

*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 1<sup>ST</sup> Street South  
Toole County Courthouse, Shelby, MT 59474  
406-424-8300 [www.toolecountymt.gov](http://www.toolecountymt.gov)

## COMMISSIONERS' AGENDA

January 4, 2024  
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 December 28, 2023, Meeting Minutes: Terry Tomsheck motioned to approve. Terry Kimmet seconded the motion, the motion carried.**

1. Consider approval of Resolution 1-2024, a resolution to approve a Chair and Vice-Chair for the Toole County Commission for 2024. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, the motion carried.**
2. Consider approval of Resolution 2-2024, a resolution to approve meeting dates for regular Commission meetings in 2024. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, the motion carried.**
3. Consider approval of Resolution 3-2024, a resolution to approve travel and per diem rates for Toole County employees for 2024. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, the motion carried.** IRS mileage is set at .67 cents. Meals are \$10 breakfast, \$12 lunch and \$18 for supper.
4. Consider approval of Resolution 4-2024, a resolution appointing the Commissioners to represent Toole County on boards and committees for 2024. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, the motion carried.**
5. Consider approval of Resolution 5-2024, a resolution calling for an election on the question of conducting a local government review and establishing a study commission to do so. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, the motion carried.**

6. Consider re-appointment of Tom Carter to the Public Safety Commission for a term ending 12/31/2027. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, the motion carried.**

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### RESOLUTION 1-2024

#### A RESOLUTION TO ELECT THE CHAIR FOR THE BOARD OF TOOLE COUNTY COMMISSIONERS FROM JANUARY 2024 THROUGH DECEMBER 2024

**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; and

**NOW THEREFORE BE IT RESOLVED:** That the Chair of the Board of Toole County Commissioners is Mary Ann Harwood, commencing on January 1, 2024, through December 31, 2024. Commissioner Terry Tomscheck is designated as Vice-Chair, and he will preside over the meetings in case of the Chair's absence or inability to act.

**BY THE BOARD OF TOOLE COUNTY COMMISSIONERS, dated January 4, 2024.**

Mary Ann Harwood  
Chair

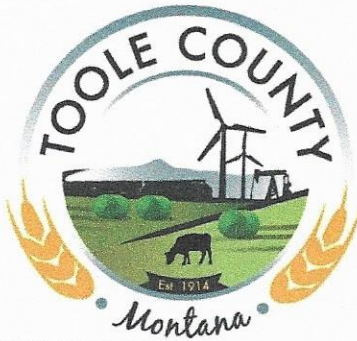
Terry Tomscheck  
Commissioner

Terry Kimmert  
Commissioner

ATTEST:

Trevia Nelson  
Clerk & Recorder

*Mary Ann Harwood* - Commission Chair  
*Terry Tomsheck* - Commissioner  
*Terry Kimmert* - Commissioner  
*Merle Raph* - County Attorney  
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## RESOLUTION 2-2024

### A RESOLUTION SETTING COMMISSIONER MEETING DATES FOR THE CALENDAR YEAR JANUARY 1, 2024, THROUGH DECEMBER 31, 2024

**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 shall be posted at the Courthouse on the bulletin board located next to the Commissioners' Office, the Toole County Sheriff's Office and in the Town of Sunburst at Sunburst City Hall; and

**WHEREAS:** The agenda for the regular Toole County Commissioners' meeting of January 4, 2024, was posted two working days prior to the meeting, notifying the public of Resolution 2-2024, an agenda item setting meetings of the Board of Toole County Commissioners for the year 2024; 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 1<sup>ST</sup> Street South, Shelby, Montana, commencing January 2024 through December 2024; and

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

BY THE BOARD OF THE TOOLE COUNTY COMMISSIONERS, dated January 4, 2024.

