

AGENDA
CITY COUNCIL MEETING
CITY OF SHELBY
January 16, 2024
6:30 P.M.

ROLL CALL OF MEMBERS

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- Regular Council Meeting, 01/02/2024 (pgs. 5-7)

APPEARANCE REQUESTS

- Agenda Items
- Non-Agenda Items

COMMITTEE REPORTS

- Law Enforcement Report

CITY FINANCE OFFICER

- City Judge's Report, December 2023 (pgs. 8-23)
- Bank Account Report (pg. 24), Budget Year to Date (pg. 25), Vendor Summary (pgs. 26-27), Enterprise Funds (pgs. 28-31), Statement of Expenditures (pgs. 32-56), Revenues (pgs. 57-65), Cash Flow Report (pg. 66), December 2023

CITY SUPERINTENDENT

COMMUNITY DEVELOPMENT DIRECTOR

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OTHER MATTERS

- Great West Change Order No. 1 – Airport Tank (pgs. 67-71)

ADJOURN

CITY OF SHELBY MEETING SCHEDULE

January 16, 2024 (Due to MLK Holiday)

6:30 p.m. Regular City Council Meeting

January 29, 2024

6:30 p.m. Park & Recreation Meeting
(Mayor, Superintendent, Frydenlund,
Kimmet)

February 5, 2024

6:00 p.m. Audit Committee
(Mayor, Finance Officer, Clark, Frydenlund, Moritz)

6:30 p.m. Regular City Council Meeting

February 12, 2024

6:30 p.m. City-County Planning Board
(Mayor, Clark, Flesch)

CITY COUNCIL PACKET LISTING

A. Agenda

B. Agenda Items

1. Minutes of Regular Council Meeting, 01/02/2024
2. City Judge's Report, December 2023
3. Bank Account Report, December 2023
4. Budget Year to Date, December 2023
5. Vendor Summary, December 2023
6. Enterprise Funds, December 2023
7. Statement of Expenditures, December 2023
8. Statement of Revenues, December 2023
9. Cash Flow Report, December 2023
10. Great West Change Order No. 1 - Airport Tank

C. Correspondence

1. 1/3/24 Email and Information from Christopher Scoones re: Kevin's Appeal
2. 1/4/24 Summary of Port of Northern Montana Meeting
- 3.

D. Reports

E. Handouts

- 1.

Policy on Conduct and Manner of Addressing Council

The public is invited to speak on any item after recognition by the presiding officer.

1. Public comments will be accepted only on items within the jurisdiction of the City of Shelby.
2. Comments shall be limited to 5 minutes per meeting, unless such time is extended by a majority vote of the Council members.
3. While the Council is in session, those in attendance must preserve order and decorum. No member of the public shall delay or interrupt the Council proceedings; disturb any member who may be speaking; or refuse to obey the orders of the Council or its presiding officer.
4. Prepared statements are welcome and should be given to the Finance Officer prior to a Council meeting. Prepared statements that are also read, however, shall be deemed unduly repetitious. All prepared statements for public hearings shall become part of the hearing record.
5. All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff.
6. Public members recognized by the presiding officer, shall:
 - a. Stand, if able
 - b. For the record, give his/her name and address
 - c. If applicable, give the person, firm or organization he/she represents
 - d. Limit comments to the matter of fact
 - e. Address the Council as a body and not to any individual member of the Council or City Staff
 - f. Ask no questions of individuals who are Council members, staff or other public members, except through the presiding officer
 - g. Limit comments to a maximum of 5 minutes, unless such time is extended by a majority vote of Council members.

The Council thanks public members for respectfully and courteously providing constructive and valuable information.

MINUTES OF REGULAR COUNCIL MEETING OF THE SHELBY CITY COUNCIL
HELD IN COUNCIL CHAMBERS
January 2, 2024

Mayor McDermott called the meeting to order at 6:30 p.m.
Present were: Lyle Kimmet, Joe Flesch, Jayce Yarn, Pat Frydenlund, Sanna Clark and Bill Moritz, Council Members; Jade Goroski, Finance Officer; Eric Kary, Superintendent; Lorette Carter, Community Development Director. Absent & Excused: None.

Other citizens present:

PLEDGE OF ALLEGIANCE

OPEN PUBLIC HEARING

Mayor McDermott opened both public hearings at 6:30 p.m.

- Application to Montana Historic Preservation Grant Program for renovations at Historic Shelby High.
Montana Historic Preservation Grant: The City of Shelby is applying for funding in which to preserve and renovate Historic Shelby High for governmental offices. Lorette Carter, Community Development Director reviewed the history of the city's purchase and subsequent projects to remediate the 1931 school building of hazardous substances with an EPA Brownfields Grant as well as American Recovery & Reinvestment Grants which provided funding to complete boiler replacement, roof repair and window replacement on the lower level of the building between 2007- 2010. Carter went on to discuss the city's attempts to seek funding for conversion of the building into a community center and later, private investment. Mayor McDermott explained his reasoning in considering the restoration project vs. demolition of the historic building. Chief Finance Office Goroski outlined the potential funding package. Council members supported the idea in restoring the building as a measure to preserve the historic building and serve the community of Shelby. No residents were present or on the conference line to provide comment. The city has received letters of support from the Toole County Commissioners and Marias Museum of History and Art.
- Application and Environmental Review to MT FWP Recreational Trails Program for Crack Seal and Seal Coating of Roadrunner Trail
MT FWP Recreational Trails Program - 30-day comment period on Environmental Review
Community Development Director Carter gave a brief overview of the intended project and anticipated environmental

impact. A copy of the Environmental Analysis Form was available for review.

As part of the long-range management of the Roadrunner Recreation Trail, the city is seeking funding in which to crack seal and seal coat the rural portion of the asphalt trail. The project is maintenance and restoration of an existing trail, serving to protect and extend the life of the existing surface. Area biologists and MSU extension specialists have been consulted on the project. The city does not anticipate negative impact to the physical environment, nor human environment and therefore, an EIS is not required. No public comment was received. Letters of support are included within the grant application.

- **Montana Coal Endowment Program Infrastructure Planning Grant Application**

Montana Coal Endowment Program Planning Grant: Carter reviewed past attempts at planning grant funding in which to complete a new water system preliminary engineering report. She noted the RRGL Planning Grant Award MCEP/CDBG Award of \$9,000.00 which the city received as the match to a MCEP or CDBG Planning Grant Award. The city did not hear back on the application submitted earlier this year and so, are reapplying for funding. With the city serving as the hub for the eastern side of the North Central Montana Regional Water Authority, a wellfield study is under design. With the study complete, the city will need to reprioritize and strategize the future water needs not only of Shelby, but also the communities and water districts within the regional water system. Council members approved Resolution No. 2083 - Authorization to Submit MCEP Infrastructure Planning Grant Application. No public comment was received.

REGULAR MEETING MINUTES, 12/18/2023

MORITZ MADE A MOTION TO APPROVE THE 12/18/2023 MINUTES.

SECONDED BY KIMMET. VOTE AYES - YARN, FLESCH, KIMMET, MORITZ, FRYDENLUND, CLARK. NOES - NONE. ABSENT - NONE.

OATH OF OFFICE

- Bill Moritz
- Sanna Clark
- Lyle Kimmet

APPEARANCE REQUESTS

- AGENDA ITEMS -
- NON-AGENDA ITEMS -

CLOSE PUBLIC HEARING

Mayor McDermott closed the public hearing at 6:50 p.m.

CLAIMS REPORT, 12/31/2023

MORITZ MADE A MOTION TO APPROVE THE 12/31/2023 CLAIMS REPORT.
SECONDED BY FRYDENLUND. VOTE AYES - YARN, FLESCH, KIMMET,
MORITZ, FRYDENLUND, CLARK. NOES - NONE. ABSENT - NONE.

COMMITTEE REPORTS

CITY FINANCE OFFICER

- Resolution No. 2083 re: Authorization to Submit MCEP Infrastructure Planning Grant Application
FLESCH MADE A MOTION TO APPROVE RESOLUTION NO. 2082.
SECONDED BY MORITZ. VOTE AYES - YARN, FLESCH, KIMMET,
MORITZ, FRYDENLUND, CLARK. NOES - NONE. ABSENT - NONE.
- Ordinance No. 853 (2nd rdg) re: Snow Removal
KIMMET MADE A MOTION TO APPROVE ORDINANCE NO. 853.
SECONDED BY CLARK. VOTE AYES - YARN, FLESCH, KIMMET,
MORITZ, FRYDENLUND, CLARK. NOES - NONE. ABSENT - NONE.

CITY SUPERINTENDENT

Eric provided an update of projects the public works department have been working on.

COMMUNITY DEVELOPMENT DIRECTOR

Lorette provided notes as a handout.

OTHER MATTERS

ADJOURN

AT 7:30 p.m. KIMMET MADE A MOTION TO ADJOURN THE MEETING.
SECONDED BY MORITZ. VOTE AYES - YARN, FLESCH, KIMMET, MORITZ,
FRYDENLUND, CLARK. NOES - NONE. ABSENT - NONE.

Gary McDermott, Mayor

ATTEST:

Jade Goroski, Finance Officer

Shelby City Court
Cases by Filing Date
City
All Case Types
From 12/1/2023 to 12/29/2023
All Judges

User: BALEXANDER

Judge: Whitt, Donna

Case	Filed	Entered	Party	Status
TK-865-2023-0000289	12/1/2023	12/1/2023	Williams, Michael Douglas, Defendant	Closed
TK-865-2023-0000290	12/4/2023	12/4/2023	Bundel, Cornila Lasara, Defendant	Closed
TK-865-2023-0000291	12/4/2023	12/4/2023	Blanton, Shaun J, Defendant	Pending
TK-865-2023-0000292	12/5/2023	12/5/2023	Davis, Daniel Paul, Defendant	Closed
TK-865-2023-0000293	12/5/2023	12/5/2023	Carrol, James Walter, Defendant	Closed
TK-865-2023-0000294	12/6/2023	12/6/2023	Jackson, Melissa Rae, Defendant	Pending
TK-865-2023-0000295	12/11/2023	12/11/2023	Kurtz, John Albert, Defendant	Closed
TK-865-2023-0000296	12/14/2023	12/14/2023	Kurtz, John Albert, Defendant	Closed
TK-865-2023-0000297	12/15/2023	12/15/2023	Cowan, Adrian S, Defendant	Pending
TK-865-2023-0000298	12/15/2023	12/15/2023	Hatmaker, Lucus Steven, Defendant	Pending
TK-865-2023-0000299	12/18/2023	12/18/2023	Richards, Hope Ann, Defendant	Pending
TK-865-2023-0000300	12/19/2023	12/19/2023	Frederick, Garnett Jelani, Defendant	Closed
TK-865-2023-0000301	12/21/2023	12/21/2023	Phillips, Lane A, Defendant	Closed
TK-865-2023-0000302	12/26/2023	12/26/2023	Hagen, Matthew Joseph, Defendant	Pending
TK-865-2023-0000303	12/26/2023	12/26/2023	Nomee, Kadon Songalouse, Defendant	Pending
TK-865-2023-0000304	12/26/2023	12/26/2023	Rider, Lloyddean Cherish, Defendant	Pending
TK-865-2023-0000305	12/26/2023	12/26/2023	Omdahl, Ulan Lloyd, Defendant	Closed
TK-865-2023-0000306	12/28/2023	12/28/2023	Hout, Brian James, Defendant	Pending

Total cases for Whitt, Donna : 18

Total cases for report: 18

Date: 1/2/2024
Time: 07:45 AM
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Shelby City Court
Receipts by Date
City
All Case Types
From 12/1/2023 to 12/29/2023

User:
BALEXANDER

All Judges

12/2/2023

Receipt	Time		Bond Conversion	Transfer	Cash	Check	Cashiers Check	Money Order	Credit Card	Debit Card	E-Payment	Direct Deposit
6805	09:47 AM	Criminal Payment	.00	.00	.00	.00	.00	.00	.00	.00	85.00	.00
		Payor: Ross, Jacqueline Norene									E-Payment transaction no.: 1692168968	
		TK-865-2023-0000257										
		Ross, Jacqueline Norene 61-8-310(1)										
		Speed - Exceed Restricted Speed Limit Established Local Authority										
		50.00 Fine										
		15.00 Misdemeanor Surcharge										
		10.00 Technology Surcharge										
		10.00 Law Enforcement Academy										
		85.00										
Daily totals:			85.00	.00	.00	.00	.00	.00	.00	.00	85.00	.00
Miscellaneous:			.00									
Fine/fee:			85.00									
Cash bond:			.00									
Bond forfeiture:			.00									
Bond percent fee:			.00									
Bond conversion:			.00									

User:
BALEXANDER

All Judges

[illegible]

Date: 1/2/2024
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Shelby City Court
Receipts by Date
City
All Case Types
From 12/1/2023 to 12/29/2023

User:
BALEXANDER

All Judges

12/6/2023

Receipt	Time		Bond Conversion	Transfer	Cash	Check	Cashiers Check	Money Order	Credit Card	Debit Card	E-Payment	Direct Deposit
6808	12:27 PM	Criminal Payment	.00	.00	8.00	.00	.00	.00	.00	.00	.00	.00
		Payor: Johnson, Levi Jacquescarl										
		TK-865-2020-0000158										
		Johnson, Levi Jacquescarl 61-5-212(1)(a)(i) [1]										
		Driving a Motor Vehicle While Privilege To Do So Is Suspended Or Re										
		8.00 Fine										
		8.00										
Daily totals:		156.00	.00	.00	8.00	63.00	.00	.00	.00	.00	85.00	.00
Miscellaneous:		.00										
Fine/fee:		156.00										
Cash bond:		.00										
Bond forfeiture:		.00										
Bond percent fee:		.00										
Bond conversion:		.00										

