, motion carried.

1. Consider approval of appointing Erin Fenger to replace Chris Vermulm to represent Pondera County on the fair board with a term ending on 12/31/2025. **Terry Tomsheck motioned to approve, Terry Kimmet seconded the motion, motion carried.**
2. Consider appointing Miranda Dupree to replace Linnet Doane to represent Toole County on the fair board with a term expiring on 12/31/2023. **Terry Tomsheck motioned to approve, Terry Kimmet seconded the motion, motion carried.**
3. Consider appointing Lena Tronson to replace Linda Fretheim to represent Toole County on the fair board with a term ending 12/31/2025. **Terry Tomsheck motioned to approve, Terry Kimmet seconded the motion, motion carried.**
4. Consider re-appointment of Janet Hawks to the fair board for a term ending 12/31/2025. **Terry Tomsheck motioned to approve, Terry Kimmet seconded the motion, motion carried.**

5. Consider disengaging the “Step Increase Program” with the Sheriff’s Department beginning January 1, 2023. This would be for any new deputies and the deputies already in this program would be “grandfathered in”. Tyler Foss spoke about the meeting the Sheriff’s Office had on this agenda item. Some employees had concern about losing applicants if this small incentive wasn’t in place. The sheriff’s department had discussion about looking into becoming union affiliated. **Terry Kimmet motioned to disengage from the “Step Increase Program”. Terry Tomscheck seconded the motion, the motion carried.**

Mary Ann Harwood - Commission Chair
Terry Tomscheck - 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

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COMMISSIONERS' AGENDA

February 16, 2023

10:00 A.M.

PRESENT: Mary Ann Harwood, Terry Tomscheck, Terry Kimmet 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 2, 2023, Meeting Minutes: Terry Tomscheck motioned to approve. Terry Kimmet seconded the motion, motion passed.

1. Approval of coordination and grant application to the Montana Department of Transportation's Operating Grant Program in the amount of \$115,701 for Northern Transit Interlocal for FY24, and an expanded grant for \$10,662.00. **Terry Kimmet motioned to approve. Terry Tomscheck seconded; the motion passed.**
2. Consider approval of coordination plan and grant application to the Montana Department of Transportation's Operating Grant Program in the amount of \$116,561.00 in behalf of Toole County Transit, Pondera County Transit, and Glacier County Transit, and also for \$21,286.00 under the Federal TransADE Assistance Program for FY24. **Terry Tomscheck motioned to approve. Terry Kimmet seconded the motion, motion passed.**
3. Consider re-appointing John Wiegand to serve a four-year term on the Ethridge Water District with a term ending on 5/31/2026. This position was approved by the Ethridge Water. **Terry Kimmet motioned to approve. Terry Tomscheck seconded; the motion passed.**
4. Consider re-appointing Rob Skryja to a four-year term ending on 5/31/2026 to the Ethridge Water District. This position was approved by the Ethridge Water District by acclamation. **Terry Kimmet motioned to approve. Terry Tomscheck seconded; the motion passed.**

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

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COMMISSIONERS' AGENDA

March 2, 2023

10:00 A.M.

PRESENT: Mary Ann Harwood, 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 16, 2023, Meeting Minutes: Terry Tomsheck motioned to approve. Mary Ann seconded the motion, motion carried.

1. Consider increasing our current health insurance contribution by \$100.00. No increases have been done since 2018. Toole County's current contribution is \$745.00, so for FY 2023/2024 beginning in July, the contribution rate would be \$845.00 per month. **Terry motioned to approve. Mary Ann seconded the motion, motion carried.**
2. Consider making the eligibility for the insurance to be the first of the month following 30 calendar days of employment, which would commence on July 1, 2023. The plan options have not changed. **Terry motioned to approve. Mary Ann seconded the motion, motion carried.**
3. Consider approval of Resolution #5-2023, a resolution authorizing participation in the Montana Board of Investments (STIP), due to changing banks from Wells Fargo to Independence Bank. This is for the North Toole County Cemetery District. **Terry motioned to approve. Mary Ann seconded the motion, motion carried.**

4. Consider approval of Resolution #6-2023, a resolution authorizing participation in the Montana Board of Investments (STIP), due to changing banks from Wells Fargo to Independence Bank. This is for District Court. **Terry motioned to approve. Mary Ann seconded the motion, motion carried.**
5. Consider approval of Resolution #7-2023, a resolution authorizing participation in the Montana Board of Investments (STIP), due to changing banks from Wells Fargo to Independence Bank. This for County only. **Terry motioned to approve. Mary Ann seconded the motion, motion carried.**
6. Consider approval of Resolution #8-2023, a resolution authorizing participation in the Montana Board of Investments (STIP), due to changing banks from Wells Fargo to Independence Bank. This for County Overall only. **Terry motioned to approve. Mary Ann seconded the motion, motion carried.**

RESOLUTION AUTHORIZING PARTICIPATION IN THE MONTANA BOARD OF INVESTMENTS
SHORT-TERM INVESTMENT POOL (STIP)

CERTIFICATE AS TO
RESOLUTION NO. 5-2023 AND ADOPTING VOTE

Political Subdivision: TOOLE COUNTY
Governing Body: BOARD OF COUNTY COMMISSIONERS

Type, date, time, and place of meeting: A COMMISSIONER meeting held on MARCH 2, 2023
at 10 o'clock a.m. in SHELBY, MT, Montana.

Members present: MARY ANN HARWOOD
TERRY TOMSHECK
TERRY KIMMET

Members absent: -0-

I, the undersigned, being the qualified and acting recording officer for the political subdivision identified above ("Participant"), certify that the attached RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA SHORT-TERM INVESTMENT POOL AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO and Exhibits A and B ("Resolution"):

- (1) is a true and correct copies of the original Resolution on file in the Participant's original records.
- (2) was approved and adopted by the Participant's Governing Body as required by law; and
- (3) has not been amended or repealed.

DATED this 2nd day of MARCH, 2023

By Mary Ann Harwood
Its BOARD CHAIR

Terry Tomsheck
TERRY TOMSHECK, COMMISSIONER
Terry Kimmet
TERRY KIMMET, COMMISSIONER

ATTEST:

Treva Nelson
TREVA NELSON, CLERK - RECORDER



RESOLUTION AUTHORIZING PARTICIPATION IN THE MONTANA BOARD OF INVESTMENTS
SHORT-TERM INVESTMENT POOL (STIP)

CERTIFICATE AS TO
RESOLUTION NO. 6-2023 AND ADOPTING VOTE

Political Subdivision: TOOLE COUNTY
Governing Body: BOARD OF COUNTY COMMISSIONERS

Type, date, time, and place of meeting: A COMMISSIONER meeting held on MARCH 2, 2023
at 10 o'clock a.m. in SHELBY, MT, Montana.

Members present: MARY ANN HARWOOD
TERRY TOMSHECK
TERRY KIMMET

Members absent: -0-

I, the undersigned, being the qualified and acting recording officer for the political subdivision identified above ("Participant"), certify that the attached RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA SHORT-TERM INVESTMENT POOL AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO and Exhibits A and B ("Resolution"):

- (1) is a true and correct copies of the original Resolution on file in the Participant's original records.
- (2) was approved and adopted by the Participant's Governing Body as required by law; and
- (3) has not been amended or repealed.

DATED this 2nd day of MARCH, 2023

By Mary Ann Harwood
Its BOARD CHAIR

Terry J Tomscheck
TERRY TOMSHECK, COMMISSIONER

Terry Kimmet
TERRY KIMMET, COMMISSIONER

ATTEST:

Treva Nelson
TREVA NELSON, CLERK - RECORDER

RESOLUTION AUTHORIZING PARTICIPATION IN THE MONTANA BOARD OF INVESTMENTS
SHORT-TERM INVESTMENT POOL (STIP)

CERTIFICATE AS TO
RESOLUTION NO. 7-2023 AND ADOPTING VOTE

Political Subdivision: TOOLE COUNTY
Governing Body: BOARD OF COUNTY COMMISSIONERS

Type, date, time, and place of meeting: A COMMISSIONER meeting held on MARCH 2, 2023
at 10 o'clock a.m. in SHELBY, MT, Montana.

