

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 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.

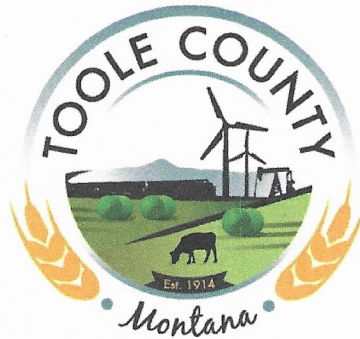
PLEDGE OF ALLEGIANCE

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 Tomsheck 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 Tomsheck
Commissioner

Terry Kimmet
Commissioner

ATTEST:

Treva Nelson
Clerk & Recorder

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

Mary Ann Harwood
Chair

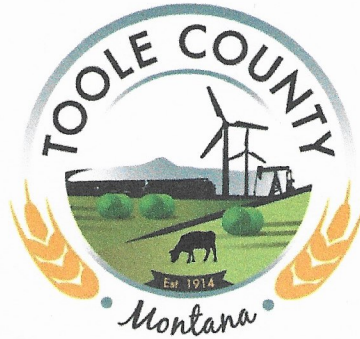
Terry F. Fenshal
Commissioner

Terry F. Fenshal
Commissioner

ATTEST:

Sheela Nelson
Clerk & Recorder

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



Debra Munson - Clerk of Court
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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 1st 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.

Mary Ann Harwood
Chair

Terry Tomshack
Commissioner

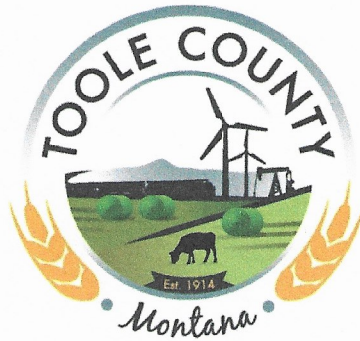
Terry [Signature]
Commissioner

ATTEST:

Julia 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
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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 THERFORE 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.

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

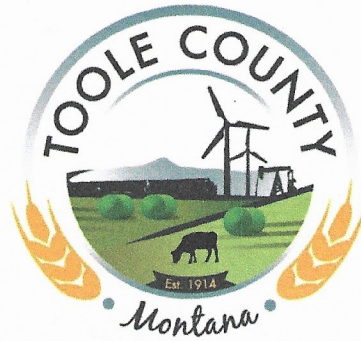
Terry Tomsheck
Commissioner

Terry Kimmet
Commissioner

ATTEST:

Shelva Nelson
Clerk & Recorder

Mary Ann Harwood - Commission Chair
Larry 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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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

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

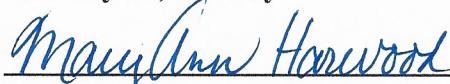
ATTEST:

Treva Nelson
Treva Nelson, Clerk & Recorder

12. The COUNTY agrees to indemnify, defend and hold the STATE, and the Federal Government harmless from any and all claims, or causes of action arising out of the use or condition of the equipment or supplies loaned this Agreement.
13. Loss, damage, or destruction of State or Federally-owned equipment by fire, collision, theft, or any other means, will be reported immediately to the STATE with signed affidavit showing loss, cause and recovery action attempted by the COUNTY to the STATE on forms provided for that purpose. Federal policy requires investigation to determine the cause of negligence, if any.
14. The COUNTY agrees to permit and assist in inventory and inspection of fire equipment procured under this Agreement as may be necessary to promote the effective use of this equipment, whether it be State-owned or Federal excess property.
15. Items of equipment covered by this Agreement no longer needed by the COUNTY will be reported to the STATE, who will determine disposition.
16. If this Agreement or the Fire Control Agreement between the STATE and the COUNTY is terminated by either party, all equipment provided by the State will be returned to the STATE.
17. Any equipment owned and installed by the COUNTY remains the property of the COUNTY and should be removed prior to returning the equipment to the STATE.
18. The Agreement shall be effective for an indefinite period and may be terminated by either party hereto by thirty (30) days written notice. If the COUNTY terminates this Agreement, the equipment covered by this Agreement will be returned to the STATE in operable condition.

TOOLE COUNTY

January 18, 2024 by



Mary Ann Harwood, Commission Chair



Terry Kimmet, Commissioner



Terry Tomsheck, Commissioner

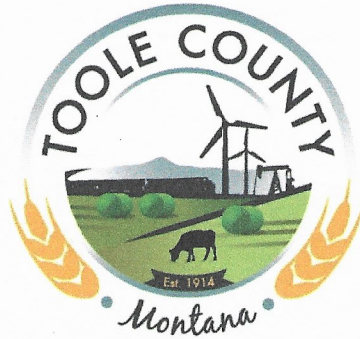
ATTEST:



Treva Nelson, Clerk & Recorder

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Mary Ann Harwood - Commission Chair
Terry Tomsheck - Commissioner
Terry Kimmet - Commissioner
Merle Raph - County Attorney
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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.

the loss of life or property is proper providing that this equipment is available and primarily used for fire duties as set forth in Montana Code Annotated sections 76-13-104 and 76-13-136. Refusal or neglect to make this equipment available for use on such fires without good and sufficient cause shall be grounds for termination of this Agreement by the STATE.

3. The proper identification of the equipment as cooperative fire equipment, and as federal or state property, if applicable, will be maintained and the equipment will not be sold, junked, rented, traded, given away, nor is personal use allowed. No disassembly of equipment or removal of parts is allowed without prior approval of the STATE. All State or Federal property is to be painted and marked in accordance with State statutes or STATE'S instructions.
4. Title to all equipment loaned under this agreement will remain with the State of Montana or Federal government. All vehicles will bear the permanent Montana Agency (State-owned) license plate furnished by the State without charge.
5. The COUNTY is solely responsible for the proper use, protection, maintenance, and care of the equipment and supplies loaned under this Agreement.
6. The COUNTY shall maintain and make necessary repairs to the said equipment and component parts thereof so that it is kept in good, serviceable and safe repair.
7. The STATE will maintain an inventory of the equipment made available through this Agreement.
8. The COUNTY will assure that all operators of the equipment covered by this Agreement meet the appropriate minimum driver's license requirements per Montana State law and are members of either a Rural Fire District, County Volunteer Rural Fire Department, Fire Service Area, Volunteer Fire Company, or Municipal Fire Department.
9. The STATE will assume the costs for property damage to the loaned equipment only. The COUNTY will assume the cost for any damaged miscellaneous equipment, such as separate pumps, hose, tools, and supplies that were not loaned or supplied by the STATE.
10. The COUNTY shall provide or ensure workers compensation insurance coverage on drivers, passengers or workers using or working with any equipment loaned under this agreement.
11. COUNTY acknowledges and agrees that the equipment or supplies loaned under this agreement carry no express or implied warranty and, on behalf of itself and its agents, successors and assigns, agrees that it shall make no claim against the STATE, the State of Montana or the Federal Government based upon any defect, whether apparent or not, in such loaned equipment or supplies.