Shelby City Court
Receipts by Date
City
All Case Types
From 12/1/2023 to 12/29/2023

User:
BALEXANDER

12/8/2023

All Judges

Receipt	Time		Bond Conversion	Transfer	Cash	Check	Cashiers Check	Money Order	Credit Card	Debit Card	E-Payment	Direct Deposit
6809	03:53 PM	Criminal Payment	.00	.00	10.00	.00	.00	.00	.00	.00	.00	.00
		Payor: Campbell, Jacki J										
		TK-865-2023-0000194										
		Campbell, Jacki J		45-6-301(1) [1]								
		10.00		Victim Witness Surcharge								
		10.00										
Daily totals:			10.00	.00	.00	10.00	.00	.00	.00	.00	.00	.00
Miscellaneous:			.00									
Fine/fee:			10.00									
Cash bond:			.00									
Bond forfeiture:			.00									
Bond percent fee:			.00									
Bond conversion:			.00									

Date: 1/2/2024
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Shelby City Court
Receipts by Date
City
All Case Types
From 12/1/2023 to 12/29/2023

User:
BALEXANDER

All Judges

12/11/2023

Receipt	Time		Bond Conversion	Transfer	Cash	Check	Cashiers Check	Money Order	Credit Card	Debit Card	E-Payment	Direct Deposit
6810	12:59 PM	Criminal Payment	.00	.00	.00	.00	.00	.00	.00	.00	60.00	.00
		Payor: Gonzalez, Robert Alex									E-Payment transaction no.: 1770111373	
		TK-865-2023-0000260										
		Gonzalez, Robert Alex		61-8-303(1)(b) [2]		Speeding On Non-Interstate - Exceed Night Limit Of 65 MPH						
		60.00 Fine										
		60.00										
6811	01:58 PM	Criminal Payment	.00	.00	.00	.00	.00	.00	.00	.00	185.00	.00
		Payor: Kurtz, John Albert									E-Payment transaction no.: 1770670574	
		TK-865-2023-0000295										
		Kurtz, John Albert		45-8-101(1) [1st]		Disorderly Conduct (1)(a)(i) thru (1)(a)(vi) - 1st Offense						
		100.00 Fine										
		15.00 Misdemeanor Surcharge										
		10.00 Technology Surcharge										
		49.00 Victim Witness Surcharge										
		1.00 Victim Witness Admin Fee										
		10.00 Law Enforcement Academy										
		185.00										

Date: 1/2/2024

Time: 07:45 /

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Shelby City Court
Receipts by Date
City
All Case Types
From 12/1/2023 to 12/29/2023

User:
BALEXANDER

12/11/2023

All Judges

Receipt	Time		Bond Conversion	Transfer	Cash	Check	Cashiers Check	Money Order	Credit Card	Debit Card	E-Payment	Direct Deposit
6812	04:51 PM	Criminal Payment	.00	.00	.00	.00	.00	.00	.00	.00	50.00	.00
		Payor: Cartwright, Cinnamon Nicole										
		TK-865-2023-0000029										
		Cartwright, Cinnamon Nicole 61-6-302(2) [2nd]										
		50.00 Fine										
		50.00										
Daily totals:			295.00	.00	.00	.00	.00	.00	.00	.00	295.00	.00
Miscellaneous:			.00									
Fine/fee:			295.00									
Cash bond:			.00									
Bond forfeiture:			.00									
Bond percent fee:			.00									
Bond conversion:			.00									

E-Payment transaction no.: 1772198319

Fail To Carry Proof Or Exhibit/Insurance In Vehicle - Owner Or Operate

Date: 1/2/2024
 Time: 07:45 AM
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Shelby City Court
 Receipts by Date
 City
 All Case Types
 From 12/1/2023 to 12/29/2023

User:
 BALEXANDER

All Judges

12/13/2023

Receipt	Time		Bond Conversion	Transfer	Cash	Check	Cashiers Check	Money Order	Credit Card	Debit Card	E-Payment	Direct Deposit
6813	02:50 PM	Criminal Payment	.00	.00	60.00	.00	.00	.00	.00	.00	.00	.00
		Payor: Robbins, Lucas Leslie										
		TK-865-2022-0000028										
		Robbins, Lucas Leslie		45-6-301(1) [1]								
			60.00	Victim Restitution								
			60.00									
6814	04:40 PM	Criminal Payment	.00	.00	.00	.00	.00	.00	.00	.00	63.00	.00
		Payor: Adams, Gordon Scot										
											E-Payment transaction no.: 1788026292	
		TK-865-2022-0000121										
		Adams, Gordon Scot		61-8-1002(1)(b) [1st]								
			63.00	Fine								
			63.00									
Daily totals:			123.00	.00	.00	60.00	.00	.00	.00	.00	63.00	.00
Miscellaneous:			.00									
Fine/fee:			123.00									
Cash bond:			.00									
Bond forfeiture:			.00									
Bond percent fee:			.00									
Bond conversion:			.00									

Date: 1/2/2024

Time: 07:45 A

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Shelby City Court

Receipts by Date

City

All Case Types

From 12/1/2023 to 12/29/2023

User:

BALEXANDER

All Judges

12/15/2023

Receipt	Time		Bond Conversion	Transfer	Cash	Check	Cashiers Check	Money Order	Credit Card	Debit Card	E-Payment	Direct Deposit
6815	03:47 PM	Criminal Payment	.00	.00	15.00	.00	.00	.00	.00	.00	.00	.00
		Payor: Raulston, Danielle Lee										
		TK-865-2023-0000038										
		Raulston, Danielle Lee		61-5-212(1)(a)(i) [2]								
		15.00 Misdemeanor Surcharge										
		<u>15.00</u>										
6816	04:22 PM	Criminal Payment	.00	.00	.00	.00	.00	.00	.00	.00	40.00	.00
		Payor: Williams, Michael Douglas										
		TK-865-2023-0000289										
		Williams, Michael Douglas		61-8-303(1)(c) [2]								
		40.00 Fine										
		<u>40.00</u>										
Daily totals:			55.00	.00	.00	15.00	.00	.00	.00	.00	40.00	.00
Miscellaneous:			.00									
Fine/fee:			55.00									
Cash bond:			.00									
Bond forfeiture:			.00									
Bond percent fee:			.00									
Bond conversion:			.00									

E-Payment transaction no.: 1806200618

Speeding - 25 MPH Urban District - Night

Date: 1/2/2024
Time: 07:45 AM
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Shelby City Court
Receipts by Date
City
All Case Types
From 12/1/2023 to 12/29/2023

User:
BALEXANDER

All Judges

Receipt	Time		Bond Conversion	Transfer	Cash	Check	Cashiers Check	Money Order	Credit Card	Debit Card	E-Payment	Direct Deposit
6817	08:14 AM	Criminal Payment	.00	.00	.00	.00	.00	.00	.00	.00	20.00	.00
		Payor: Craig, Heidi Marie									E-Payment transaction no.: 1827991315	
		TK-865-2022-0000079										
		Craig, Heidi Marie		45-8-101(1) [1st]								
		14.00		Victim Witness Surcharge								
		1.00		Victim Witness Admin Fee								
		5.00		Law Enforcement Academy								
		<u>20.00</u>										
6818	10:47 AM	Criminal Payment	.00	.00	210.00	.00	.00	.00	.00	.00	.00	.00
		Payor: Kurtz, John Albert										
		TK-865-2023-0000296										
		Kurtz, John Albert		45-8-101(1) [2nd]								
		25.00		Fine								
		15.00		Misdemeanor Surcharge								
		10.00		Technology Surcharge								
		49.00		Victim Witness Surcharge								
		1.00		Victim Witness Admin Fee								
		10.00		Law Enforcement Academy								
		<u>110.00</u>										
		Kurtz, John Albert		5.1.2(1)(b)								
		100.00		Fine								
		<u>100.00</u>										
6819	11:46 AM	Criminal Payment	.00	.00	.00	.00	.00	.00	.00	.00	65.00	.00
		Payor: Martens, Peter									E-Payment transaction no.: 1829859301	
		TK-865-2023-0000286										
		Martens, Peter		61-8-310(1)								
		30.00		Fine								
		15.00		Misdemeanor Surcharge								
		10.00		Technology Surcharge								

Shelby City Court
Receipts by Date
City
All Case Types
From 12/1/2023 to 12/29/2023

User:
BALEXANDER

12/18/2023

All Judges

Receipt	Time		Bond Conversion	Transfer	Cash	Check	Cashiers Check	Money Order	Credit Card	Debit Card	E-Payment	Direct Deposit
6819	11:46 AM	Criminal Payment	.00	.00	.00	.00	.00	.00	.00	.00	65.00	.00
		Payor: Martens, Peter										
		TK-865-2023-0000286										
		Martens, Peter		61-8-310(1)								
		10.00		Law Enforcement Academy								
		65.00										
Daily totals:			295.00	.00	.00	210.00	.00	.00	.00	.00	85.00	.00
Miscellaneous:			.00									
Fine/fee:			295.00									
Cash bond:			.00									
Bond forfeiture:			.00									
Bond percent fee:			.00									
Bond conversion:			.00									

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Shelby City Court
Receipts by Date
City
All Case Types
From 12/1/2023 to 12/29/2023

User:
BALEXANDER

All Judges

12/19/2023

Receipt	Time		Bond Conversion	Transfer	Cash	Check	Cashiers Check	Money Order	Credit Card	Debit Card	E-Payment	Direct Deposit
6820	10:07 AM	Miscellaneous Payor: Hope Richards	.00	.00	2.00	.00	.00	.00	.00	.00	.00	.00
		2.00 Copies										
		2.00										
6821	11:50 AM	Criminal Payment Payor: Frederick, Garnett Jelani	.00	.00	.00	.00	.00	.00	.00	.00	70.00	.00
		TK-865-2023-0000300 Frederick, Garnett Jelani 61-8-303(1)(a) [3] Speeding On Interstate - Exceed Night Limit Of 80 MPH										
		70.00 Fine										
		70.00										
Daily totals:			72.00	.00	.00	2.00	.00	.00	.00	.00	70.00	.00
Miscellaneous:			2.00									
Fine/fee:			70.00									
Cash bond:			.00									
Bond forfeiture:			.00									
Bond percent fee:			.00									
Bond conversion:			.00									

Date: 1/2/2024

Time: 07:45 /

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Shelby City Court
Receipts by Date
City
All Case Types
From 12/1/2023 to 12/29/2023

User:
BALEXANDER

12/20/2023 All Judges

Receipt	Time		Bond Conversion	Transfer	Cash	Check	Cashiers Check	Money Order	Credit Card	Debit Card	E-Payment	Direct Deposit
6822	12:06 PM	Criminal Payment	.00	.00	85.00	.00	.00	.00	.00	.00	.00	.00
		Payor: Allen, Jessica Ann										

TK-865-2023-0000273

Allen, Jessica Ann

61-3-312

Operating With Expired Registration - Failure to Reregister

50.00 Fine

15.00 Misdemeanor Surcharge

10.00 Technology Surcharge

10.00 Law Enforcement Academy

85.00

Daily totals:	85.00	.00	.00	85.00	.00	.00	.00	.00	.00	.00	.00	.00
Miscellaneous:	.00											
Fine/fee:	85.00											
Cash bond:	.00											
Bond forfeiture:	.00											
Bond percent fee:	.00											
Bond conversion:	.00											

Shelby City Court
 Receipts by Date
 City
 All Case Types
 From 12/1/2023 to 12/29/2023

User:
 BALEXANDER

All Judges

12/27/2023

Receipt	Time		Bond Conversion	Transfer	Cash	Check	Cashiers Check	Money Order	Credit Card	Debit Card	E-Payment	Direct Deposit
6823	02:53 PM	Criminal Payment	.00	.00	40.00	.00	.00	.00	.00	.00	.00	.00
		Payor: Omdahl, Ulan Lloyd										
		TK-865-2023-0000305										
		Omdahl, Ulan Lloyd		61-8-303(1)(c) [1]								
		40.00 Fine										
		<u>40.00</u>										
Daily totals:			40.00	.00	.00	40.00	.00	.00	.00	.00	.00	.00
Miscellaneous:			.00									
Fine/fee:			40.00									
Cash bond:			.00									
Bond forfeiture:			.00									
Bond percent fee:			.00									
Bond conversion:			.00									

User:
BALEXANDER

All Judges

12/28/2023

Receipt	Time		Bond Conversion	Transfer	Cash	Check	Cashiers Check	Money Order	Credit Card	Debit Card	E-Payment	Direct Deposit
6824	11:57 AM	Criminal Payment Payor: Phillips, Lane A TK-865-2023-0000301 Phillips, Lane A 20.00 Fine 20.00	.00	.00	.00	.00	.00	.00	.00	.00	20.00	.00
E-Payment transaction no.: 1909148420 Speeding On Non-Interstate - Exceed Night Limit Of 65 MPH												
6825	01:08 PM	Cash Bond Payor: Silvia, Howard James CR-865-2019-0000003 Silvia, Howard James 75.00 Cash bond 75.00	.00	.00	.00	75.00	.00	.00	.00	.00	.00	.00
Check Number: 1775												
6826	01:11 PM	Cash Bond Payor: Cowan, Adrian S TK-865-2023-0000297 Cowan, Adrian S 885.00 Cash bond 885.00	.00	.00	.00	885.00	.00	.00	.00	.00	.00	.00
Check Number: 1775												
6827	01:13 PM	Cash Bond Payor: Davis, Daniel Paul TK-865-2023-0000292 Davis, Daniel Paul 20.00 Cash bond 20.00	.00	.00	.00	20.00	.00	.00	.00	.00	.00	.00
Check Number: 1775												