Members present: MARY ANN HARWOOD
TERRY TOMSHECK
TERRY KIMMET

Members absent: -0-

I, the undersigned, being the qualified and acting recording officer for the political subdivision identified above ("Participant"), certify that the attached RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA SHORT-TERM INVESTMENT POOL AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO and Exhibits A and B ("Resolution"):

- (1) is a true and correct copies of the original Resolution on file in the Participant's original records.
- (2) was approved and adopted by the Participant's Governing Body as required by law; and
- (3) has not been amended or repealed.

DATED this 2nd day of MARCH, 2023

By Mary Ann Harwood
Its BOARD CHAIR

Terry J. Tomscheck
TERRY TOMSHECK, COMMISSIONER

Terry J. Kimmet
TERRY KIMMET, COMMISSIONER

ATTEST:

Treva Nelson
TREVA NELSON, CLERK + RECORDER



RESOLUTION AUTHORIZING PARTICIPATION IN THE MONTANA BOARD OF INVESTMENTS
SHORT-TERM INVESTMENT POOL (STIP)

CERTIFICATE AS TO
RESOLUTION NO. 8-2023 AND ADOPTING VOTE

Political Subdivision: TOOLE COUNTY
Governing Body: BOARD OF COUNTY COMMISSIONERS

Type, date, time, and place of meeting: A COMMISSIONER meeting held on MARCH 2, 2023
at 10 o'clock a.m. in SHELBY, MT, Montana.

Members present: MARY ANN HARWOOD
TERRY TOMSHECK
TERRY KIMMET

Members absent: -0-

I, the undersigned, being the qualified and acting recording officer for the political subdivision identified above ("Participant"), certify that the attached RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA SHORT-TERM INVESTMENT POOL AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO and Exhibits A and B ("Resolution"):

- (1) is a true and correct copies of the original Resolution on file in the Participant's original records.
- (2) was approved and adopted by the Participant's Governing Body as required by law; and
- (3) has not been amended or repealed.

DATED this 2nd day of MARCH, 2023

By Mary Ann Harwood
Its BOARD CHAIR

Terry J. Tomscheck
TERRY TOMSHECK, COMMISSIONER

Terry Kimmet
TERRY KIMMET, COMMISSIONER

ATTEST:

Treva Nelson
TREVA NELSON, CLERK + RECORDER

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

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COMMISSIONERS' AGENDA

March 20, 2023
10:00 A.M.

PRESENT: Terry Tomsheck, Mary Ann Harwood

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

PLEDGE OF ALLEGIANCE

Approval of March 2, 2023, Meeting Minutes:

1. Consider re-appointing Hyer McKechnie and Roger Smedsrud to the South Toole County Cemetery Board for a term of three years ending December 31, 2025. **Terry Tomsheck motion to approve, seconded by Mary Ann. Motion carried.**
2. Consider Resolution #9-2023, a Resolution appointing Joe Sherwood as Special Deputy County Attorney. **Terry Tomsheck made a motion to approve and Mary Ann seconded it. Motion carried.**
3. Consider Resolution #10-2023, a Resolution appointing Mike Fanning as Special Deputy County Attorney. **Terry Tomsheck made a motion to approve, seconded by Mary Ann. Motion carried.**

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

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RESOLUTION #9-2023
A RESOLUTION TO APPOINT A SPECIAL DEPUTY COUNTY
ATTORNEY

WHEREAS the Toole County Attorney may have a conflict of interest or require assistance in criminal cases pending in Toole County; and

WHEREAS at those times, the Toole County Attorney's Office requires the services of an outside disinterested party to review, evaluate, prepare charging document, try and resolve a criminal case involving these events for the state of Montana in Toole County, Montana; and

WHEREAS Joseph "Joe" Sherwood, Deputy Glacier County Attorney, Cut Bank, Montana, has agreed to act as Special Deputy Toole County Attorney for the purpose of investigating and prosecuting criminal cases for Toole County, Montana.

THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

IT IS RESOLVED that Toole County Board of Commissioners appoint Joseph "Joe" Sherwood of Cut Bank, Montana as Special Deputy Toole County Attorney to investigate and prosecute this case for Toole County, Montana, and that all expenses of such prosecution and investigation shall be paid from the Toole County Attorney's budget.

ADOPTED this 20th day of March, 2023.

TOOLE COUNTY BOARD OF COMMISSIONERS

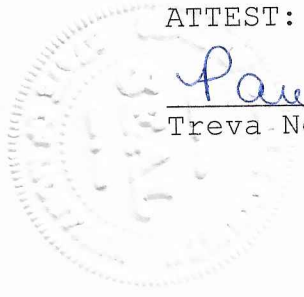
Mary Ann Harwood
Mary Ann Harwood, Chairman

Terry Tomscheck
Terry Tomscheck, Vice-Chairman

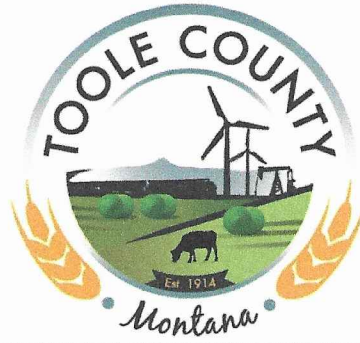
Terry Kimmet, Member

ATTEST:

Pauette Jacobsen, Deputy
Treva Nelson, Clerk and Recorder



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

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RESOLUTION #10-2023

A RESOLUTION APPOINTING A SPECIAL DEPUTY COUNTY ATTORNEY

WHEREAS the Toole County Attorney may have a conflict of interest or require assistance in a case, involving a criminal investigation of alleged elder abuse and exploitation pending in Toole County; and

WHEREAS at those times, the Toole County Attorney's Office requires the services of an outside disinterested party to review, evaluate, prepare charging document, try and resolve a case involving these events for the State of Montana in Toole County, Montana; and

WHEREAS Mike Fanning, Assistant Attorney General and Elder Exploitation and Abuse Prosecutor, Helena, Montana, has agreed to act as Special Deputy Toole County Attorney for the purpose of investigating and possibly prosecuting the matter of the elder exploitation and abuse for Toole County, Montana.

THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

IT IS RESOLVED that Toole County Board of Commissioners hereby appoints Mike Fanning of Helena, Montana as Special Deputy Toole County Attorney to investigate and possibly prosecute this case for Toole County, Montana, and that all expenses of such prosecution and investigation shall be paid from the Toole County Attorney's budget.

ADOPTED this 20th day of March, 2023.

TOOLE COUNTY BOARD OF COMMISSIONERS

Mary Ann Harwood

Mary Ann Harwood, Chairman

Terry Tomsheck

Terry Tomsheck, Vice-Chairman

Terry Kimmet, Member

ATTEST:

Paulette Jacobsen, Deputy

Treva Nelson, Clerk and Recorder



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
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COMMISSIONERS' AGENDA

March 23, 2023
10:00 A.M.

PRESENT: Terry Tomsheck, Mary Ann Harwood, Terry Kimmet 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 20, 2023, Meeting Minutes: Terry Tomsheck motioned to approve. Terry Kimmet seconded the motion, motion carried.

1. Consider approving Ed Skeslien to the Shelby Senior Board for a three-year term ending on 12/31/2025. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.**
2. Consider approving **RESOLUTION #11-2023**, A Resolution adopting and designating the official precinct boundaries for Toole County for State Legislative Election districts for 2024-2034. **Terry Tomsheck motioned to approve. Terry Kimmet seconded the motion, motion carried.**

Mary Ann Harwood - Commission Chair
Terry Tomscheck - 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

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RESOLUTION #11-2023
A RESOLUTION ADOPTING AND DESIGNATING THE OFFICIAL
PRECINCT BOUNDARIES FOR TOOLE COUNTY FOR STATE
LEGISLATIVE ELECTION DISTRICTS FOR 2024- 2034

WHEREAS: The Montana districting and apportionment Committee has redrawn legislative districts for the State of Montana, and

WHEREAS: the Board of Commissioners have received a map of the same, in which a copy is attached hereto, and reflect that all of Toole County shall be within House District 18 and Senate District 9, and

WHEREAS: the Board of Commissioners have reviewed the attached map and according to Section 13-3-102, MCA, the Board must adopt the said boundaries and then certify such boundaries to the Toole County Election Administrator, and

NOW THEREFORE BE IT RESOLVED: THAT ALL OF Toole County shall be within the House District 18 and Senate District 9, in accordance with the attached map.

