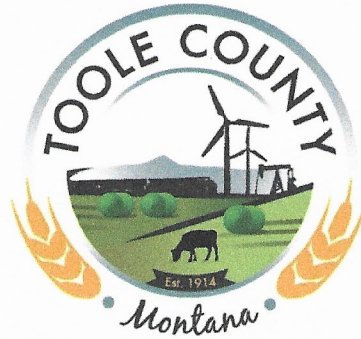


Mary Ann Harwood - Commission Chair
Terry Tomsheck - Commissioner
Terry Kimmet - Commissioner
Merle Raph - County Attorney
Dan B. Whitted - Coroner
Tyler Padilla - Sheriff



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' MINUTES

January 18, 2024
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 January 11, 2024 Meeting Minutes: Terry Tomsheck made the motion to approve, seconded by Terry Kimmet. Motion carried.

1. Consider **Resolution 6-2024**, a Cooperative Equipment Agreement between the Montana Department of Natural Resources and Conservation, Forestry Division and Toole County. **Terry Tomsheck made the motion to approve, seconded by Terry Kimmet. Motion passed.**
2. Consider **Resolution 7-2024**, a Cooperative Fire Control Agreement between the State of Montana and Toole County. **Terry Tomsheck made the motion to approve, seconded by Terry Kimmet and motion passed.**
3. Consider Scotty Bye to replace Matt Ennenberg on the Road/Weed Board for a term ending 12/31/2027. **Terry Tomsheck made the motion to approve, seconded by Terry Kimmet and motion carried.**
4. Consider re-appointment of Dustin Ahrens to the Road/Weed Board for a term ending 12/31/2027. **Terry Tomsheck made the motion to approve, seconded by Terry Kimmet and motion carried.**

Mary Ann Harwood - Commission Chair
erry Tomsheck - Commissioner
Terry Kimmet - Commissioner
Merle Raph - County Attorney
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RESOLUTION 6-2024

For a Cooperative Equipment Agreement between the Department of Natural Resources and Conservation, Forestry Division and Toole County, 226 1st Street South, Shelby, Montana

WHEREAS: on January 18, 2024, Toole County entered into a Fire Control Agreement with the State for the protection from fire of State and private forest, range, farm, and watershed resources within its protection areas, and

WHEREAS: Toole County can more adequately carry out this function if additional equipment is available, and

WHEREAS: the state and federal government, from time to time, has a limited number of vehicles or other equipment suitable for fire fighting that can be made available to other agencies involved in fire control work, and

WHEREAS: it has been determined to be advantageous to the STATE un the proper discharge of its responsibilities as set forth in Montana Code Annotated sections 76-13-104 and 76-13-136, as amended, to make certain government equipment available to TOOLE COUNTY, and

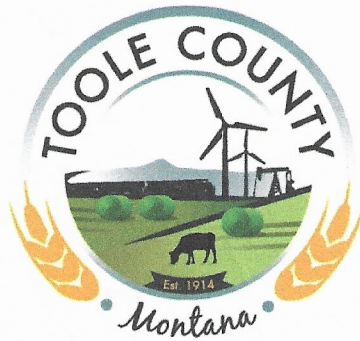
NOW, THERESFORE IT IS MUTUALLY AGREED,

1. The STATE will loan specific items of fire fighting equipment, when such equipment is available, to TOOLE COUNTY in accordance with the mutually established fire plan and its amendments, and applicable Federal laws, rules and regulations.
2. TOOLE COUNTY agrees to make the above equipment available for use on private and public ownership for the protection from fire as set forth in Montana Code Annotated sections 76-13-104, and 76-13-136, and when requested by the STATE'S representative. Incidental use on any type of fire or other emergencies which threaten

3-8-24
Date

by Hgt Manager, CLO Area Manager
(Forestry Division Administrator or Title
Land Office Area Manager)

Mary Ann Harwood - Commission Chair
Terry Tomsheck - Commissioner
Terry Kimmet - Commissioner
Merle Raph - County Attorney
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RESOLUTION 7-2024

A RESOLUTION FOR A COOPERATIVE FIRE CONTROL AGREEMENT BETWEEN THE STATE OF MONTANA AND TOOLE COUNTY

WHEREAS: on January 18, 2024, Toole County entered into a Cooperative Fire Control Agreement between the Montana Department of Natural Resources and Conservation, Forestry Division and Toole County, and

WHEREAS: for the purposes of this Agreement, Toole County hereafter will be called the COOPERATOR, and the Montana Department of Natural Resources and Conservation, Forestry Division, hereinafter will be called the DEPARTMENT, and

WHEREAS: there is a written wildland fire management plan to satisfy the requirements of Montana Code Annotated sections 7-33-2202(4)(b), 7-33-2210, 76-13-104 and 76-13-136, and

WHEREAS: the parties to this agreement, in consideration of the mutual covenants and stipulations set out herein, agree to as follows:

1. The COOPERATOR shall assist the DEPARTMENT in drafting and annually updated the plan for the fire protection area within the COOPERATOR's territorial boundaries.
2. The COOPERATOR shall appoint a County Rural Fire Chief/Firewarden pursuant to Montana Code Annotated section 7-33-2203. The County Fire Chief/Warden shall work directly with the DEPARTMENT in accordance with the requirements of the plan, and
3. The COOPERATOR is authorized to annually operate funds pursuant to Montana Code Annotated section 7-33-2209. The COOPERATOR shall use these funds in accordance with the requirements of the plan.
4. The COOPERATOR shall implement the plan by performance of the functions described in Montana Code Annotated sections 7-33-2202. The COOPERATOR may excise the powers authorized by Montana Code Annotated sections 7-3-2205, 7-33-2208.

5. The DEPARTMENT shall update the plan and [present it for the approval of the COOPERATOR no later than May 15 of each year.
6. The DEPARTMENT shall, as funds permit, provide assistance to the COOPERATOR in accordance with the requirements of the plan. Equipment made available to the COOPERATOR to assist the DEPARTMENT with its duty pursuant to Montana Code Annotated section 76-13-104(1)(a) shall comply with the stipulations set forth in the COOPERATIVE EQUIPMENT AGREEMENT, F-202.
7. It is mutually agreed that both parties shall meet annually to review this Agreement and the plan. The DEPARTMENT shall schedule the annual meeting and shall notify all affected parties of the date and location of the meeting.
8. It is mutually agreed that this Agreement may be terminated at any time by mutual consent of the parties. In the absence of mutual consent, either party may terminate this Agreement on June 30 of any year by giving written notice to the other party on or before June 1 of that year. Unless terminated in accordance with this provision, the Agreement will continue in full force and effect for an additional period of one year beginning July 1 of each year.

NOW THEREFORE BE IT RESOLVED: that the COOPERATOR and the DEPARTMENT shall enter into this Agreement on January 18, 2024.

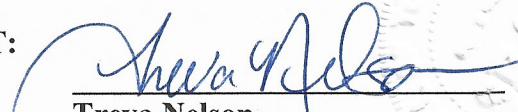
BOARD OF TOOLE COUNTY COMMISSIONERS


Mary Ann Harwood, Chair



Terry Tomscheck, Commissioner


Terry Kimmet, Commissioner

ATTEST:


Treva Nelson,
Toole County Clerk & Recorder

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

BY 
Land Office Area Manager
or
Forestry Division Administrator