Date: 1/2/2024
Time: 07:45 AM
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Shelby City Court
Receipts by Date
City
All Case Types
From 12/1/2023 to 12/29/2023

User:
BALEXANDER

All Judges

12/28/2023

Receipt	Time		Bond Conversion	Transfer	Cash	Check	Cashiers Check	Money Order	Credit Card	Debit Card	E-Payment	Direct Deposit
6828	02:06 PM	Bond Conversion	20.00	20.00	.00	.00	.00	.00	.00	.00	.00	.00
		Payor: Davis, Daniel Paul										
		TK-865-2023-0000292										
		Davis, Daniel Paul		61-8-303(1)(c) [1]								
		20.00 Fine										
		20.00										
Daily totals:			1020.00	20.00	20.00	.00	980.00	.00	.00	.00	20.00	.00
Miscellaneous:			.00									
Fine/fee:			20.00									
Cash bond:			980.00									
Bond forfeiture:			.00									
Bond percent fee:			.00									
Bond conversion:			20.00									
Report totals:			2236.00	20.00	20.00	430.00	1043.00	.00	.00	.00	743.00	.00
Miscellaneous:			2.00									
Fine/fee:			1234.00									
Cash bond:			980.00									
Bond forfeiture:			.00									
Bond percent fee:			.00									
Bond conversion:			20.00									

City of Shelby

3718

Monthly Bank Report 12/31/2023

All Accounts		Yield
First State Bank checking	409,296.09	
BPCU restricted/unrestricted	403,189.66	
BPCU Savings unrestricted	15,013.96	
MT Board of Investments STIP -	10,206,834.81	5.44%
First State Bank CD Energy Share Fund - restricted	93,364.06	
First State Bank CD Disaster Relief Fund - restricted	93,364.06	
First Interstate Bank	495,236.79	
First State Bank CD	500,000.00	
TOTAL	12,216,299.43	

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01/11/24
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CITY OF SHELBY
Vendor Summary Query by Date
For claims processed from: 12/23 to 12/23

Page: 1 of 2
Report ID: AP200S

Vendor #/Name	Amount	Last Paid Date
01388 3 RIVERS COMMUNICATIONS INC	864.07	01/03/24
02655 A&E	8,251.89	01/03/24
01946 ALL SEASON HEATING & AIR CONDITIONING	715.04	01/03/24
01345 AMERICAN LEGAL PUBLISHING	500.00	01/03/24
01137 AQUA TECH LABORATORY	190.00	01/03/24
02190 BAUMAN, CHRISTINE	80.00	12/06/23
02653 BLAINE COUNTY JOURNAL NEWS	60.00	01/03/24
02639 BTI MONTANA	10,102.16	01/03/24
00088 CARQUEST AUTO PARTS	104.14	01/03/24
02335 CINTAS CORPORATION	141.04	01/03/24
02569 COLONIAL RESEARCH	2,706.81	01/03/24
01439 CONRAD BUILDING CENTER INC	27.99	01/03/24
01851 CT CLEANING	1,200.00	01/03/24
01180 CULLIGAN	11.50	01/03/24
00001 DEPARTMENT OF REVENUE	6,281.74	01/03/24
02586 DIS TECHNOLOGIES	951.00	12/06/23
02563 DPHHS-LABORATORY	24.00	01/03/24
02657 EASTSIDE BUILDING AND REMODEL LLC	9,143.97	01/11/24
02097 FASTENAL COMPANY	189.36	01/03/24
00111 FIRST STATE BANK	28,747.87	01/03/24
01321 GLACIER MOTOR SALES & SERVICE	4,183.96	01/03/24
01969 GREAT FALLS SAND & GRAVEL INC	85,424.75	01/03/24
00653 GREAT WEST ENGINEERING	146,972.53	01/03/24
02638 JONES LEGAL SERVICES	3,467.50	01/03/24
00705 KOIS BROTHERS EQUIPMENT CO	883.22	01/03/24
02374 MAGUIRE IRON INC	609,444.00	01/03/24
01766 MAPS INC	771.96	01/03/24
00083 MARIAS HEALTHCARE	150.00	01/03/24
02486 MARIAS RIVER CONTRACTING LLC	15,250.00	01/03/24
00026 MARIAS RIVER ELECTRIC COOP INC	12,290.68	12/11/23
00027 MARKS TIRE & ALIGNMENT	1,080.00	01/03/24
00147 MID AMERICAN RESEARCH CHEMICAL CORP	1,675.70	01/03/24
01780 MONTANA BROOM & BRUSH	136.04	01/03/24
00238 MT LEGISLATIVE SERVICES DIVISION	1.00	01/03/24
02045 NAPA AUTO PARTS	896.12	01/03/24
02069 NATIONAL LAUNDRY CO	36.51	01/03/24
02615 NORMAN'S SPORT & WESTERN	74.85	01/03/24
00037 NORTHWEST PIPE FITTINGS INC	1,955.34	01/03/24
02368 OPTUM FINANCIAL INC	25.50	01/03/24
00039 PETTY CASHIER	9.35	01/03/24
02654 PHILLIPS COUNTY NEWS	66.00	01/03/24
00144 POSTMASTER	838.98	01/02/24
00309 PREFERRED OFFICE EQUIPMENT	416.09	01/03/24
00117 QUILL CORPORATION	184.32	01/03/24
02485 RDO EQUIPMENT CO	696.82	01/03/24
01470 RMR AGGREGATE	12,590.63	01/03/24
02647 RUDD & COMPANY PLLC	36,782.38	01/03/24
00043 SHELBY GAS ASSOCIATION	4,757.24	01/03/24
02656 STAHL ENGINEERING 7 ASSOCIATES, INC.	400.00	01/03/24
01270 STIRLING WEB DESIGN	700.00	01/03/24
0263 STUTZ, JENNIFER	3,500.00	01/03/24
00048 TOOLE COUNTY CLERK & RECORDER	160,229.25	01/03/24

01/11/24
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CITY OF SHELBY
Vendor Summary Query by Date
For claims processed from: 12/23 to 12/23

Page: 2 of 2
Report ID: AP200S

Vendor #/Name	Amount	Last Paid Date
00276 TRI-CITY INTERLOCAL EQUIPMENT POOL	1,416.50	01/03/24
02551 TRIPLE TREE ENGINEERING INC	4,127.50	01/03/24
01200 U S BANK TRUST-SPA LOCKBOX CM9695	59,481.38	12/21/23
01161 USA BLUE BOOK	754.57	01/03/24
01486 USDA RURAL DEVELOPMENT	1,603.00	01/05/24
00400 UTILITIES UNDERGROUND LOCATION CENTER	21.98	01/03/24
02517 VALLI INFORMATION SYSTEMS INC	45.00	01/03/24
02584 VISA	957.91	01/03/24
Grand Total:	1,244,591.14	

2023 2024
Enterprise Fund Income, Expense

1/11/2024								
	Jul-23			Aug-23			Sep-23	
Water		notes	Water		notes	Water		notes
Income	840,297	north water line reimbursement	Income	164,120		Income	135,986	
Expenses	-241,216	semi-annual loan payments, annual ins prem	Expenses	-94,043		Expenses	-75,119	
rev over/under	599,081		rev over/under	70,078		rev over/under	60,867	
Sewer			Sewer			Sewer		
Income	82,493		Income	90,048		Income	82,678	
Expenses	-237,763	semi-annual loan payments	Expenses	-65,272		Expenses	-39,420	
rev over/under	-155,270		rev over/under	24,775		rev over/under	43,258	
Solid Waste			Solid Waste			Solid Waste		
Income	87,211		Income	152,183		Income	96,094	
Expenses	-163,473	semi-annual loan payments and annual payments, ann	Expenses	-68,293		Expenses	-55,944	
rev over/under	-76,262		rev over/under	83,890		rev over/under	40,150	
Storm Water			Storm Water			Storm Water		
Income	21,923		Income	20,319		Income	21,274	
Expenses	-153,769	semi-annual loan payments & cap exp eng, annual ins	Expenses	-383,654	HS&G Draw 1	Expenses	-534,315	stormwater draw
rev over/under	-131,846		rev over/under	-363,335		rev over/under	-513,041	
	Oct-23			Nov-23			Dec-23	
Water		notes	Water		notes	Water		notes
Income	353,295	north water line reimbursement	Income	115,358		Income	119,406	
Expenses	-597,156	airport tank draw 1	Expenses	-97,989	semi annual bond payments	Expenses	-804,989	
rev over/under	-243,860		rev over/under	17,369		rev over/under	-685,583	
Sewer			Sewer			Sewer		
Income	76,592		Income	76,792		Income	78,023	
Expenses	-50,330		Expenses	-132,975	semi annual bond payments	Expenses	-92,271	
rev over/under	26,262		rev over/under	-56,183		rev over/under	-14,248	
Solid Waste			Solid Waste			Solid Waste		
Income	85,495		Income	88,228		Income	89,304	
Expenses	-62,472		Expenses	-105,882	containers and dumpsters	Expenses	-90,134	
rev over/under	23,024		rev over/under	-17,655		rev over/under	-830	
Storm Water			Storm Water			Storm Water		
Income	490,640	draw 2 reimbursement	Income	0		Income	37,941	
Expenses	-415,207	draw 3	Expenses	0		Expenses	-34,612	
rev over/under	75,433		rev over/under	0		rev over/under	3,329	
S:\shared documents\Acctg-Bdgt\Reconcile\2023 12 Bank Rec.xlsx\Solid Waste IS								

Water Fund				
Dec-23				
	Current	YTD	Budget	Budget Avail
Revenue:				
Charges for services	119,406.23	791,558.45	1,486,500.00	694,941.55
Misc	0.00	11,021.27	0.00	-11,021.27
Investment ROI	0.00	0.00	0.00	0.00
Total Revenue	119,406.23	802,579.72	1,486,500.00	683,920.28
Expenses				
Audit	9,195.59	14,224.09	12,500.00	-1,724.09
Community Development	1,800.20	11,803.61	27,267.00	15,463.39
Public Safety	4,910.00	29,460.00	60,000.00	30,540.00
Public Works	27,270.63	218,171.29	417,974.00	199,802.71
Admin Council	3,663.14	22,487.31	48,206.00	25,718.69
Admin Mayor	7.22	43.32	10,741.00	10,697.68
Legal	1,740.87	6,930.06	20,000.00	13,069.94
Newsletter	106.34	312.89	467.00	154.11
City Hall	256.01	2,249.60	2,736.00	486.40
Accounting & Coll	10,902.51	70,086.93	153,990.00	83,903.07
Interlocal Joint Venture	0.00	7,500.00	7,500.00	0.00
Liability Ins	0.00	31,458.75	32,750.00	1,291.25
Total Operating Exp	59,852.51	414,727.85	794,131.00	379,403.15
Net Before Debt Service	59,553.72	387,851.87	692,369.00	304,517.13
Debt Service				
Principal & Interest	17,175.00	202,682.92	304,234.00	101,551.08
Net After Debt	42,378.72	185,168.95	388,135.00	
Other Revenue				
CDBG	0.00	18,045.00	18,045.00	0.00
TSEP	0.00	53,991.69	678,000.00	624,008.31
ACE	0.00	0.00	0.00	0.00
RRGL	0.00	0.00	125,000.00	125,000.00
NCMRWA	0.00	0.00	200,000.00	200,000.00
COVID	0.00	853,845.61	3,728,451.00	2,874,605.39
Loans	0.00	0.00	400,000.00	400,000.00
Total	0.00	925,882.30	5,149,496.00	4,223,613.70
Capital Expenditures	727,960.49	1,293,099.93	4,320,000.00	3,026,900.07
Net After Capital Expenditures	-685,581.77	-182,048.68		

Sewer Fund				
Dec-23				
	Current	YTD	Budget	Budget Avail
Revenue:				
Charges for services	78,023.17	486,024.53	1,016,000.00	529,975.47
Misc	0.00	600.00	800.00	200.00
Investment ROI	0.00	0.00	200.00	200.00
Total Revenue	78,023.17	486,624.53	1,017,000.00	530,375.47
Expenses				
Audit	9,195.60	14,224.10	12,500.00	-1,724.10
Community Development	1,800.17	11,803.56	27,267.00	15,463.44
Public Safety	4,910.00	29,460.00	60,000.00	30,540.00
Public Works	17,886.10	107,279.40	209,565.00	102,285.60
Admin Council	3,663.14	22,487.31	48,206.00	25,718.69
Admin Mayor	7.22	43.32	10,252.00	10,208.68
Legal	1,741.88	6,930.10	20,000.00	13,069.90
Newsletter	106.35	312.90	467.00	154.10
City Hall	256.01	2,249.59	2,736.00	486.41
Accounting & Coll	10,398.41	66,890.24	146,951.00	80,060.76
Interlocal Joint Venture	0.00	7,500.00	7,500.00	0.00
Liability Ins	0.00	31,458.75	32,750.00	1,291.25
Total Operating Exp	49,964.88	300,639.27	578,194.00	277,554.73
Net Before Debt Service	28,058.29	185,985.26	438,806.00	252,820.74
Debt Service				
Principal & Interest	42,306.38	301,853.51	346,274.00	44,420.49
Net After Debt	-14,248.09	-115,868.25	92,532.00	
Other Revenue				
TSEP	0.00	0.00	45,000.00	45,000.00
Covid	0.00	0.00	750,000.00	650,000.00
Project Contributions NETA	0.00	0.00	0.00	0.00
Interfund Transfer in	0.00	0.00	0.00	0.00
Total				
Capital Expenditures	0.00	15,538.06	885,100.00	869,561.94
Net After Capital Expenditures bonds and transfe	-14,248.09	-131,406.31		