PASSED AND APPROVED this 23rd day of March, 2023.

BOARD OF TOOLE COUNTY COMMISSIONERS

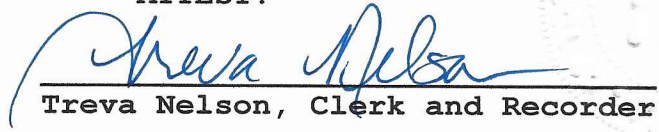

Mary Ann Harwood, Chair

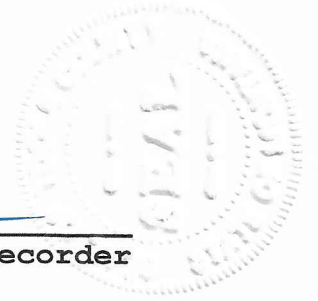

Terry Tomscheck, Commissioner



Terry Kimmet, Commissioner

ATTEST:


Treva Nelson, Clerk and Recorder



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

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COMMISSIONERS' AGENDA

April 3, 2023
10:00 A.M.

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

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

PLEDGE OF ALLEGIANCE

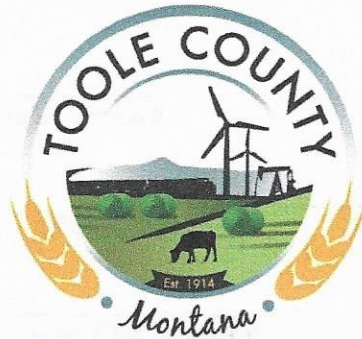
PUBLIC HEARING: The adoption and designation of Commissioners' District. Commissioner Harwood opened the Public Hearing. No public was in attendance. Maps and description of the new commissioner districts for 2024-2034 were presented by Treva Nelson.

Commissioner Harwood closed the public hearing.

Approval of March 23, 2023, Meeting Minutes: Terry Tomsheck motioned to approve. Terry Kimmet seconded the motion, the motion carried.

1. Consider approving **RESOLUTION #12-2023**, A Resolution adopting and designating the official Toole County Commissioners' Districts. **Terry Tomsheck motioned to approve. Terry Kimmet seconded the motion, the motion carried.**

Mary Ann Harwood - Commission Chair
Lerry Tomscheck - 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

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RESOLUTION #12-2023

A RESOLUTION REVISING TOOLE COUNTY COMMISSIONERS' DISTRICT BOUNDARIES FOR 2024-2034

WHEREAS: Toole County has redrawn Toole County Commissioners' District boundaries for District 1, District 2, and District 3 in Toole County to coincide with the population in each district, and

WHEREAS: the Board of Commissioners have a map of the same, in which a copy is attached hereto with the legal descriptions that reflect all of the boundaries for the Toole County's Commissioner Districts, and

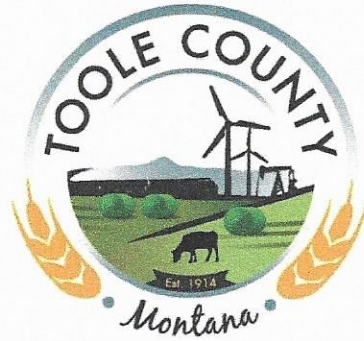
WHEREAS: the Board of Commissioners have reviewed the attached map to adopt the said boundaries and then certify such boundaries to the Toole Election Administrator and the District Court Judge, and

NOW THEREFORE BE IT RESOLVED: that the Commissioners' Districts will be in accordance with the attached map FOR 2024-2034.

PASSED AND APPROVED this 3rd day of April, 2023.

BOARD OF TOOLE COUNTY COMMISSIONERS

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

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COMMISSIONERS' AGENDA

April 13, 2023
10:00 A.M.

PRESENT: Mary Ann Harwood, Terry Tomsheck, Terry Kimmet and guests representing the fire departments; Norman Nelson, Don McAlpine and Erik Eneboe.

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

PLEDGE OF ALLEGIANCE

Approval of April 3, 2023, Meeting Minutes: Terry Kimmet motioned to approve the minutes. Terry Tomsheck seconded the motion and it was passed.

1. Consider approving **RESOLUTION #13-2023**, A Resolution adopting and designating the official Toole County Precinct Boundary changes for 2024-2034. **Terry Kimmet made the motion to approve, seconded by Terry Tomsheck and motion carried.**
2. Consider accepting resignation off Ken Morrison to the Galata Water District and appointing Ben McCann which was approved by the Galata Water District for a term ending on May 31, 2026. **Terry Tomsheck made the motion to approve the resignation and the appointment, and it was seconded by Terry Kimmet. Motion passed.**

Mary Ann Harwood - Commission Chair
Larry Tomscheck - 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

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RESOLUTION #13-2023

**A RESOLUTION BY THE BOARD OF TOOLE COUNTY COMMISSIONERS
TO CREATE NEW VOTER PRECINCT BOUNDARIES**

WHEREAS: Pursuant to 7-3-412, a study was done to create new voter precinct boundaries for Toole County for 2024-2034, and

WHEREAS: the study concluded that the voter precinct boundaries be redrawn to the precincts described on the attached exhibit, along with a map, and

WHEREAS: on April 13, 2023, a Commissioner meeting was held on the proposed new voter precinct boundaries for Toole County, and

THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS: that the voter precinct boundaries Toole County shall be adjusted as shown on the attached map, along with the descriptions for 2024-2034.

ADOPTED this 13th day of April, 2023.

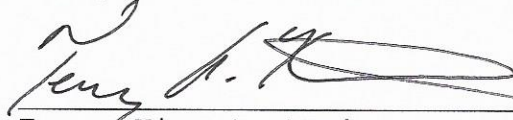
TOOLE COUNTY BOARD OF COMMISSIONERS

Mary Ann Harwood

Mary Ann Harwood, Chairman

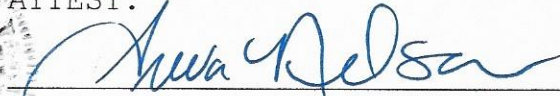


Terry Tomscheck, Vice-Chairman

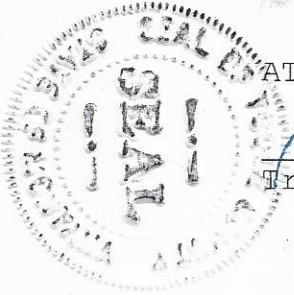


Terry Kimmet, Member

ATTEST:



Treva Nelson, Clerk and Recorder



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

May 1, 2023
10:00 A.M.

PRESENT: Mary Ann Harwood, Terry Tomsheck and guest, Tyler Padilla.

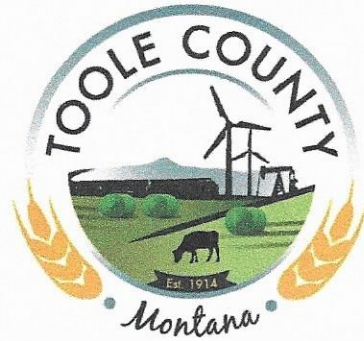
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of April 13, 2023, Meeting Minutes:

1. Consider appointing Gwen Heaton to replace Renae Manley on the Toole County Health Board for a term ending on 12/31/2025 as recommended by the County Health Board. **Terry T. made the motion to approve, seconded by Mary Ann. Motion carried.**
2. Consider accepting the bid on gravel crushing from Schumaker Trucking and Excavation, as they were the lowest bid and as recommended by the Road Board. **Terry T. made the motion to approve. Mary Ann seconded it, and motion passed.**

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

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COMMISSIONERS' AGENDA May 15, 2023 10:00 A.M.

PRESENT: **Mary Ann Harwood, Terry Tomsheck (via phone).**

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

PLEDGE OF ALLEGIANCE

Approval of May 1, 2023, Meeting Minutes: Terry made the motion to approve the minutes, seconded by Mary Ann. Motion carried.

