

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

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.**

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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, Deputy
Treva Nelson,
Clerk & Recorder

Mary Ann Harwood - Commission Chair
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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
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Toole County Commission Chair

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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