	Solid Waste , Dec-23			
	Current	YTD	Budget	Budget Avail
Revenue:				
Charges for services	88,587.79	594,216.27	1,144,620.00	550,403.73
Misc	716.44	4,298.64	18,000.00	13,701.36
Investment ROI	0.00	0.00	30,000.00	30,000.00
Total Revenue	89,304.23	598,514.91	1,192,620.00	594,105.09
Expenses				
Audit	9,195.60	14,224.10	12,500.00	-1,724.10
Community Development	1,800.17	11,799.33	27,267.00	15,467.67
Public Safety	4,910.00	29,460.00	54,010.00	24,550.00
Admin Council	3,663.14	22,487.31	48,206.00	25,718.69
Admin Mayor	7.21	43.27	10,741.00	10,697.73
Legal	1,741.88	6,930.10	16,905.00	9,974.90
Newsletter	106.35	312.92	467.00	154.08
City Hall	255.99	2,217.61	2,736.00	518.39
Garbage Collection	5,879.47	60,739.78	95,315.00	34,575.22
Landfill	23,004.25	174,383.64	367,978.00	193,594.36
Acct & Coll	10,877.48	71,041.00	156,153.00	85,112.00
Liability Ins	0.00	31,458.75	32,750.00	1,291.25
Total Operating Exp	61,441.54	425,097.81	825,028.00	399,930.19
Net Before Debt Service	27,862.69	173,417.10	367,592.00	194,174.90
Debt Service				
Principal & Interest	28,692.87	105,261.62	140,653.00	35,391.38
Net After Debt	-830.18	68,155.48		
Other Revenue				
Truck loan	0.00	0.00	348,905.00	348,905.00
Transfer in	0.00	0.00	0.00	0.00
Total	0.00	0.00	0.00	0.00
Landfill Capital Outlay	0.00	15,838.10	100,000.00	84,161.90
Capital Expenditures	0.00	0.00	0.00	0.00
Net After Capital Expenditures	-830.18	52,317.38		

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CITY OF SHELBY
Statement of Expenditure - Budget vs. Actual Report
For the Accounting Period: 12 / 23

Page: 1 of 25
Report ID: B100C

Fund Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
1000 GENERAL							
410000 GENERAL GOVERNMENT							
410100 CITY COUNCIL							
100	Regular Wages	300.48	1,953.12	3,905.00	3,905.00	1,951.88	50%
141	Social Security	14.82	98.16	240.00	240.00	141.84	41%
142	Medicare	3.46	22.92	56.00	56.00	33.08	41%
143	PERS	13.68	88.92	177.00	177.00	88.08	50%
146	Workers' Compensation	1.80	11.70	25.00	25.00	13.30	47%
147	Insurance	886.83	5,320.98	11,527.00	11,527.00	6,206.02	46%
200	Supplies	0.00	0.00	50.00	50.00	50.00	0%
300	Purchased Services	0.00	0.00	362.00	362.00	362.00	0%
	Account Total:	1,221.07	7,495.80	16,342.00	16,342.00	8,846.20	46%
410200 MAYOR							
100	Regular Wages	0.00	0.00	1,506.00	1,506.00	1,506.00	0%
141	Social Security	0.00	0.00	93.00	93.00	93.00	0%
142	Medicare	0.00	0.00	22.00	22.00	22.00	0%
146	Workers' Compensation	0.00	0.00	10.00	10.00	10.00	0%
147	Insurance	0.00	0.00	1,921.00	1,921.00	1,921.00	0%
344	Telephone	7.22	43.31	84.00	84.00	40.69	52%
	Account Total:	7.22	43.31	3,636.00	3,636.00	3,592.69	1%
410240 NEWSLETTER (1/4)							
310	Postage	106.34	312.89	467.00	467.00	154.11	67%
	Account Total:	106.34	312.89	467.00	467.00	154.11	67%
410360 CITY JUDGE							
100	Regular Wages	3,108.78	17,511.91	36,000.00	36,000.00	18,488.09	49%
141	Social Security	190.64	1,073.11	1,800.00	1,800.00	726.89	60%
142	Medicare	44.59	250.97	364.00	364.00	113.03	69%
143	PERS	165.39	894.65	2,500.00	2,500.00	1,605.35	36%
145	Unemployment Insurance	4.56	26.02	44.00	44.00	17.98	59%
146	Workers' Compensation	13.55	84.03	153.00	153.00	68.97	55%
147	Insurance	434.50	2,398.75	9,500.00	9,500.00	7,101.25	25%
200	Supplies	74.36	568.85	811.00	811.00	242.15	70%
344	Telephone	23.34	137.05	229.00	229.00	91.95	60%
370	Travel & Education	0.00	137.50	900.00	900.00	762.50	15%
	Account Total:	4,059.71	23,082.84	52,301.00	52,301.00	29,218.16	44%
410530 AUDIT (1/4)							
350	Professional Services	9,195.59	14,224.09	12,000.00	12,000.00	-2,224.09	119%
	Account Total:	9,195.59	14,224.09	12,000.00	12,000.00	-2,224.09	119%
410550 ACCOUNTING							
100	Regular Wages	2,042.70	13,185.35	26,547.00	26,547.00	13,361.65	50%
120	Overtime-Regular	0.00	0.00	994.00	994.00	994.00	0%
141	Social Security	124.08	802.13	1,708.00	1,708.00	905.87	47%
142	Medicare	29.01	187.75	399.00	399.00	211.25	47%
143	PERS	185.28	1,195.89	2,498.00	2,498.00	1,302.11	48%
145	Unemployment Insurance	5.10	32.81	69.00	69.00	36.19	48%
146	Workers' Compensation	9.36	60.36	123.00	123.00	62.64	49%

01/11/24
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CITY OF SHELBY
Statement of Expenditure - Budget vs. Actual Report
For the Accounting Period: 12 / 23

Page: 2 of 25
Report ID: B100C

Fund Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
1000 GENERAL							
147	Insurance	480.44	2,882.12	5,764.00	5,764.00	2,881.88	50%
200	Supplies	46.06	728.00	1,413.00	1,413.00	685.00	52%
215	Inventory >\$99 <\$5000	0.00	0.00	1,308.00	1,308.00	1,308.00	0%
300	Purchased Services	905.85	2,109.76	12,482.00	12,482.00	10,372.24	17%
344	Telephone	40.89	245.34	544.00	544.00	298.66	45%
370	Travel & Education	0.00	7.86	205.00	205.00	197.14	4%
900	CAPITAL OUTLAY	0.00	1,525.00	5,000.00	5,000.00	3,475.00	31%
	Account Total:	3,868.77	22,962.37	59,054.00	59,054.00	36,091.63	39%
410600 ELECTIONS							
300	Purchased Services	0.00	0.00	2,592.00	2,592.00	2,592.00	0%
	Account Total:	0.00	0.00	2,592.00	2,592.00	2,592.00	0%
411030 CITY-COUNTY PLANNING BOARD							
120	Overtime-Regular	0.00	0.00	290.00	290.00	290.00	0%
141	Social Security	0.00	0.00	18.00	18.00	18.00	0%
142	Medicare	0.00	0.00	4.00	4.00	4.00	0%
143	PERS	0.00	0.00	26.00	26.00	26.00	0%
145	Unemployment Insurance	0.00	0.00	1.00	1.00	1.00	0%
	Account Total:	0.00	0.00	339.00	339.00	339.00	0%
411050 COMMUNITY DEVELOPMENT DIRECTOR							
100	Regular Wages	408.12	2,705.98	5,528.00	5,528.00	2,822.02	49%
118	Termination Pay	0.00	0.00	974.00	974.00	974.00	0%
120	Overtime-Regular	0.00	30.98	0.00	0.00	-30.98	0%
141	Social Security	25.29	169.68	403.00	403.00	233.32	42%
142	Medicare	5.95	39.75	94.00	94.00	54.25	42%
143	PERS	37.02	248.24	590.00	590.00	341.76	42%
145	Unemployment Insurance	0.99	6.81	16.00	16.00	9.19	43%
146	Workers' Compensation	2.66	17.67	42.00	42.00	24.33	42%
147	Insurance	120.02	716.15	1,442.00	1,442.00	725.85	50%
200	Supplies	0.00	0.00	37.00	37.00	37.00	0%
215	Inventory >\$99 <\$5000	0.00	0.00	272.00	272.00	272.00	0%
300	Purchased Services	8,396.73	9,211.85	62,000.00	62,000.00	52,788.15	15%
344	Telephone	75.67	453.98	521.00	521.00	67.02	87%
370	Travel & Education	0.00	375.68	169.00	169.00	-206.68	222%
	Account Total:	9,072.45	13,976.77	72,088.00	72,088.00	58,111.23	19%
411100 LEGAL SERVICES							
350	Professional Services	1,741.87	6,930.07	20,000.00	20,000.00	13,069.93	35%
	Account Total:	1,741.87	6,930.07	20,000.00	20,000.00	13,069.93	35%
411200 HISTORIC CITY HALL							
200	Supplies	16.99	116.99	0.00	0.00	-116.99	0%
300	Purchased Services	0.00	735.36	755.00	755.00	19.64	97%
341	City Bills (wtr,swr,garb)	123.65	1,035.83	1,426.00	1,426.00	390.17	73%
342	Utility-Electric	149.46	802.56	1,147.00	1,147.00	344.44	70%
343	Utility-Gas	101.65	225.05	805.00	805.00	579.95	28%
900	CAPITAL OUTLAY	9,143.97	9,143.97	12,000.00	12,000.00	2,856.03	76%

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1000 GENERAL							
	Account Total:	9,535.72	12,059.76	16,133.00	16,133.00	4,073.24	75%
411201 INDUSTRIAL PARK-FACILITIES ADMIN							
300 Purchased Services		0.00	202.00	1,630.00	1,630.00	1,428.00	12%
	Account Total:	0.00	202.00	1,630.00	1,630.00	1,428.00	12%
411202 NEW CITY HALL OPERATIONS							
200 Supplies		0.00	703.91	260.00	260.00	-443.91	271%
300 Purchased Services		0.00	288.55	250.00	250.00	-38.55	115%
341 City Bills (wtr,swr,garb)		59.78	336.86	585.00	585.00	248.14	58%
342 Utility-Electric		45.23	347.46	571.00	571.00	223.54	61%
343 Utility-Gas		75.99	122.77	501.00	501.00	378.23	25%
390 Other Contracted Services		75.00	450.00	825.00	825.00	375.00	55%
	Account Total:	256.00	2,249.55	2,992.00	2,992.00	742.45	75%
	Account Group Total:	39,064.74	103,539.45	259,574.00	259,574.00	156,034.55	40%
420000 PUBLIC SAFETY							
420000 PUBLIC SAFETY							
300 Purchased Services		141,439.54	327,789.54	600,000.00	600,000.00	272,210.46	55%
	Account Total:	141,439.54	327,789.54	600,000.00	600,000.00	272,210.46	55%
420400 FIRE PROTECTION/CONTROL-CITY							
146 Workers' Compensation		89.10	529.65	1,117.00	1,117.00	587.35	47%
200 Supplies		51.67	2,837.15	1,000.00	1,000.00	-1,837.15	284%
215 Inventory >\$99 <\$5000		0.00	3,435.34	0.00	0.00	-3,435.34	0%
230 Fuel		0.00	0.00	691.00	691.00	691.00	0%
300 Purchased Services		726.54	13,088.42	22,441.00	22,441.00	9,352.58	58%
341 City Bills (wtr,swr,garb)		448.06	2,705.18	5,500.00	5,500.00	2,794.82	49%
342 Utility-Electric		188.68	1,107.45	2,500.00	2,500.00	1,392.55	44%
343 Utility-Gas		432.78	751.38	4,100.00	4,100.00	3,348.62	18%
344 Telephone		71.46	428.76	750.00	750.00	321.24	57%
900 CAPITAL OUTLAY		0.00	31,000.00	271,000.00	271,000.00	240,000.00	11%
	Account Total:	2,008.29	55,883.33	309,099.00	309,099.00	253,215.67	18%
420401 FIRE PROTECTION/CONTROL-RURAL							
200 Supplies		0.00	7,096.13	8,000.00	8,000.00	903.87	89%
215 Inventory >\$99 <\$5000		0.00	2,811.25	2,000.00	2,000.00	-811.25	141%
230 Fuel		123.14	2,991.27	3,500.00	3,500.00	508.73	85%
300 Purchased Services		0.00	3,494.50	4,486.00	4,486.00	991.50	78%
341 City Bills (wtr,swr,garb)		448.06	2,705.19	4,950.00	4,950.00	2,244.81	55%
342 Utility-Electric		188.68	1,107.43	2,166.00	2,166.00	1,058.57	51%
343 Utility-Gas		432.77	751.37	3,807.00	3,807.00	3,055.63	20%
344 Telephone		71.45	428.70	750.00	750.00	321.30	57%
370 Travel & Education		0.00	0.00	1,300.00	1,300.00	1,300.00	0%
	Account Total:	1,264.10	21,385.84	30,959.00	30,959.00	9,573.16	69%