- 1. Consider renewal of the Property & Casualty policy with MACo for 2023-2024. Terry T. made the motion to approve. Mary Ann seconded it and motion passed.**
- 2. Consider accepting the purchase price and buy backs from RDO (John Deere) for two 2024 road graders as recommended by the Road Board. This was through Sourcewell, Contract #032119-JDC, which contains all the necessary documents. Some discussion was held as to where to take the funds from. Since the graders won't be here until October, we will determine where to take the funds after the new budget year. Terry T. motioned to approve, seconded by Mary Ann. Motion carried.**

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
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COMMISSIONERS' AGENDA
May 25, 2023
10:00 A.M.

PRESENT: Mary Ann Harwood, Terry Tomsheck, Terry Kimmet

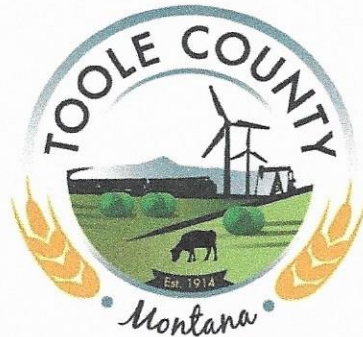
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of May 15, 2023, Meeting Minutes: Terry Tomsheck motioned to approve, seconded by Terry Kimmet and motion carried.

1. Consider appointing Connie Fretheim to fulfill the term that was held by Sherry Cullen on the Shelby Senior Center Board. This term would expire on 12/31/2025. **Terry Tomsheck motioned to approve, seconded by Terry Kimmet and motion carried.**

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

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COMMISSIONERS' AGENDA

June 15, 2023
10:00 A.M.

PRESENT: Terry Tomsheck, Terry Kimmet, Treasurer Boyd Jackson, Clerk & Recorder Treva Nelson, Billiette Coolidge, Compensation Board Member.

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

PLEDGE OF ALLEGIANCE

Approval of May 25, 2023, Meeting Minutes: Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, the motion carried.

PUBLIC HEARING

Discussion of Compensation for FY/24 for elected officials in Toole County. **Terry Tomsheck opened the public hearing and welcomed everyone.**

The members present discussed the COLA at 8%, the inevitable rise in property taxes from the new assessments. The rise in private sector wages was also discussed.

Billiette motioned to increase the Elected Official wage by 6.5% this year. Boyd seconded the motion, and all were in favor.

It was discussed that the 2nd hearing will be held on June 22, 2023.

Mary Ann Harwood - Commission Chair
Terry Tomscheck - Commissioner
Terry Kimmert - 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

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COMMISSIONERS' AGENDA

June 22, 2023
10:00 A.M.

PRESENT: Mary Ann Commission Chair, Terry Kimmert Commissioner, Tyler Padilla Sheriff, 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 25 and June 15, 2023, meeting minutes: Terry motioned to approve the minutes from both meetings. Mary Ann seconded the motion, the motion carried.

PUBLIC HEARING

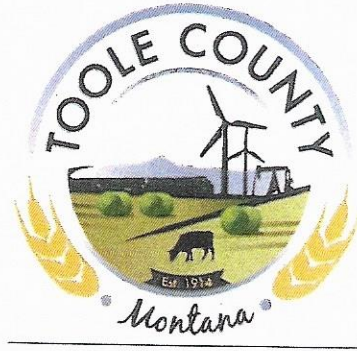
Mary Ann opened the Public Hearing. No public was in attendance.

- 1. Discussion of Compensation for FY/24 for elected officials in Toole County. Terry motioned to approve the Compensation Boards recommendation of 6.5% for Elected Officials. Mary Ann seconded the motion; all were in favor.**
- 2. Consider budget amendments for the fiscal year 2022-2023. Treva discussed the amendments to the budget done for FY 22-23. Terry motioned to approve the amendments. Mary Ann seconded the motion, the motion carried.**
- 3. Consider approval of Resolution #14-2023, a resolution to amend the FY 2022-2023 budget. Terry motioned to approve. Mary Ann seconded the motion, the motion carried.**

4. Consider approving Lisa Leck to the Board of Health for a three-year term ending on 12/31/2025. **Terry motioned to approve. Mary Ann seconded the motion, motion carried.**

5. Consider changing the budget allocation of funds for the Sunburst and Kevin Senior Centers. **Terry motioned to change the budget allocation to 60% Sunburst Senior Center and 40% Kevin Senior Center. Mary Ann seconded the motion, the motion carried.**

Mary Ann Harwood - Commission Chair
 Terry Tomsheck - Commissioner
 Terry Kimmet - Commissioner
 Lerle 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/
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RESOLUTION 14-2023
 A RESOLUTION AMENDING BUDGETS

WHEREAS, the Board of Toole County Commissioners may amend the county budget during the fiscal year per MCA 7-6-4006. A Public Hearing was conducted during a scheduled meeting. Budget amendments providing for additional appropriations must identify the cash available, unanticipated revenues, or a previously unbudgeted revenue that will fund the appropriations.

WHEREAS, the Board of Toole County Commissioners have adjusted the various funds to show the amendments,

WHEREAS, the Board of Toole County Commissioners authorize Short-Term loans at the end of the FY to Funds with negative cash balances. Fund 2388-Stonegarden is a Federal Reimbursement Grant. PILT, Fund 2900 initiated an end of the year Short-Term loan to Fund 2388 in the amount of \$58,850.07. This Short-Term loan was satisfied in July 2023

THEREFORE, BE IT RESOLVED; the following unanticipated amendments and Short-Term loans were made in the 2022-2023 fiscal year:

	<u>BUDGET</u>	<u>EXPENDITURE</u>	<u>AMOUNT</u>
Council on Aging	codes adjusted	2280-450300	\$1,344.03
Council on Aging	codes adjusted	2280-450310	\$246.42
Council on Aging	codes adjusted	2280-450320	\$201.63
Junk Vehicle	codes adjusted	2830-430840	\$8,010.00
Sunburst Mosquito	Increased Cash Available	2201-440700	\$721.00

SHORT-TERM LOAN

Fund 2388-Stonegarden is a Federal Reimbursement Grant. PILT, Fund 2900 initiated an end of the year Short-Term loan to Fund 2388 in the amount of \$58,850.07. This Short-Term loan was satisfied in July 2023

Dated this 22nd day of June 2023

Mary Ann Harwood

Mary Ann Harwood – Chairman

Terry Tomscheck

Terry Tomscheck – Commissioner

Terry Kimmet

Terry Kimmet – Commissioner

ATTEST:

Treva Nelson

Treva Nelson- Clerk & Recorder



Mary Ann Harwood - Commission Chair
Terry Tomscheck - 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/
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COMMISSIONERS' AGENDA

July 13, 2023
10:00 A.M.

PRESENT: **Mary Ann, Terry Tomscheck, Terry Kimmet**

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

PLEDGE OF ALLEGIANCE

Approval of June 22, 2023, Meeting Minutes:

1. Consider approval of Adele Benjamin to the Library Board to replace Peggy Tobin for a three-year term ending 12/31/2025. **Terry Tomscheck made the motion to approve, seconded by Terry Kimmet. Motion passed.**
2. Consider Laurie Tokerud to be put on the Toole County Health Foundation Board for a three-year term. Terry Tomscheck made the motion to approve, seconded by Terry Kimmet. Motion carried. **Terry Tomscheck made the motion to approve, seconded by Terry Kimmet. Motion passed.**
3. Consider approval of **RESOLUTION #15-2023**, a resolution setting the Justice of the Peace office hours. **Terry Tomscheck made the motion to approve, seconded by Terry Kimmet and motion passed.**

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



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

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RESOLUTION #15-2023

**A RESOLUTION ESTABLISHING OFFICE HOURS FOR THE JUSTICE
OF THE PEACE**


WHEREAS: 3-10-208 states that the Board of Toole County Commissioners shall designate the office hours for the Justice Court, and

WHEREAS: 3-10-302 states that a Justice Court is always open for the transaction of business, except on legal holidays,

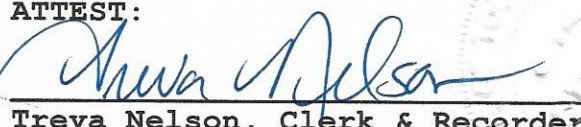
NOW THEREFORE BE IT RESOLVED: the Board of County Commissioners have set the Justice of the Peace Office hours to be open Monday through Friday of every week from 8:00 a.m. to 5:00 p.m., unless there is a designated holiday.