Mary Ann Harwood  
Chair

Terry Fomahal  
Commissioner

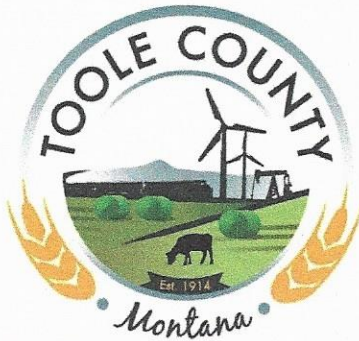
Terry [Signature]  
Commissioner

ATTEST:

Sheva Nelson  
Clerk & Recorder



*Mary Ann Harwood* - Commission Chair  
*Terry Tomsheck* - Commissioner  
*Terry Kimmert* - Commissioner  
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## RESOLUTION 3-2024

### 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 \$40.00 per day.

**BY THE BOARD OF THE TOOLE COUNTY COMMISSIONER** dated January 4, 2024.

Mary Ann Harwood  
Chair

Terry Tomshack  
Commissioner

Terry [Signature]  
Commissioner

ATTEST:

Anna Nelson  
Clerk & Recorder



*Mary Ann Harwood* - Commission Chair  
*Terry Tomsheck* - Commissioner  
*Terry Kimmel* - Commissioner  
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### **RESOLUTION 4-2024**

#### **A RESOLUTION TO APPOINT THE TOOLE COUNTY COMMISSIONERS TO BOARD, COMMITTEE, AND ADVISORY ASSIGNMENTS FOR JANUARY 2024 THROUGH DECEMBER 2024**

**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 4, 2024.

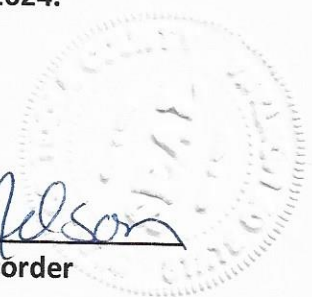
Mary Ann Harwood  
Chair

Terry Tomsheck  
Commissioner

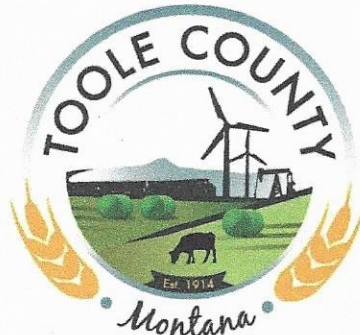
Terry Kimmet  
Commissioner

ATTEST:

Heva Nelson  
Clerk & Recorder



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### **RESOLUTION 5-2024**

#### **A RESOLUTION OF THE COUNTY COMMISSION OF TOOLE COUNTY, MONTANA, CALLING FOR AN ELECTION ON THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION TO DO SO.**

**WHEREAS**, Article XI, Section 9, of the Constitution of the State of Montana requires that each unit of local government shall conduct an election once every ten years to determine whether the local government will undertake a local government review procedure; and

**WHEREAS**, 7-3-173(2) M.C.A. requires that the governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission; and

**WHEREAS**, The Toole County Commission is the governing body of the County of Toole.

#### **NOW THEREFORE BE IT RESOLVED THAT:**

1. The County of Toole hereby calls for an election on the question of conducting a local government review and electing a study commission to be held at the primary election on June 4, 2024.
2. If the voters decide in favor of conducting a local government review, a study commission comprised of (5) five members shall be elected at the general election of November 5, 2024.

3. Pursuant to 7-3-175, M.C.A. the question of conducting a local government review shall be submitted to the electors in substantially the following form:

Vote for one:

( ) FOR the review of the government of Toole County and the establishment and funding, not to exceed 1 mill, of a local government study commission consisting of (5) five members to examine the government of Toole Coole County and submit recommendations on the government.

( ) AGAINST the review of the government of Toole County and the establishment and funding, not to exceed 1 mill, of a local government study commission consisting of (5) five members to examine the government of Toole County and submit recommendations on the government.

Passed and adopted by the County Commissioners of the County of Toole, Montana meeting a regular meeting held on January 4, 2024.

Mary Ann Harwood  
Mary Ann Harwood, Chair

Terry Tomscheck  
Terry Tomscheck, Commissioner

Terry Kimmet  
Terry Kimmet, Commissioner

ATTEST:  
Treva Nelson  
Treva Nelson, Clerk & Recorder