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1000 GENERAL							
420500 BUILDING INSPECTOR							
100 Regular Wages		0.00	0.00	59,925.00	59,925.00	59,925.00	0%
141 Social Security		0.00	0.00	3,715.00	3,715.00	3,715.00	0%
142 Medicare		0.00	0.00	869.00	869.00	869.00	0%
143 PERS		0.00	0.00	5,435.00	5,435.00	5,435.00	0%
145 Unemployment Insurance		0.00	0.00	150.00	150.00	150.00	0%
146 Workers' Compensation		0.00	0.00	386.00	386.00	386.00	0%
147 Insurance		0.00	0.00	19,212.00	19,212.00	19,212.00	0%
200 Supplies		0.00	0.00	375.00	375.00	375.00	0%
230 Fuel		0.00	0.00	1,228.00	1,228.00	1,228.00	0%
300 Purchased Services		8.66	78.74	817.00	817.00	738.26	10%
344 Telephone		45.78	274.64	503.00	503.00	228.36	55%
370 Travel & Education		0.00	0.00	1,329.00	1,329.00	1,329.00	0%
Account Total:		54.44	353.38	93,944.00	93,944.00	93,590.62	0%
Account Group Total:		144,766.37	405,412.09	1,034,002.00	1,034,002.00	628,589.91	39%
430000 PUBLIC WORKS							
430200 ROAD & STREET MAINTENANCE							
100 Regular Wages		7,097.93	46,857.36	96,233.00	96,233.00	49,375.64	49%
118 Termination Pay		0.00	172.10	0.00	0.00	-172.10	0%
120 Overtime-Regular		31.61	1,444.55	6,648.00	6,648.00	5,203.45	22%
141 Social Security		437.17	2,974.89	6,378.00	6,378.00	3,403.11	47%
142 Medicare		102.31	695.89	1,492.00	1,492.00	796.11	47%
143 PERS		646.58	4,396.17	9,331.00	9,331.00	4,934.83	47%
145 Unemployment Insurance		17.76	120.94	257.00	257.00	136.06	47%
146 Workers' Compensation		342.31	2,341.33	4,828.00	4,828.00	2,486.67	48%
147 Insurance		2,231.71	14,076.28	28,818.00	28,818.00	14,741.72	49%
200 Supplies		2,806.98	11,018.40	34,151.00	34,151.00	23,132.60	32%
220 Clothing Allowance (1/4)		18.72	468.54	378.00	378.00	-90.54	124%
230 Fuel		1,000.00	7,148.78	20,000.00	20,000.00	12,851.22	36%
260 Safety Equipment (1/4)		0.00	13.99	165.00	165.00	151.01	8%
300 Purchased Services		4,222.27	11,870.53	13,079.00	13,079.00	1,208.47	91%
323 ArcGIS & GPS Mapping		0.00	0.00	1,218.00	1,218.00	1,218.00	0%
341 City Bills (wtr, swr, garb)		67.00	402.18	708.00	708.00	305.82	57%
342 Utility-Electric		121.96	722.71	733.00	733.00	10.29	99%
343 Utility-Gas		259.50	494.91	1,630.00	1,630.00	1,135.09	30%
344 Telephone		37.70	226.15	399.00	399.00	172.85	57%
350 Professional Services		0.00	5,743.62	0.00	0.00	-5,743.62	0%
369 Repairs & Maintenance		1,028.50	9,035.07	714.00	714.00	-8,321.07	1265%
400 Gravel/Asphalt/Oil		12,590.63	60,205.93	0.00	0.00	-60,205.93	0%
900 CAPITAL OUTLAY		85,424.75	271,898.49	857,000.00	857,000.00	585,101.51	32%
Account Total:		118,485.39	452,328.81	1,084,160.00	1,084,160.00	631,831.19	42%
Account Group Total:		118,485.39	452,328.81	1,084,160.00	1,084,160.00	631,831.19	42%
440000 PUBLIC HEALTH							

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1000 GENERAL							
440600	ANIMAL CONTROL SERVICES						
100	Regular Wages						
120	Overtime-Regular	1,630.41	10,597.83	21,195.00	21,195.00	10,597.17	50%
141	Social Security	91.71	618.71	2,216.00	2,216.00	1,597.29	28%
142	Medicare	102.47	669.54	1,450.00	1,450.00	780.46	46%
143	PERS	23.97	156.58	339.00	339.00	182.42	46%
145	Unemployment Insurance	156.19	1,017.34	2,123.00	2,123.00	1,105.66	48%
146	Workers' Compensation	4.31	28.04	59.00	59.00	30.96	48%
147	Insurance	147.43	925.05	1,975.00	1,975.00	1,049.95	47%
200	Supplies	821.69	4,944.44	9,606.00	9,606.00	4,661.56	51%
230	Fuel	1,080.00	2,093.36	593.00	593.00	-1,500.36	353%
300	Purchased Services	147.19	609.58	285.00	285.00	-324.58	214%
342	Utility-Electric	0.00	1,019.89	72.00	72.00	-947.89	1417%
344	Telephone	85.87	363.05	629.00	629.00	265.95	58%
	Account Total:	4,338.57	23,327.35	41,063.00	41,063.00	17,735.65	57%
	Account Group Total:	4,338.57	23,327.35	41,063.00	41,063.00	17,735.65	57%
460000	CULTURE AND RECREATION						
460430	PARKS						
100	Regular Wages	652.16	4,239.06	8,478.00	8,478.00	4,238.94	50%
111	Seasonal/Short Term/Temp	0.00	9,972.00	35,160.00	35,160.00	25,188.00	28%
120	Overtime-Regular	0.00	455.74	443.00	443.00	-12.74	103%
121	Overtime-Short Term/Temp	0.00	0.00	225.00	225.00	225.00	0%
141	Social Security	38.81	899.57	2,746.00	2,746.00	1,846.43	33%
142	Medicare	9.07	210.38	642.00	642.00	431.62	33%
143	PERS	59.15	425.84	809.00	809.00	383.16	53%
145	Unemployment Insurance	1.64	36.71	111.00	111.00	74.29	33%
146	Workers' Compensation	34.44	384.24	2,326.00	2,326.00	1,941.76	17%
147	Insurance	311.64	1,867.25	3,842.00	3,842.00	1,974.75	49%
200	Supplies	-10.00	12,457.98	21,573.00	21,573.00	9,115.02	58%
221	Trees	0.00	0.00	2,548.00	2,548.00	2,548.00	0%
230	Fuel	0.00	2,813.37	2,457.00	2,457.00	-356.37	115%
300	Purchased Services	0.00	213.00	40,000.00	40,000.00	39,787.00	1%
341	City Bills (wtr, swr, garb)	0.00	7,238.99	5,663.00	5,663.00	-1,575.99	128%
342	Utility-Electric	141.80	659.44	865.00	865.00	205.56	76%
900	CAPITAL OUTLAY	2,450.00	33,674.89	40,000.00	40,000.00	6,325.11	84%
	Account Total:	3,688.71	75,548.46	167,888.00	167,888.00	92,339.54	45%
460437	WILLIAMSON PARK CAMPGROUND						
100	Regular Wages	0.00	0.00	-105.00	-105.00	-105.00	0%
120	Overtime-Regular	0.00	2,374.88	3,191.00	3,191.00	816.12	74%
141	Social Security	0.00	147.24	198.00	198.00	50.76	74%
142	Medicare	0.00	34.43	46.00	46.00	11.57	75%
143	PERS	0.00	215.40	289.00	289.00	73.60	75%
145	Unemployment Insurance	0.00	5.95	8.00	8.00	2.05	74%
146	Workers' Compensation	0.00	34.28	109.00	109.00	74.72	31%
147	Insurance	0.00	4.34	0.00	0.00	-4.34	0%
200	Supplies	0.00	141.98	1,471.00	1,471.00	1,329.02	10%
300	Purchased Services	0.00	120.00	120.00	120.00	0.00	100%
341	City Bills (wtr, swr, garb)	35.00	726.00	986.00	986.00	260.00	74%

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1000 GENERAL							
	Account Total:	35.00	3,804.50	6,313.00	6,313.00	2,508.50	60%
460438 LAKE SHEL-OOLE WATERSHED							
350 Professional Services		0.00	0.00	4,937.00	4,937.00	4,937.00	0%
	Account Total:	0.00	0.00	4,937.00	4,937.00	4,937.00	0%
460439 LAKE SHEL-OOLE CAMPGROUND & BALLFIELD							
120 Overtime-Regular		0.00	4,919.46	5,318.00	5,318.00	398.54	93%
141 Social Security		0.00	305.01	330.00	330.00	24.99	92%
142 Medicare		0.00	71.34	77.00	77.00	5.66	93%
143 PERS		0.00	446.21	482.00	482.00	35.79	93%
145 Unemployment Insurance		0.00	12.29	13.00	13.00	0.71	95%
146 Workers' Compensation		0.00	47.56	182.00	182.00	134.44	26%
147 Insurance		0.00	9.16	0.00	0.00	-9.16	0%
200 Supplies		0.00	141.97	188.00	188.00	46.03	76%
300 Purchased Services		0.00	120.00	637.00	637.00	517.00	19%
341 City Bills (wtr, swr, garb)		35.00	5,150.60	4,304.00	4,304.00	-846.60	120%
342 Utility-Electric		183.33	1,751.58	1,250.00	1,250.00	-501.58	140%
	Account Total:	218.33	12,975.18	12,781.00	12,781.00	-194.18	102%
460442 CIVIC CENTER							
100 Regular Wages		3,649.50	23,953.18	55,871.00	55,871.00	31,917.82	43%
111 Seasonal/Short Term/Temp		120.00	120.00	3,120.00	3,120.00	3,000.00	4%
120 Overtime-Regular		0.00	1.60	443.00	443.00	441.40	0%
141 Social Security		232.61	1,486.08	3,685.00	3,685.00	2,198.92	40%
142 Medicare		54.42	347.65	862.00	862.00	514.35	40%
143 PERS		284.75	1,895.12	5,391.00	5,391.00	3,495.88	35%
145 Unemployment Insurance		9.44	60.28	141.00	141.00	80.72	43%
146 Workers' Compensation		35.41	226.68	603.00	603.00	376.32	38%
147 Insurance		1,356.39	8,135.57	16,336.00	16,336.00	8,200.43	50%
200 Supplies		253.02	4,756.61	5,463.00	5,463.00	706.39	87%
215 Inventory >\$99 <\$5000		0.00	1,579.00	6,924.00	6,924.00	5,345.00	23%
300 Purchased Services		1,205.68	13,157.15	15,237.00	15,237.00	2,079.85	86%
341 City Bills (wtr, swr, garb)		294.65	1,767.90	3,208.00	3,208.00	1,440.10	55%
342 Utility-Electric		880.76	4,820.03	9,228.00	9,228.00	4,407.97	52%
343 Utility-Gas		345.60	682.50	2,154.00	2,154.00	1,471.50	32%
344 Telephone		170.67	1,024.02	1,882.00	1,882.00	857.98	54%
369 Repairs & Maintenance		0.00	571.08	1,111.00	1,111.00	539.92	51%
900 CAPITAL OUTLAY		0.00	5,975.00	17,000.00	17,000.00	11,025.00	35%
	Account Total:	8,892.90	70,559.45	148,659.00	148,659.00	78,099.55	47%
460445 SWIMMING POOL							
100 Regular Wages		326.08	2,118.90	4,239.00	4,239.00	2,120.10	50%
111 Seasonal/Short Term/Temp		0.00	20,245.35	40,295.00	40,295.00	20,049.65	50%
118 Termination Pay		0.00	43.15	0.00	0.00	-43.15	0%
120 Overtime-Regular		0.00	275.95	886.00	886.00	610.05	31%
121 Overtime-Short Term/Temp		0.00	40.50	450.00	450.00	409.50	9%
141 Social Security		19.40	1,404.00	2,816.00	2,816.00	1,412.00	50%
142 Medicare		4.55	328.39	659.00	659.00	330.61	50%
143 PERS		29.58	520.09	465.00	465.00	-55.09	112%