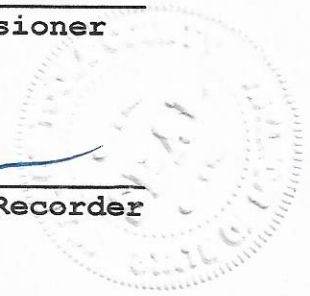
Dated this 13th day of July, 2023, by the Board of Toole County Commissioners.


Mary Ann Harwood, Chair


Terry Tomscheck, Commissioner


Terry Kimmet, Commissioner

ATTEST:

Treva Nelson, Clerk & Recorder



Mary Ann Harwood - Commission Chair
Terry Tomscheck - 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/
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Phyllis Robertson - Public Administrator

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COMMISSIONERS' AGENDA
August 7, 2023
10:00 am

PRESENT: Mary Ann Harwood and Terry Kimmet

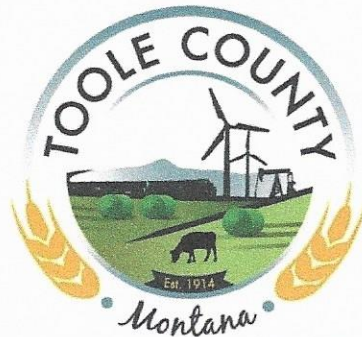
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of July 13, 2023 Meeting Minutes: Terry Kimmet approved the minutes. Mary Ann seconded it and motion passed.

1. Consider approval of **RESOLUTION #16-2023**, a resolution for prosecutorial assistance in the investigation and prosecution of all Crossroad Correctional Center criminal cases. **Terry Kimmet made the motion to approve, seconded by Mary Ann and motion carried.**

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/
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Phyllis Robertson - Public Administrator

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RESOLUTION #16-2023

A RESOLUTION FOR PROSECUTORIAL ASSISTANCE 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, Mont. Code Ann. 44-4-111 authorizes and contemplates that the Training Coordinator for county attorneys and the Bureau Chief of Prosecution Services Bureau (together with the Deputies within said Bureau) act as Special Counsel on request of the County Attorney and upon the approval of the Board of County Commissioners; and,

WHEREAS, Mont. Code Ann. 2-15-501(6) authorizes the Attorney General to provide assistance to county attorneys in the discharge of his duties; and,

IT IS HEREBY RESOLEVED: that the attorney assigned to the Prosecution Services Bureau of the Department of Justice are hereby appointed as Special Deputy County Attorneys for Toole County for the purpose of assisting in the prosecution of the aforementioned cases and that any of said deputies can fulfill the functions set out in Mont. Code Ann. 44-4-103. This appointment begins the date of this Resolution and expires on June 30, 2025.

IT is further resolved: THAT UNDER THE TERMS OF THIS Agreement, no fee will be charged for attorney time provided by the Bureau based upon the fact that pursuant to the internal

operational policies adopted by the Attorney General 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 trial will be the County's responsibility as with all other prosecutions.

DATED THIS 7TH DAY OF AUGUST, 2023, BY THE BOARD OF TOOLE COUNTY COMMISSIONERS

Mary Ann Harwood
Mary Ann Harwood, Chair

Terry Tomsheck, Commissioner

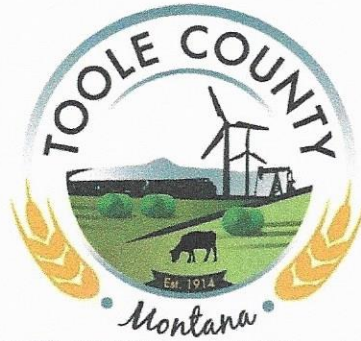
Terry Kimmet
Terry Kimmet, Commissioner

ATTEST:

Treva Nelson
Treva Nelson,
Clerk & Recorder



Mary Ann Harwood - Commission Chair
Terry Tomscheck - 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

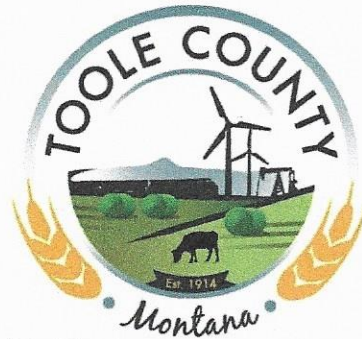
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On August 14, 2023, the Toole County Commissioners approved Resolution #17-2023, a resolution for Special Fire Restrictions - Stage I.

As of 12:01 a.m. on September 1, 2023, the Toole County Commissioners are removing the Stage I restrictions.

Mary Ann Harwood
Mary Ann Harwood
Toole County Commission Chair

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
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RESOLUTION #17-2023

A Resolution for Special Fire Restrictions - Stage I

WHEREAS: Toole County is experiencing a period of high 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: 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: effective at 12:01 AM, August 15, 2023 Toole County will implement **Stage I** Fire Restrictions until further notice.

STAGE I RESTRICTIONS

The following shall be prohibited and followed until further notice:

1. Building, maintaining, attending, or using a fire or campfire except within a developed recreation site, or improved site. This includes trash burn barrels and trash pits, **NO TRASH FIRES.**
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.

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.i, 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.
- d) Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned off and on.
- e) All land within a city boundary is exempted.

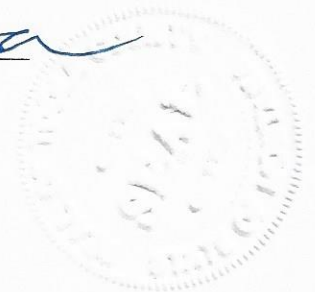
None of the above exemptions shall absolve an individual or organization from liability or responsibility for any fire ignited by the exempted activity.

DATED this 14th day of August, 2023


Mary Ann Harwood, Chair

ATTEST:


Treva Nelson
Clerk & Recorder



²⁴
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

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COMMISSIONERS' AGENDA

August 31, 2023
10:00 A.M.

PRESENT: Mary Ann Harwood, Terry Tomsheck, Terry Kimmet, 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 August 24, 2023, Meeting Minutes: Terry Tomsheck motioned to approve. Terry Kimmet seconded the motion, the motion carried.

PUBLIC HEARING

A HEARING TO CONSIDER APPROVAL OF THE TOOLE COUNTY BUDGET FOR FY24.

Mary Ann opened the Public Hearing.

1. Resolution #17-2023, a resolution to establish Stage 1 Fire Restrictions in Toole County was created in an emergency without 48-hour notice. This was approved by all three Commissioners. **Terry Tomsheck motioned to approve. Terry Kimmet seconded the motion, the motion carried.**
2. Consider approval of the Shelby Elementary School Budget for FY 24. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, the motion carried.**

3. Consider approval of the Shelby High School Budget for FY 24. **Terry Kimmet moved to approve. Terry Tomsheck seconded the motion, the motion carried.**
4. Consider approval of Sunburst K-12 School Budget for FY 24. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, the motion carried.**
5. Consider approval of the Galata School Elementary Budget for FY 24. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, the motion carried.**
6. Consider Resolution #18-2023, a resolution for authorizing and adopting cost-of-living adjustments for elected officials and some employees. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, the motion carried.**
7. Consider Resolution #19-2023, a resolution adopting the final operating budget and setting appropriation authority for the fiscal year beginning July 1, 2023, and ending June 30, 2024. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, the motion carried.**
8. Consider giving CASA some funding for their operations. **Tabled for more information.**

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



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Debra Munson - Clerk of Court
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Donna Whitt - Justice of the Peace
Boyd Jackson - Treasurer/Assessor/
Superintendent of Schools
Phyllis Robertson - Public Administrator

RESOLUTION #18-2023

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 15th and June 22nd, 2023 to discuss several compensation schedules; and,

WHEREAS: the Toole County Compensation Board recommended that compensation for elected officials in Toole County for FY 2023-2024 be a 6.5% increase to current wages, and

WHEREAS: in a regular Commissioner meeting held on August 31st, 2023, the Toole County Commissioners voted to accept the recommendation of the Toole County Compensation Board for the cost-of-living allowance for elected officials at the rate of 6.5%, and

NOW, THEREFORE BE IT RESOLVED: by the Board of the Toole County Commissioners that elected officials will receive the 6.5% cost-of-living adjustment on certain base salaries retroactive to July 1, 2023, and

FURTHER BE IT RESOLVED: that the Toole County Commissioners set the cost-of-living increase adjustment at \$1.25 per hour for most other county employees who are employed on September 1, 2023, retroactive to July 1, 2023.