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1000	GENERAL						
145	Unemployment Insurance	0.82	56.85	114.00	114.00	57.15	50%
146	Workers' Compensation	17.22	375.33	839.00	839.00	463.67	45%
147	Insurance	155.82	977.39	1,921.00	1,921.00	943.61	51%
200	Supplies	0.00	1,985.31	15,000.00	15,000.00	13,014.69	13%
300	Purchased Services	0.00	2,230.32	5,000.00	5,000.00	2,769.68	45%
341	City Bills (wtr, swr, garb)	328.65	2,243.88	8,000.00	8,000.00	5,756.12	28%
342	Utility-Electric	72.73	2,189.58	2,286.00	2,286.00	96.42	96%
343	Utility-Gas	588.70	3,645.10	6,048.00	6,048.00	2,402.90	60%
344	Telephone	114.88	689.28	656.00	656.00	-33.28	105%
369	Repairs & Maintenance	0.00	1,290.77	437.00	437.00	-853.77	295%
900	CAPITAL OUTLAY	0.00	0.00	15,000.00	15,000.00	15,000.00	0%
	Account Total:	1,658.43	40,660.14	105,111.00	105,111.00	64,450.86	39%
460462	RAINBOW HOTEL						
950	Construction	0.00	0.00	55,000.00	55,000.00	55,000.00	0%
	Account Total:	0.00	0.00	55,000.00	55,000.00	55,000.00	0%
460465	HISTORIC SHELBY HIGH (MIDDLE)						
120	Overtime-Regular	0.00	0.00	443.00	443.00	443.00	0%
141	Social Security	0.00	0.00	27.00	27.00	27.00	0%
142	Medicare	0.00	0.00	6.00	6.00	6.00	0%
143	PERS	0.00	0.00	40.00	40.00	40.00	0%
145	Unemployment Insurance	0.00	0.00	1.00	1.00	1.00	0%
146	Workers' Compensation	0.00	0.00	15.00	15.00	15.00	0%
200	Supplies	659.67	759.67	1,852.00	1,852.00	1,092.33	41%
300	Purchased Services	0.00	50.00	30.00	30.00	-20.00	167%
341	City Bills (wtr, swr, garb)	294.65	1,876.86	3,321.00	3,321.00	1,444.14	57%
342	Utility-Electric	180.94	514.32	1,100.00	1,100.00	585.68	47%
343	Utility-Gas	291.50	529.70	2,982.00	2,982.00	2,452.30	18%
900	CAPITAL OUTLAY	0.00	5,000.00	15,000.00	15,000.00	10,000.00	33%
	Account Total:	1,426.76	8,730.55	24,817.00	24,817.00	16,086.45	35%
	Account Group Total:	15,920.13	212,278.28	525,506.00	525,506.00	313,227.72	40%
470000	HOUSING, COMMUNITY & ECONOMIC						
470120	Community Improvements						
790	Grants and Contributions	0.00	5,115.00	800,000.00	800,000.00	794,885.00	1%
	Account Total:	0.00	5,115.00	800,000.00	800,000.00	794,885.00	1%
470270	HOUSING & COMM DEVELOPMENT						
300	Purchased Services	39.72	2,230.09	26,853.00	26,853.00	24,622.91	8%
910	Property Purchases	0.00	0.00	12,000.00	12,000.00	12,000.00	0%
	Account Total:	39.72	2,230.09	38,853.00	38,853.00	36,622.91	6%
	Account Group Total:	39.72	7,345.09	838,853.00	838,853.00	831,507.91	1%
480000	CONSERVATION AND NATURAL RESOURCES						

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1000 GENERAL							
480100 RECYLING PROGRAM							
200 Supplies		80.00	128.00	222.00	222.00	94.00	58%
	Account Total:	80.00	128.00	222.00	222.00	94.00	58%
	Account Group Total:	80.00	128.00	222.00	222.00	94.00	58%
490000 OTHER PAYMENTS							
490527 USDA LOAN FIREHALL IMPR							
610 Principal		820.91	4,889.78	13,473.00	13,473.00	8,583.22	36%
620 Interest		782.09	4,728.22	5,763.00	5,763.00	1,034.78	82%
	Account Total:	1,603.00	9,618.00	19,236.00	19,236.00	9,618.00	50%
	Account Group Total:	1,603.00	9,618.00	19,236.00	19,236.00	9,618.00	50%
510000 MISCELLANEOUS							
510302 CONSULTANT SERVICES							
350 Professional Services		0.00	500.00	2,300.00	2,300.00	1,800.00	22%
	Account Total:	0.00	500.00	2,300.00	2,300.00	1,800.00	22%
510320 TRI-CITY EQUIPMENT INTERLOCAL							
560 Contribution to Equipment		0.00	15,000.00	15,000.00	15,000.00	0.00	100%
	Account Total:	0.00	15,000.00	15,000.00	15,000.00	0.00	100%
510330 COMPREHENSIVE LIABILITY INSURANCE							
510 Insur-Liab/Prop/Auto Physical Dmg		0.00	31,271.25	0.00	0.00	-31,271.25	0%
	Account Total:	0.00	31,271.25	0.00	0.00	-31,271.25	0%
	Account Group Total:	0.00	46,771.25	17,300.00	17,300.00	-29,471.25	270%
520000 OTHER FINANCING USES							
521000 INTERFUND OPERATING TRANSFERS OUT							
820 Transfer to Other Funds		0.00	0.00	20,000.00	20,000.00	20,000.00	0%
	Account Total:	0.00	0.00	20,000.00	20,000.00	20,000.00	0%
	Account Group Total:	0.00	0.00	20,000.00	20,000.00	20,000.00	0%
	Fund Total:	324,297.92	1,260,748.32	3,839,916.00	3,839,916.00	2,579,167.68	33%
2190 COMPREHENSIVE LIABILITY							
510000 MISCELLANEOUS							
510330 COMPREHENSIVE LIABILITY INSURANCE							
510 Insur-Liab/Prop/Auto Physical Dmg		0.00	0.00	32,000.00	32,000.00	32,000.00	0%
815 Insurance Deductible		0.00	187.50	750.00	750.00	562.50	25%
	Account Total:	0.00	187.50	32,750.00	32,750.00	32,562.50	1%
	Account Group Total:	0.00	187.50	32,750.00	32,750.00	32,562.50	1%
	Fund Total:	0.00	187.50	32,750.00	32,750.00	32,562.50	1%

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2310 TAX INCREMENT FINANCING DISTRICT (TIFD)							
430000	PUBLIC WORKS						
430000	PUBLIC WORKS						
300	Purchased Services	1,527.50	4,238.05	0.00	0.00	-4,238.05	0%
900	CAPITAL OUTLAY	2,600.00	24,167.50	1,400,000.00	1,400,000.00	1,375,832.50	2%
	Account Total:	4,127.50	28,405.55	1,400,000.00	1,400,000.00	1,371,594.45	2%
	Account Group Total:	4,127.50	28,405.55	1,400,000.00	1,400,000.00	1,371,594.45	2%
490000	OTHER PAYMENTS						
490211	USDA RD-2015 MULTIMODAL						
620	Interest	0.00	0.00	200,000.00	200,000.00	200,000.00	0%
	Account Total:	0.00	0.00	200,000.00	200,000.00	200,000.00	0%
	Account Group Total:	0.00	0.00	200,000.00	200,000.00	200,000.00	0%
	Fund Total:	4,127.50	28,405.55	1,600,000.00	1,600,000.00	1,571,594.45	2%
2370 P.E.R.S.-EMPLOYER CONTRIBUTION							
520000	OTHER FINANCING USES						
521000	INTERFUND OPERATING TRANSFERS OUT						
823	Transfer to General Fund	0.00	0.00	12,000.00	12,000.00	12,000.00	0%
	Account Total:	0.00	0.00	12,000.00	12,000.00	12,000.00	0%
	Account Group Total:	0.00	0.00	12,000.00	12,000.00	12,000.00	0%
	Fund Total:	0.00	0.00	12,000.00	12,000.00	12,000.00	0%
2371 HEALTH INSURANCE-EMPLOYER CONTRIBUTION							
520000	OTHER FINANCING USES						
521000	INTERFUND OPERATING TRANSFERS OUT						
823	Transfer to General Fund	0.00	0.00	30,000.00	30,000.00	30,000.00	0%
	Account Total:	0.00	0.00	30,000.00	30,000.00	30,000.00	0%
	Account Group Total:	0.00	0.00	30,000.00	30,000.00	30,000.00	0%
	Fund Total:	0.00	0.00	30,000.00	30,000.00	30,000.00	0%
2372 PERMISSIVE MEDICAL LEVY							
520000	OTHER FINANCING USES						
521000	INTERFUND OPERATING TRANSFERS OUT						
823	Transfer to General Fund	0.00	0.00	1,118.00	1,118.00	1,118.00	0%
	Account Total:	0.00	0.00	1,118.00	1,118.00	1,118.00	0%
	Account Group Total:	0.00	0.00	1,118.00	1,118.00	1,118.00	0%
	Fund Total:	0.00	0.00	1,118.00	1,118.00	1,118.00	0%

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2396	REC FACILITIES PASS (DONATIONS)						
510000	MISCELLANEOUS						
510300	OTHER UNALLOCATED COSTS						
300	Purchased Services	0.00	667.50	1,500.00	1,500.00	832.50	45%
	Account Total:	0.00	667.50	1,500.00	1,500.00	832.50	45%
	Account Group Total:	0.00	667.50	1,500.00	1,500.00	832.50	45%
	Fund Total:	0.00	667.50	1,500.00	1,500.00	832.50	45%
2399	REVOLVING LOAN						
470000	HOUSING, COMMUNITY & ECONOMIC						
470000	HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT						
950	Construction	0.00	6,730.00	0.00	0.00	-6,730.00	0%
	Account Total:	0.00	6,730.00	0.00	0.00	-6,730.00	0%
470320	ECONOMIC DEVELOPMENT LOANS						
300	Purchased Services	0.00	0.00	160,000.00	160,000.00	160,000.00	0%
	Account Total:	0.00	0.00	160,000.00	160,000.00	160,000.00	0%
	Account Group Total:	0.00	6,730.00	160,000.00	160,000.00	153,270.00	4%
	Fund Total:	0.00	6,730.00	160,000.00	160,000.00	153,270.00	4%
2400	STREET LIGHTING DISTRICT NO. 35						
410000	GENERAL GOVERNMENT						
411860	SPECIAL IMPROVEMENT ASSESSMENTS						
540	Street Lighting District No. 35	0.00	4,900.67	4,806.00	4,806.00	-94.67	102%
	Account Total:	0.00	4,900.67	4,806.00	4,806.00	-94.67	102%
	Account Group Total:	0.00	4,900.67	4,806.00	4,806.00	-94.67	102%
430000	PUBLIC WORKS						
430263	STREET LIGHTING						
100	Regular Wages	146.89	954.35	1,932.00	1,932.00	977.65	49%
141	Social Security	9.09	59.16	120.00	120.00	60.84	49%
142	Medicare	2.11	13.78	28.00	28.00	14.22	49%
143	PERS	13.34	86.53	175.00	175.00	88.47	49%
145	Unemployment Insurance	0.36	2.39	5.00	5.00	2.61	48%
146	Workers' Compensation	0.35	2.37	5.00	5.00	2.63	47%
147	Insurance	80.14	480.60	961.00	961.00	480.40	50%
200	Supplies	150.42	1,881.58	0.00	0.00	-1,881.58	0%
342	Utility-Electric	3,917.89	23,460.65	50,000.00	50,000.00	26,539.35	47%
900	CAPITAL OUTLAY	0.00	0.00	200,000.00	200,000.00	200,000.00	0%
	Account Total:	4,320.59	26,941.41	253,226.00	253,226.00	226,284.59	11%
	Account Group Total:	4,320.59	26,941.41	253,226.00	253,226.00	226,284.59	11%
	Fund Total:	4,320.59	31,842.08	258,032.00	258,032.00	226,189.92	12%

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2500 STREET MAINTENANCE DISTRICT NO. 1							
430000 PUBLIC WORKS							
430200 ROAD & STREET MAINTENANCE							
	100 Regular Wages	293.42	1,907.27	3,863.00	3,863.00	1,955.73	49%
	120 Overtime-Regular	0.00	0.00	8,864.00	8,864.00	8,864.00	0%
	141 Social Security	18.20	118.28	789.00	789.00	670.72	15%
	142 Medicare	4.25	27.65	185.00	185.00	157.35	15%
	143 PERS	26.62	173.02	1,154.00	1,154.00	980.98	15%
	145 Unemployment Insurance	0.73	4.77	32.00	32.00	27.23	15%
	146 Workers' Compensation	0.76	4.94	313.00	313.00	308.06	2%
	147 Insurance	160.07	960.40	1,921.00	1,921.00	960.60	50%
	200 Supplies	0.00	0.00	1,391.00	1,391.00	1,391.00	0%
	230 Fuel	0.00	0.00	1,085.00	1,085.00	1,085.00	0%
	400 Gravel/Asphalt/Oil	0.00	0.00	5,046.00	5,046.00	5,046.00	0%
	900 CAPITAL OUTLAY	0.00	0.00	400,000.00	400,000.00	400,000.00	0%
	Account Total:	504.05	3,196.33	424,643.00	424,643.00	421,446.67	1%
	Account Group Total:	504.05	3,196.33	424,643.00	424,643.00	421,446.67	1%
	Fund Total:	504.05	3,196.33	424,643.00	424,643.00	421,446.67	1%
2550 2012 CURB GUTTER & SIDEWALK SID							
490000 OTHER PAYMENTS							
490528 2012 SIDEWALK SID							
	300 Purchased Services	0.00	400.00	500.00	500.00	100.00	80%
	610 Principal	0.00	0.00	47,000.00	47,000.00	47,000.00	0%
	620 Interest	0.00	900.00	1,000.00	1,000.00	100.00	90%
	Account Total:	0.00	1,300.00	48,500.00	48,500.00	47,200.00	3%
	Account Group Total:	0.00	1,300.00	48,500.00	48,500.00	47,200.00	3%
	Fund Total:	0.00	1,300.00	48,500.00	48,500.00	47,200.00	3%
2600 PARK MAINTENANCE DISTRICT #1							
460000 CULTURE AND RECREATION							
460400 PARK & RECREATION SERVICES							
	100 Regular Wages	146.93	954.50	1,932.00	1,932.00	977.50	49%
	141 Social Security	9.13	59.19	120.00	120.00	60.81	49%
	142 Medicare	2.14	13.85	28.00	28.00	14.15	49%
	143 PERS	13.32	86.60	175.00	175.00	88.40	49%
	145 Unemployment Insurance	0.38	2.41	5.00	5.00	2.59	48%
	146 Workers' Compensation	0.39	2.48	5.00	5.00	2.52	50%
	147 Insurance	80.16	480.71	961.00	961.00	480.29	50%
	900 CAPITAL OUTLAY	0.00	0.00	47,000.00	47,000.00	47,000.00	0%
	Account Total:	252.45	1,599.74	50,226.00	50,226.00	48,626.26	3%
	Account Group Total:	252.45	1,599.74	50,226.00	50,226.00	48,626.26	3%
	Fund Total:	252.45	1,599.74	50,226.00	50,226.00	48,626.26	3%

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2810 POLICE PENSION & TRAINING (3RD CLASS CITIES)							
520000 OTHER FINANCING USES							
521000 INTERFUND OPERATING TRANSFERS OUT							
823 Transfer to General Fund							
Account Total:		0.00	0.00	45,000.00	- 45,000.00	45,000.00	0%
		0.00	0.00	45,000.00	45,000.00	45,000.00	0%
Account Group Total:		0.00	0.00	45,000.00	45,000.00	45,000.00	0%
Fund Total:		0.00	0.00	45,000.00	45,000.00	45,000.00	0%
2920 TRAILS GRANT							
460000 CULTURE AND RECREATION							
460443 Walking Trail							
900 CAPITAL OUTLAY							
950 Construction							
Account Total:		0.00	0.00	6,000.00	6,000.00	6,000.00	0%
		0.00	0.00	20,000.00	20,000.00	20,000.00	0%
		0.00	0.00	26,000.00	26,000.00	26,000.00	0%
Account Group Total:		0.00	0.00	26,000.00	26,000.00	26,000.00	0%
Fund Total:		0.00	0.00	26,000.00	26,000.00	26,000.00	0%
2940 CDBG HOUSING FUND							
470000 HOUSING, COMMUNITY & ECONOMIC							
470000 HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT							
950 Construction							
Account Total:		10,000.00	211,737.60	0.00	0.00	-211,737.60	0%
		10,000.00	211,737.60	0.00	0.00	-211,737.60	0%
470240 HOUSING REHABILITATION							
750 Rehabilitation							
Account Total:		0.00	0.00	385,000.00	385,000.00	385,000.00	0%
		0.00	0.00	385,000.00	385,000.00	385,000.00	0%
Account Group Total:		10,000.00	211,737.60	385,000.00	385,000.00	173,262.40	55%
Fund Total:		10,000.00	211,737.60	385,000.00	385,000.00	173,262.40	55%
2991 AMERICAN RESCUE PLAN ACT (ARPA) RECOVERY FUNDS							
520000 OTHER FINANCING USES							
521000 INTERFUND OPERATING TRANSFERS OUT							
820 Transfer to Other Funds							
Account Total:		0.00	0.00	774,516.00	774,516.00	774,516.00	0%
		0.00	0.00	774,516.00	774,516.00	774,516.00	0%
Account Group Total:		0.00	0.00	774,516.00	774,516.00	774,516.00	0%
Fund Total:		0.00	0.00	774,516.00	774,516.00	774,516.00	0%

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3015	1991 SWIMMING POOL BATH HOUSE GOB						
490000	OTHER PAYMENTS						
490100	GENERAL OBLIGATION BONDS						
610	Principal	0.00	0.00	2,950.00	2,950.00	2,950.00	0%
	Account Total:	0.00	0.00	2,950.00	2,950.00	2,950.00	0%
	Account Group Total:	0.00	0.00	2,950.00	2,950.00	2,950.00	0%
	Fund Total:	0.00	0.00	2,950.00	2,950.00	2,950.00	0%
3035	2006 FIRE HALL G.O.B.						
490000	OTHER PAYMENTS						
490100	GENERAL OBLIGATION BONDS						
610	Principal	0.00	0.00	44,000.00	44,000.00	44,000.00	0%
900	CAPITAL OUTLAY	0.00	44,000.00	0.00	0.00	-44,000.00	0%
	Account Total:	0.00	44,000.00	44,000.00	44,000.00	0.00	100%
	Account Group Total:	0.00	44,000.00	44,000.00	44,000.00	0.00	100%
	Fund Total:	0.00	44,000.00	44,000.00	44,000.00	0.00	100%
4000	CAPITAL PROJECTS FUND						
430000	PUBLIC WORKS						
430200	ROAD & STREET MAINTENANCE						
900	CAPITAL OUTLAY	0.00	0.00	500,000.00	500,000.00	500,000.00	0%
	Account Total:	0.00	0.00	500,000.00	500,000.00	500,000.00	0%
	Account Group Total:	0.00	0.00	500,000.00	500,000.00	500,000.00	0%
	Fund Total:	0.00	0.00	500,000.00	500,000.00	500,000.00	0%
5210	WATER UTILITY						
410000	GENERAL GOVERNMENT						
410530	AUDIT (1/4)						
350	Professional Services	9,195.59	14,224.09	12,500.00	12,500.00	-1,724.09	114%
	Account Total:	9,195.59	14,224.09	12,500.00	12,500.00	-1,724.09	114%
411050	COMMUNITY DEVELOPMENT DIRECTOR						
100	Regular Wages	1,224.32	8,116.42	16,584.00	16,584.00	8,467.58	49%
118	Termination Pay	0.00	0.00	2,923.00	2,923.00	2,923.00	0%
120	Overtime-Regular	0.00	93.03	0.00	0.00	-93.03	0%
141	Social Security	75.91	508.99	1,209.00	1,209.00	700.01	42%
142	Medicare	17.74	119.02	283.00	283.00	163.98	42%
143	PERS	111.05	744.63	1,769.00	1,769.00	1,024.37	42%
145	Unemployment Insurance	3.07	20.53	49.00	49.00	28.47	42%
146	Workers' Compensation	7.92	53.00	126.00	126.00	73.00	42%
147	Insurance	360.19	2,147.99	4,324.00	4,324.00	2,176.01	50%

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5210 WATER UTILITY							
	Account Total:	1,800.20	11,803.61	27,267.00	27,267.00	15,463.39	43%
	Account Group Total:	10,995.79	26,027.70	39,767.00	39,767.00	13,739.30	65%
420000	PUBLIC SAFETY						
420100	24/7 Dispatching Services						
300	Purchased Services	4,910.00	29,460.00	60,000.00	60,000.00	30,540.00	49%
	Account Total:	4,910.00	29,460.00	60,000.00	60,000.00	30,540.00	49%
	Account Group Total:	4,910.00	29,460.00	60,000.00	60,000.00	30,540.00	49%
430000	PUBLIC WORKS						
430500	WATER OPERATING						
100	Regular Wages	8,877.63	60,849.82	129,424.00	129,424.00	68,574.18	47%
118	Termination Pay	0.00	516.26	0.00	0.00	-516.26	0%
120	Overtime-Regular	490.48	7,495.14	8,864.00	8,864.00	1,368.86	85%
141	Social Security	572.33	4,215.85	8,573.00	8,573.00	4,357.15	49%
142	Medicare	133.81	985.84	2,005.00	2,005.00	1,019.16	49%
143	PERS	849.71	6,245.79	12,543.00	12,543.00	6,297.21	50%
145	Unemployment Insurance	23.43	172.21	346.00	346.00	173.79	50%
146	Workers' Compensation	443.82	3,243.16	6,435.00	6,435.00	3,191.84	50%
147	Insurance	4,074.40	26,462.79	54,178.00	54,178.00	27,715.21	49%
200	Supplies	3,704.18	36,079.24	75,000.00	75,000.00	38,920.76	48%
220	Clothing Allowance (1/4)	18.71	426.06	378.00	378.00	-48.06	113%
230	Fuel	910.60	5,714.12	17,000.00	17,000.00	11,285.88	34%
260	Safety Equipment (1/4)	754.57	754.57	0.00	0.00	-754.57	0%
300	Purchased Services	732.82	22,724.70	30,000.00	30,000.00	7,275.30	76%
323	ArcGIS & GPS Mapping	0.00	0.00	1,243.00	1,243.00	1,243.00	0%
341	City Bills (wtr, swr, garb)	67.00	402.19	708.00	708.00	305.81	57%
342	Utility-Electric	4,849.87	34,934.27	61,000.00	61,000.00	26,065.73	57%
343	Utility-Gas	346.70	733.51	3,000.00	3,000.00	2,266.49	24%
344	Telephone	102.57	615.41	1,300.00	1,300.00	684.59	47%
350	Professional Services	0.00	3,589.76	0.00	0.00	-3,589.76	0%
369	Repairs & Maintenance	318.00	2,010.60	1,376.00	1,376.00	-634.60	146%
370	Travel & Education	0.00	0.00	4,601.00	4,601.00	4,601.00	0%
	Account Total:	27,270.63	218,171.29	417,974.00	417,974.00	199,802.71	52%
430501	WATER OPERATING-CAPITAL OUTLAY						
900	CAPITAL OUTLAY	0.00	15,538.07	120,000.00	120,000.00	104,461.93	13%
950	Construction	727,960.49	1,277,561.86	4,200,000.00	4,200,000.00	2,922,438.14	30%
	Account Total:	727,960.49	1,293,099.93	4,320,000.00	4,320,000.00	3,026,900.07	30%
430511	WATER ADMIN-COUNCIL						
100	Regular Wages	901.20	5,857.80	11,716.00	11,716.00	5,858.20	50%
141	Social Security	44.70	296.16	721.00	721.00	424.84	41%
142	Medicare	10.46	69.30	169.00	169.00	99.70	41%
143	PERS	40.86	265.59	531.00	531.00	265.41	50%
146	Workers' Compensation	5.88	38.22	75.00	75.00	36.78	51%
147	Insurance	2,660.04	15,960.24	34,582.00	34,582.00	18,621.76	46%
200	Supplies	0.00	0.00	50.00	50.00	50.00	0%
300	Purchased Services	0.00	0.00	362.00	362.00	362.00	0%

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5210 WATER UTILITY							
	Account Total:	3,663.14	22,487.31	48,206.00	48,206.00	25,718.69	47%
430512	WATER ADMIN-MAYOR						
100	Regular Wages						
141	Social Security	0.00	0.00	4,518.00	4,518.00	4,518.00	0%
142	Medicare	0.00	0.00	280.00	280.00	280.00	0%
146	Workers' Compensation	0.00	0.00	66.00	66.00	66.00	0%
147	Insurance	0.00	0.00	29.00	29.00	29.00	0%
344	Telephone	7.22	43.32	5,764.00	5,764.00	5,764.00	0%
	Account Total:	7.22	43.32	84.00	84.00	40.68	52%
430513	WATER ADMIN-LEGAL SERVICES			10,741.00	10,741.00	10,697.68	0%
350	Professional Services	1,741.87	6,930.06	20,000.00	20,000.00	13,069.94	35%
	Account Total:	1,741.87	6,930.06	20,000.00	20,000.00	13,069.94	35%
430514	NEWSLETTER (1/4)						
310	Postage	106.34	312.89	467.00	467.00	154.11	67%
	Account Total:	106.34	312.89	467.00	467.00	154.11	67%
430520	NEW CITY HALL-OPERATIONS						
200	Supplies	0.00	703.91	254.00	254.00	-449.91	277%
300	Purchased Services	0.00	288.55	0.00	0.00	-288.55	0%
341	City Bills (wtr,swr,garb)	59.79	336.92	585.00	585.00	248.08	58%
342	Utility-Electric	45.23	347.45	571.00	571.00	223.55	61%
343	Utility-Gas	75.99	122.77	501.00	501.00	378.23	25%
390	Other Contracted Services	75.00	450.00	825.00	825.00	375.00	55%
	Account Total:	256.01	2,249.60	2,736.00	2,736.00	486.40	82%
430570	WATER CUSTOMER ACCOUNTING & COLLECTION						
100	Regular Wages	7,007.18	45,274.56	91,231.00	91,231.00	45,956.44	50%
120	Overtime-Regular	0.00	0.00	2,982.00	2,982.00	2,982.00	0%
141	Social Security	426.85	2,761.41	5,841.00	5,841.00	3,079.59	47%
142	Medicare	99.84	645.79	1,366.00	1,366.00	720.21	47%
143	PERS	635.54	4,106.42	8,545.00	8,545.00	4,438.58	48%
145	Unemployment Insurance	17.52	113.26	236.00	236.00	122.74	48%
146	Workers' Compensation	30.47	196.27	399.00	399.00	202.73	49%
147	Insurance	1,921.10	11,526.03	23,054.00	23,054.00	11,527.97	50%
200	Supplies	46.08	728.11	1,585.00	1,585.00	856.89	46%
215	Inventory >\$99 <\$5000	0.00	0.00	1,308.00	1,308.00	1,308.00	0%
300	Purchased Services	539.18	1,883.49	10,072.00	10,072.00	8,188.51	19%
310	Postage	137.87	1,073.43	1,557.00	1,557.00	483.57	69%
344	Telephone	40.88	245.30	544.00	544.00	298.70	45%
370	Travel & Education	0.00	7.86	270.00	270.00	262.14	3%
900	CAPITAL OUTLAY	0.00	1,525.00	5,000.00	5,000.00	3,475.00	31%
	Account Total:	10,902.51	70,086.93	153,990.00	153,990.00	83,903.07	46%
	Account Group Total:	771,908.21	1,613,381.33	4,974,114.00	4,974,114.00	3,360,732.67	32%