FURTHER BE IT RESOLVED: An increase of \$100.00 toward health insurance per employee on our health plan was given on July 1, 2023.

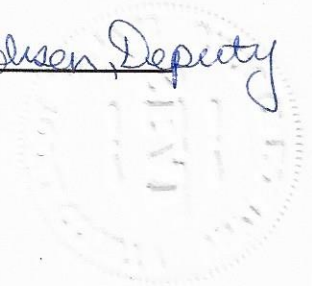
BOARD OF TOOLE COUNTY COMMISSIONERS dated this 31st day of August, 2023.

Mary Ann Harwood
Mary Ann Harwood, Chair

Terry Tomscheck
Terry Tomscheck, Commissioner

Terry Kimmet
Terry Kimmet, Commissioner

ATTEST:
Louette Jacobson, Deputy
Treva Nelson
Clerk & Recorder



Gary Ann Harwood - Commission Chair
Ferry Tomscheck - 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
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Phyllis Robertson - Public Administrator

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RESOLUTION # 19-2023

A RESOLUTION ADOPTING THE FINAL OPERATING BUDGET AND SETTING APPROPRIATION AUTHORITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, FOR TOOLE COUNTY FISCAL YEAR 2023-2024

WHEREAS; pursuant to Sections 7-6-4030, MCA, provides that the governing body shall adopt the final budget by resolution. The resolution must:

- (a) Authorize appropriations to defray the expenses or liabilities for the fiscal year;
- (b) Establish legal spending limits at the level of detail in the resolution; and
- (c) Include any increase in property taxes, including an increase authorized under 15-10-420(1) and the amount by which property taxes will increase on homes valued at \$100,000, \$300,000, and \$600,000.

WHEREAS; Section 7-6-4020 requires that a preliminary annual operating budget must be prepared for the local government; and,

WHEREAS; Section 7-6-4024, provides that the governing body must hold a public hearing in accordance with the notice given pursuant to 7-6-4021; and,

WHEREAS; The Board of County Commissioners held a public hearing on August 31, 2023 where residents of the County were allowed to express their concerns about the proposed budget; and

WHEREAS; The Board of County Commissioners has reviewed the proposed budget, received the estimated ending cash balances for all county funds, made changes to the budget as deemed necessary following the public hearing and from input by elected officials and department heads, and computed the estimated taxes, fees and assessments needed to fund the fiscal year 2024 budget.

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

The final budget after any amendments to the preliminary budget and after considering any public comment is adopted.

This resolution authorizes:

- (a) Appropriations to defray the expenses or liabilities for the fiscal year.
- (b) It sets the legal spending limits at the county fund level. Fund level detail is stated in the formal budget document and established in the County's accounting system.
- (c) An increase in property taxes due to (15-10-420 calculation), permissive levy of \$1.92, \$5.78, and \$11.55, respectively for a home valued at \$100,00, \$300,000, and \$600,000 is included in this fiscal year budget.
- (d) An increase in property taxes due to (15-10-420) calculation), aggregate of countywide funds of \$7.96, \$23.88, and \$47.77, respectively for a home valued at \$100,000, \$300,000, and \$600,00 is included in this fiscal year budget.

The effective date of this resolution is July 1, 2023, even if the resolution is adopted after that date.

DATED THIS 31ST DAY OF AUGUST, 2023

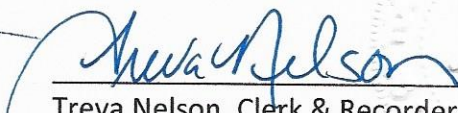
BOARD OF TOOLE COUNTY COMMISSIONERS

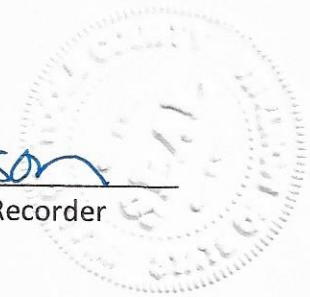

Mary Ann Harwood, Board Chair


Terry Tomscheck, Commissioner


Terry Kimmet, Commissioner

ATTEST:


Treva Nelson, Clerk & Recorder



Determination of Proposed Property Tax Increase

Section 7-6-4020 & Section 7-6-4030, MCA
 Aggregate of all Permissive Levy Fund
 FYE June 30, 2024

Reference Line	Enter amounts in yellow cells		
(1) FY2024 Increase(decrease) in property taxes	\$ 1.93	\$ 5.78	\$ 11.55
= (7) - (13) (Increase(decrease) in Calculated Total Property tax(line 7) from Calculated Total Property tax(line 13))			
(2) FY2024 Calculation			
(3) Current Market Value	\$ 100,000.00	\$ 300,000.00	\$ 600,000.00
(4) Taxable Rate: 1.35% of Current Market Value	\$ 1,350.00	\$ 4,050.00	\$ 8,100.00
(5) Taxable Value Per Mill (1/1000th)	\$ 1.35	\$ 4.05	\$ 8.10
(6) Total Levy in Mills(Line 11 on the Mill Levy Calculation Form)	17.31	\$ 17.31	\$ 17.31
(7) Calculated Total Property Tax	\$ 23.36	\$ 70.09	\$ 140.18
(8) FY2023 Calculation			
(9) Current Market Value	\$ 100,000.00	\$ 300,000.00	\$ 600,000.00
(10) Taxable Rate: 1.35% of Current Market Value	\$ 1,350.00	\$ 4,050.00	\$ 8,100.00
(11) Taxable Value Per Mill (1/1000th)	\$ 1.35	\$ 4.05	\$ 8.10
(12) Total Levy in Mills(Line 11 on the Mill Levy Calculation Form)	15.88	\$ 15.88	\$ 15.88
(13) Calculated Total Property Tax	\$ 21.44	\$ 64.31	\$ 128.63
	\$1.92	\$5.78	\$11.55

Determination of Proposed Property Tax Increase

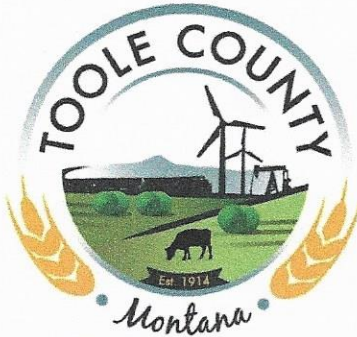
Section 7-6-4020 & Section 7-6-4030, MCA

Aggregate of all Funds

FYE June 30, 2024

Reference Line	Enter amounts in yellow cells		
(1) FY2024 Increase(decrease) in property taxes	\$ 7.96	\$ 23.90	\$ 47.79
= (7) - (13) (Increase(decrease) in Calculated Total Property tax(line 7) from Calculated Total Property tax(line 13))			
(2) FY2024 Calculation			
(3) Current Market Value	\$ 100,000.00	\$ 300,000.00	\$ 600,000.00
(4) Taxable Rate: 1.35% of Current Market Value	\$ 1,350.00	\$ 4,050.00	\$ 8,100.00
(5) Taxable Value Per Mill (1/1000th)	\$ 1.35	\$ 4.05	\$ 8.10
(6) Total Levy in Mills(Line 11 on the Mill levy Calculation Form)	212.98	\$ 212.98	\$ 212.98
(7) Calculated Total Property Tax	\$ 287.52	\$ 862.57	\$ 1,725.14
(8) FY2023 Calculation			
(9) Current Market Value	\$ 100,000.00	\$ 300,000.00	\$ 600,000.00
(10) Taxable Rate: 1.35% of Current Market Value	\$ 1,350.00	\$ 4,050.00	\$ 8,100.00
(11) Taxable Value Per Mill (1/1000th)	\$ 1.35	\$ 4.05	\$ 8.10
(12) Total Levy in Mills(Line 11 on the Mill levy Calculation Form)	207.08	\$ 207.08	\$ 207.08
(13) Calculated Total Property Tax	\$ 279.56	\$ 838.67	\$ 1,677.35
	\$7.96	\$23.88	\$47.77

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

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COMMISSIONERS' AGENDA

September 11, 2023
10:00 A.M.

PRESENT: Mary Ann Harwood, Terry Tomsheck, Terry Kimmet

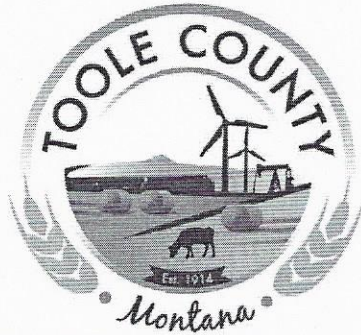
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of August 31, 2023, Meeting Minutes: Terry Tomsheck motioned to approve the minutes, seconded by Terry Kimmet and it passed.

1. Consider appointing Joe Pehan to the Public Safety Commission Board to fulfill Paul Steiner's term ending on 12/31/2024. **Terry Tomsheck made the motion to approve. Terry Kimmet seconded the motion and it carried.**
2. Consider approval of Contract 2024-003-111 between Area III Agency on Aging and Toole County (Shelby Senior Center). **Terry Tomsheck made the motion to approve. Terry Kimmet seconded the motion and it carried.**
3. Consider approval of Contract 2024-003-112 between Area III Agency on Aging and Toole County (Kevin/Sunburst Senior Center). **Terry Tomsheck made the motion to approve. Terry Kimmet seconded the motion and it carried.**

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/
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COMMISSIONERS' AGENDA

October 5, 2023
10:00 A.M.

PRESENT: Commissioner's Mary Ann Harwood, Terry Tomsheck, and Terry Kimmet. County Attorney Merle Raph, Treasurer Boyd Jackson, and Clerk & Recorder Treva Nelson.

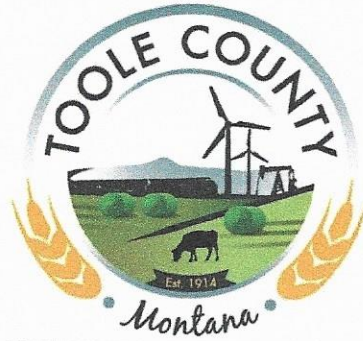
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of September 11, 2023, Meeting Minutes: Terry Tomsheck motioned to approve. Terry Kimmet seconded the motion, motion carried.

1. Consider an intent for Logan Health EMS to explore the possibilities of taking over the Toole County Ambulance operations and/or equipment. **Terry Tomsheck motioned to explore Logan Health intent with EMS. Terry Kimmet seconded the motion, the motion carried.**
2. Consider whether to levy the 95 mills for the State School Equalization or the 77.89 mills when calculated according to 15-10-420, MCA. **Terry Tomsheck motioned to consider levying 77.89 mills. Terry Kimmet seconded the motion to consider. Discussion was held between all those present. A vote was held and all the commissioners opposed changing the 95 mills already levied. The motion failed.**

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
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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
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
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Superintendent of Schools
Phyllis Robertson - Public Administrator

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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

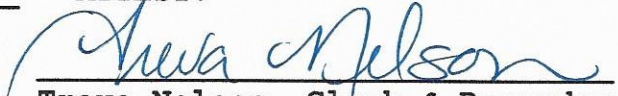
NOW THEREFORE BE IT RESOLVED that the Toole County Commissioners authorize MACo to take all steps necessary to file and prosecute an original action before the Montana Supreme Court regarding the statewide mill levy calculation issues and to represent interests of Toole County in that action.

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


Mary Ann Harwood, Chair


Terry Tomscheck, Commissioner


Terry Kimmet, Commissioner

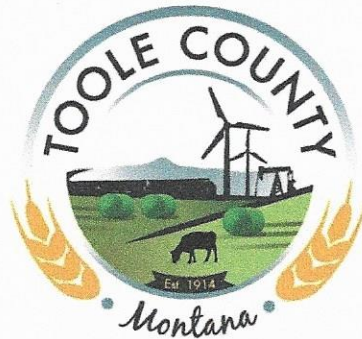
ATTEST:

Treva Nelson, Clerk & Recorder

I have read this Resolution.


Merle Raph, County Attorney



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
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Superintendent of Schools
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COMMISSIONERS' AGENDA

October 30, 2023
10:00 A.M.

PRESENT: Terry Tomsheck, Terry Kimmet 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 19, 2023, Meeting Minutes: Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.

1. Consider reappointment of Randy Fauque to the County Planning Board for a term ending 12/31/2025. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.**
2. Consider reappointment of Dennis Gottfried to the County Planning Board for a term ending 12/31/2026. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.**
3. Consider reappointment of Joe Larsen and Terry Alme to the County Planning Board for a term ending 12/31/2024. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.**
4. Consider purchase of a 2023 John Deere 325G Skidsteer for a price of \$81,000.00 as recommended by the Road Board. Caterpillar quote came in at \$88,000.00. Sourcewell Contract 3011723-JDC **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.**
5. Consider putting Marigail Anderson and Laurie Tokerud on the Toole County Health Foundation. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.**

6. Consider entering into an agreement with Toole County and Stahly Engineering & Associates, Inc. for Subdivision and Platting Review Service as well as Professional Consulting. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.**
7. Considering hiring two new deputies at the Sheriff's Department instead of one, which brings the count to 14 instead of the allowed 13. **Terry Kimmet motioned to approve with the understanding that when the deputy count goes back down to 13 deputies it will remain at 13 deputies. Terry Tomsheck seconded the motion, the motion carried.**

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

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COMMISSIONERS' AGENDA

November 9, 2023
10:00 A.M.

PRESENT: Mary Ann Harwood, Terry Tomsheck, Terry Kimmet 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 30, 2023, Meeting Minutes: Terry Tomsheck motioned to approve. Terry Kimmet seconded the motion, motion carried.

1. Approval of a finished Freightliner Pumper truck for the South Toole County Fire Department for a complete cost of \$453,945.00 through Sourcewell Contract #C22818-RSB. A chassis had been approved in April of 2021 for \$122,100.00 leaving a balance of \$331,845. \$70,000 was added to the 4023 funds on both the expense and revenue side to account for the shortage until the sale of the old pumper truck comes through. **Terry Tomsheck motioned to approve. Terry Kimmet seconded the motion, motion carried.**

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



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COMMISSIONERS' AGENDA

December 7, 2023
10:00 A.M.

PRESENT: Mary Ann Harwood, Terry Tomsheck, Terry Kimmet 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 November 9, 2023, Meeting Minutes: Terry Tomsheck motioned to approve. Terry Kimmet seconded the motion, motion carried.

- 1. Consider appointing Casey Nickol to the Fair Board to replace Andy Vanhauer whose term expires 12-31-2024. Terry Tomsheck motioned to approve. Terry Kimmet seconded the motion, motion carried.**
- 2. Consider approving the by-laws of the Toole County Health Board as recommended and approved by the Board of Health members. Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.**

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



Debra Munson - Clerk of Court
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COMMISSIONERS' AGENDA

December 11, 2023
10:00 A.M.

PRESENT: Terry Tomscheck, Terry Kimmet, Sheriff Tyler Padilla, 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 7, 2023, Meeting Minutes: Terry Kimmet motioned to approve. Terry Tomscheck seconded the motion, motion carried.

1. Consider accepting an amended pricing for 2024 contract with Mobile Testing. The price increase is \$10.00 (from \$70 to \$80 and from \$75 to \$85 for DOT Drug Testing). **Terry Kimmet motioned to approve. Terry Tomscheck seconded the motion, motion carried.**
2. Discussion of the intent to build a road shop. **The commissioners met with Stahly Engineering & Associates, Inc. Stahly's Architect will get back to them.**
3. Discussion of the intent upgrade, remodel, or purchase of Public Safety building. **The commissioners met with Stahly Engineering & Associates, Inc. Stahly's Architect will get back to them.**

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
Trevia Nelson - Clerk & Recorder/
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COMMISSIONERS' AGENDA

December 18, 2023
10:00 A.M.

PRESENT: Commissioner's Mary Ann Harwood (via phone), Terry Tomsheck (via phone), Terry Kimmet. Planning Board Terry Alme and Dennis Gottfried. Toni Moore, Clerk & Recorder, deputy.

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

PLEDGE OF ALLEGIANCE

Approval of December 11, 2023, Minutes Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.

PUBLIC HEARING

The purpose of the hearing is to obtain any public comments regarding proposed subdivision regulations that are being revised to include legislative updates through the 2023 legislative session, along with the new additional fees.

1. Consider approving Resolution #21-2023, a resolution for the proposed subdivision regulations that are being revised to include legislative updates of the 2023 session, which includes Exhibit "A" for the additional consulting fees. **Discussion. Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.**
2. Consider reappointing Karen Jensen to the Board of Health with a term ending 12/31/2026. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.**

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



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RESOLUTION #21-2023

A RESOLUTION OF THE TOOLE COUNTY COMMISSION REVISING SUBDIVISION AND SURVEY REVIEW SCHEDULE OF FEES

WHEREAS: THE Toole County Commission adopted Resolution #21-2023 on December 18, 2023 which adopted Toole County Subdivision Regulations and a subdivision review fee schedule on December 18, 2023, pursuant to Title 76 Chapter 3 MCA; and

WHEREAS: Section 76-3-602 MCA, allows a governing body to establish reasonable fees to be paid by the sub-divider to defray the expense of reviewing subdivision applications; and

WHEREAS: Sections 76-3-201 and 76-3-207, MCA allow a governing body to establish reasonable fees not to exceed \$200, for the review of certain exemptions from subdivision review; and

WHEREAS: third party review fees are incurred by Toole County and reimbursed by the applicants including, but not limited to, examining land survey review and Administrative Rules of Montana compliance review;

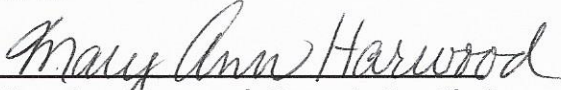
WHEREAS: the Toole County Commission has reviewed the fee schedule established on December 18, 2023 and concluded the fees are not representative of the costs associated with reviewing current subdivision applications, exemptions and third-party reviews; and

WHEREAS: the Toole County Commission established a schedule of fees, attached as Exhibit A, to be paid by the sub-divider, to defray the County's cost of reviewing subdivision applications, exemptions and third-party reviews.

NOW THEREFORE BE IT RESOLVED that the Toole County Commission hereby adopts the schedule of review fees for subdivision applications under the Subdivision Regulations of Toole County, set forth in Exhibit A attached hereto, for the purpose of reviewing a subdivision

application in Toole County, pursuant to the provisions of Sections 76-3-101, MCA, effective January 1, 2024.

ADOPTED by the Toole County Board of County Commissioners this 18th day of December, 2023.


Mary Ann Harwood, Commission Chair


Terry Tomscheck, Commissioner

ATTEST:


Terry Kimmet, Commissioner


Treva Nelson, Clerk & Recorder



Toole County Review Fee Schedule

(Exhibit A) Effective: January 1, 2024

****ADDITIONAL SUBDIVISION ADMINISTRATOR CONSULTING FEES MAY APPLY**

Pursuant to 76-3-201 and 602 MCA, the applicant shall pay the following non-refundable fees:

1. Subdivision Review: Applicable to all new subdivisions and amended plats going through the subdivision process. Fees are based on Subdivision type and number of lots.			
	First Minor Subdivision Expedited Review (1-2 lots)	First Minor Subdivision	Subsequent Minor Subdivision Major Subdivision Planned Unit Developments
Pre-application	\$400	\$400	\$400
Preliminary Plat or Plan	\$2850	\$2000 + \$100 for each lot over 3	\$4000 + \$100 for each lot over 6
Final Plat or Plan	\$1000	\$1000	\$1000
Amended Conditions of Preliminary Plat Approval Review: <i>Applicable to requests made after the governing body has conditionally approved a preliminary plat.</i>	Subdivision Administrator Time & Expense	Subdivision Administrator Time & Expense	Subdivision Administrator Time & Expense

2. **Exemption Criteria Review fee: \$400**
3. **Examining Land Surveyor (all survey documents): \$400 + Shipping & Handling if wet signatures are required by the County.**
4. **Recording Fees: Set by Clerk and Recorder's Office: \$25.00 + .50 per track.**
5. **Noxious Weed Management Plan: 5 lots or less \$100 + state mileage rates. 6 lots or more \$150 + state mileage rates**
6. **General Consulting: Subdivision Administrator's Time & Expense****

****From time to time, application reviews may exceed fee structure costs. For example, if the application is incomplete and in need of County consultation on what information is missing, or if a survey document has a complex and lengthy legal description with missing information or disclosure that takes extra time and iterations to fix. In these cases, the County's sub-consultant may exceed the fees listed above, in which case the applicant will be notified.**

Mary Ann Harwood - Commission Chair
Terry Tomscheck - Commissioner
Terry Kimmet - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
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COMMISSIONERS' AGENDA December 28, 2023 10:00 A.M.

PRESENT: Mary Ann Harwood, Terry Tomscheck, Terry Kimmet

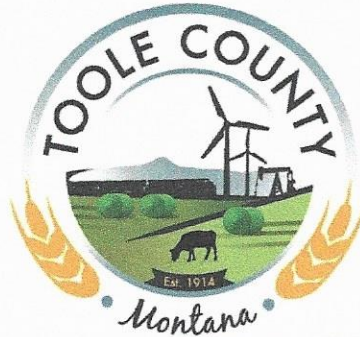
Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

PLEDGE OF ALLEGIANCE

Approval of December 18, 2023, Meeting Minutes: Terry Kimmet motioned to approve the minutes, seconded by Terry Tomscheck, and motion passed.

1. Consider re-appointing Gwen Marshall and Paul Waite to the Shelby Senior Center Board for a term to expire on 12/31/2026. **Terry Kimmet made the motion to approve. Terry Tomscheck seconded the motion. Motion carried.**
2. Consider appointing Steve Pederson on the Shelby Senior Center Board to replace Darlene Sherrard for a term ending 12/31/2026. **Terry Kimmet made a motion to approve, seconded by Terry Tomscheck and motion carried.**
3. Consider **RESOLUTION #22-2023**, a new form for Permission to Access Toole County Roads. **Terry Kimmet made a motion to approve the resolution and Terry Tomscheck seconded it and motion carried.**

Mary Ann Harwood - Commission Chair
Terry Tomscheck - Commissioner
Terry Kimmert - Commissioner
Merle Raph - County Attorney
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RESOLUTION 22-2023

A Resolution to establish a new and updated form for permission to access Toole County roads.

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

WHEREAS: the County Commissioners have designed a new form that includes the purpose of accessing and/or crossing over Toole County roads, and

WHEREAS: a map must be included with the form with the legal description of the proposed crossing and/or approach, and

WHEREAS: the map must be marked whether the approach will be permanent or temporary, whether a culvert will be installed and if so, what size of culvert, and

WHEREAS: the applicant must submit proof of insurance to the Commissioners, and

WHEREAS: there is no fee for a permit for prior approval, but failure to obtain a permit prior to work will generate a fee of \$250.00, and

NOW THEREFORE BE IT RESOLVED: that the new form for allowing permission to access Toole County Roads will replace the previous one.

BY THE BOARD OF TOOLE COUNTY COMMISSIONERS, dated this 28th day
of December, 2023.

Mary Ann Harwood
Mary Ann Harwood, Chair

Terry Kimmet
Terry Kimmet, Commissioner

Terry Tomscheck
Terry Tomscheck, Commissioner

ATTEST:

Treva Nelson
Treva Nelson, Clerk & Recorder