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5210	WATER UTILITY						
490000	OTHER PAYMENTS						
490204	SRF REV BOND-2003 WRF WATER						
610	Principal	0.00	46,000.00	46,000.00	46,000.00	0.00	100%
620	Interest	0.00	1,316.25	1,317.00	1,317.00	0.75	100%
	Account Total:	0.00	47,316.25	47,317.00	47,317.00	0.75	100%
490207	SRF REV BOND-2008 DNRC2 WATER						
610	Principal	0.00	9,000.00	9,000.00	9,000.00	0.00	100%
620	Interest	0.00	1,680.00	1,680.00	1,680.00	0.00	100%
	Account Total:	0.00	10,680.00	10,680.00	10,680.00	0.00	100%
490209	SRF REV BOND-2010 WATER						
610	Principal	0.00	18,000.00	18,000.00	18,000.00	0.00	100%
620	Interest	0.00	978.75	979.00	979.00	0.25	100%
	Account Total:	0.00	18,978.75	18,979.00	18,979.00	0.25	100%
490211	USDA RD-2015 MULTIMODAL						
610	Principal	0.00	30,305.00	57,043.00	57,043.00	26,738.00	53%
620	Interest	0.00	63,324.00	130,215.00	130,215.00	66,891.00	49%
	Account Total:	0.00	93,629.00	187,258.00	187,258.00	93,629.00	50%
490217	WRF REV BOND-2021B WATER						
610	Principal	11,000.00	22,000.00	28,000.00	28,000.00	6,000.00	79%
620	Interest	6,175.00	10,078.92	12,000.00	12,000.00	1,921.08	84%
	Account Total:	17,175.00	32,078.92	40,000.00	40,000.00	7,921.08	80%
	Account Group Total:	17,175.00	202,682.92	304,234.00	304,234.00	101,551.08	67%
510000	MISCELLANEOUS						
510320	TRI-CITY EQUIPMENT INTERLOCAL						
560	Contribution to Equipment	0.00	7,500.00	7,500.00	7,500.00	0.00	100%
	Account Total:	0.00	7,500.00	7,500.00	7,500.00	0.00	100%
510330	COMPREHENSIVE LIABILITY INSURANCE						
510	Insur-Liab/Prop/Auto Physical Dmg	0.00	31,271.25	32,000.00	32,000.00	728.75	98%
815	Insurance Deductible	0.00	187.50	750.00	750.00	562.50	25%
	Account Total:	0.00	31,458.75	32,750.00	32,750.00	1,291.25	96%
	Account Group Total:	0.00	38,958.75	40,250.00	40,250.00	1,291.25	97%
	Fund Total:	804,989.00	1,910,510.70	5,418,365.00	5,418,365.00	3,507,854.30	35%
5310	SEWER UTILITY						
410000	GENERAL GOVERNMENT						
410530	AUDIT (1/4)						
350	Professional Services	9,195.60	14,224.10	12,500.00	12,500.00	-1,724.10	114%
	Account Total:	9,195.60	14,224.10	12,500.00	12,500.00	-1,724.10	114%

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5310	SEWER UTILITY						
411050	COMMUNITY DEVELOPMENT DIRECTOR						
100	Regular Wages	1,224.31	8,116.42	16,584.00	16,584.00	8,467.58	49%
118	Termination Pay	0.00	0.00	2,923.00	2,923.00	2,923.00	0%
120	Overtime-Regular	0.00	93.03	0.00	0.00	-93.03	0%
141	Social Security	75.91	508.99	1,209.00	1,209.00	700.01	42%
142	Medicare	17.74	119.01	283.00	283.00	163.99	42%
143	PERS	111.04	744.59	1,769.00	1,769.00	1,024.41	42%
145	Unemployment Insurance	3.07	20.53	49.00	49.00	28.47	42%
146	Workers' Compensation	7.92	53.00	126.00	126.00	73.00	42%
147	Insurance	360.18	2,147.99	4,324.00	4,324.00	2,176.01	50%
	Account Total:	1,800.17	11,803.56	27,267.00	27,267.00	15,463.44	43%
	Account Group Total:	10,995.77	26,027.66	39,767.00	39,767.00	13,739.34	65%
420000	PUBLIC SAFETY						
420100	24/7 Dispatching Services						
300	Purchased Services	4,910.00	29,460.00	60,000.00	60,000.00	30,540.00	49%
	Account Total:	4,910.00	29,460.00	60,000.00	60,000.00	30,540.00	49%
	Account Group Total:	4,910.00	29,460.00	60,000.00	60,000.00	30,540.00	49%
430000	PUBLIC WORKS						
430600	SEWER OPERATING						
100	Regular Wages	6,101.89	42,416.23	91,704.00	91,704.00	49,287.77	46%
118	Termination Pay	0.00	516.26	0.00	0.00	-516.26	0%
120	Overtime-Regular	6.65	816.81	1,330.00	1,330.00	513.19	61%
141	Social Security	374.76	2,687.77	5,767.00	5,767.00	3,079.23	47%
142	Medicare	87.62	628.53	1,349.00	1,349.00	720.47	47%
143	PERS	554.07	3,968.22	8,438.00	8,438.00	4,469.78	47%
145	Unemployment Insurance	15.30	109.48	233.00	233.00	123.52	47%
146	Workers' Compensation	259.27	1,906.35	3,942.00	3,942.00	2,035.65	48%
147	Insurance	2,831.58	19,002.13	39,961.00	39,961.00	20,958.87	48%
200	Supplies	5,690.63	14,814.89	16,912.00	16,912.00	2,097.11	88%
220	Clothing Allowance (1/4)	18.71	421.06	378.00	378.00	-43.06	111%
230	Fuel	0.00	4,437.51	9,000.00	9,000.00	4,562.49	49%
260	Safety Equipment (1/4)	0.00	1,299.95	0.00	0.00	-1,299.95	0%
300	Purchased Services	485.54	5,354.94	9,549.00	9,549.00	4,194.06	56%
323	ArcGIS & GPS Mapping	0.00	0.00	1,243.00	1,243.00	1,243.00	0%
341	City Bills (wtr,swr,garb)	67.00	402.19	708.00	708.00	305.81	57%
342	Utility-Electric	940.30	3,602.78	7,333.00	7,333.00	3,730.22	49%
343	Utility-Gas	259.50	494.91	1,630.00	1,630.00	1,135.09	30%
344	Telephone	123.28	739.63	1,881.00	1,881.00	1,141.37	39%
350	Professional Services	0.00	3,589.76	5,000.00	5,000.00	1,410.24	72%
369	Repairs & Maintenance	70.00	70.00	1,475.00	1,475.00	1,405.00	5%
370	Travel & Education	0.00	0.00	1,732.00	1,732.00	1,732.00	0%
	Account Total:	17,886.10	107,279.40	209,565.00	209,565.00	102,285.60	51%

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5310 SEWER UTILITY							
430601	SEWER OPERATING-CAPITAL OUTLAY						
900	CAPITAL OUTLAY	0.00	15,538.06	100.00	100.00	-15,438.06	****%
950	Construction	0.00	0.00	885,000.00	885,000.00	885,000.00	0%
	Account Total:	0.00	15,538.06	885,100.00	885,100.00	869,561.94	2%
430611	SEWER ADMIN-COUNCIL						
100	Regular Wages	901.20	5,857.80	11,716.00	11,716.00	5,858.20	50%
141	Social Security	44.70	296.16	721.00	721.00	424.84	41%
142	Medicare	10.46	69.30	169.00	169.00	99.70	41%
143	PERS	40.86	265.59	531.00	531.00	265.41	50%
146	Workers' Compensation	5.88	38.22	75.00	75.00	36.78	51%
147	Insurance	2,660.04	15,960.24	34,582.00	34,582.00	18,621.76	46%
200	Supplies	0.00	0.00	50.00	50.00	50.00	0%
300	Purchased Services	0.00	0.00	362.00	362.00	362.00	0%
	Account Total:	3,663.14	22,487.31	48,206.00	48,206.00	25,718.69	47%
430612	SEWER ADMIN-MAYOR						
100	Regular Wages	0.00	0.00	4,518.00	4,518.00	4,518.00	0%
141	Social Security	0.00	0.00	280.00	280.00	280.00	0%
142	Medicare	0.00	0.00	66.00	66.00	66.00	0%
146	Workers' Compensation	0.00	0.00	29.00	29.00	29.00	0%
147	Insurance	0.00	0.00	5,764.00	5,764.00	5,764.00	0%
344	Telephone	7.22	43.32	84.00	84.00	40.68	52%
	Account Total:	7.22	43.32	10,741.00	10,741.00	10,697.68	0%
430613	SEWER ADMIN-LEGAL SERVICES						
350	Professional Services	1,741.88	6,930.10	20,000.00	20,000.00	13,069.90	35%
	Account Total:	1,741.88	6,930.10	20,000.00	20,000.00	13,069.90	35%
430614	NEWSLETTER (1/4)						
310	Postage	106.35	312.90	467.00	467.00	154.10	67%
	Account Total:	106.35	312.90	467.00	467.00	154.10	67%
430620	NEW CITY HALL-OPERATIONS						
200	Supplies	0.00	703.91	254.00	254.00	-449.91	277%
300	Purchased Services	0.00	288.55	0.00	0.00	-288.55	0%
341	City Bills (wtr,swr,garb)	59.79	336.91	585.00	585.00	248.09	58%
342	Utility-Electric	45.23	347.45	571.00	571.00	223.55	61%
343	Utility-Gas	75.99	122.77	501.00	501.00	378.23	25%
390	Other Contracted Services	75.00	450.00	825.00	825.00	375.00	55%
	Account Total:	256.01	2,249.59	2,736.00	2,736.00	486.41	82%
430670	SEWER CUSTOMER ACCOUNTING & COLLECTION						
100	Regular Wages	6,713.72	43,367.09	87,368.00	87,368.00	44,000.91	50%
120	Overtime-Regular	0.00	0.00	2,982.00	2,982.00	2,982.00	0%
141	Social Security	408.65	2,643.14	5,602.00	5,602.00	2,958.86	47%
142	Medicare	95.57	618.13	1,310.00	1,310.00	691.87	47%
143	PERS	608.92	3,933.37	8,195.00	8,195.00	4,261.63	48%
145	Unemployment Insurance	16.79	108.44	226.00	226.00	117.56	48%
146	Workers' Compensation	29.72	191.37	389.00	389.00	197.63	49%

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5310	SEWER UTILITY						
147	Insurance	1,761.03	10,565.59	21,133.00	21,133.00	10,567.41	50%
200	Supplies	46.09	728.14	1,585.00	1,585.00	856.86	46%
215	Inventory >\$99 <\$5000	0.00	0.00	1,308.00	1,308.00	1,308.00	0%
300	Purchased Services	539.16	1,883.36	9,547.00	9,547.00	7,663.64	20%
310	Postage	137.87	1,073.41	1,557.00	1,557.00	483.59	69%
344	Telephone	40.89	245.34	544.00	544.00	298.66	45%
370	Travel & Education	0.00	7.86	205.00	205.00	197.14	4%
900	CAPITAL OUTLAY	0.00	1,525.00	5,000.00	5,000.00	3,475.00	31%
	Account Total:	10,398.41	66,890.24	146,951.00	146,951.00	80,060.76	46%
	Account Group Total:	34,059.11	221,730.92	1,323,766.00	1,323,766.00	1,102,035.08	17%
490000	OTHER PAYMENTS						
490208	SRF REV BOND-2010 WASTEWATER						
610	Principal	0.00	55,000.00	55,000.00	55,000.00	0.00	100%
620	Interest	0.00	11,041.25	11,200.00	11,200.00	158.75	99%
	Account Total:	0.00	66,041.25	66,200.00	66,200.00	158.75	100%
490211	USDA RD-2015 MULTIMODAL						
610	Principal	0.00	13,616.00	26,000.00	26,000.00	12,384.00	52%
620	Interest	0.00	26,596.00	54,424.00	54,424.00	27,828.00	49%
	Account Total:	0.00	40,212.00	80,424.00	80,424.00	40,212.00	50%
490212	SRF REV BOND-2017 WASTEWATER						
610	Principal	0.00	16,000.00	16,000.00	16,000.00	0.00	100%
620	Interest	0.00	6,625.00	6,625.00	6,625.00	0.00	100%
	Account Total:	0.00	22,625.00	22,625.00	22,625.00	0.00	100%
490214	SRF REV BOND-2017 WASTEWATER LOAN 2						
610	Principal	0.00	47,000.00	47,000.00	47,000.00	0.00	100%
620	Interest	0.00	41,012.50	41,013.00	41,013.00	0.50	100%
	Account Total:	0.00	88,012.50	88,013.00	88,013.00	0.50	100%
490215	SRF REV BOND-2017 WASTEWATER LOAN 3						
610	Principal	12,000.00	24,000.00	28,000.00	28,000.00	4,000.00	86%
620	Interest	8,769.24	17,688.48	16,324.00	16,324.00	-1,364.48	108%
	Account Total:	20,769.24	41,688.48	44,324.00	44,324.00	2,635.52	94%
490216	SRF REV BOND-2017 WASTEWATER LOAN 4						
610	Principal	16,000.00	32,000.00	34,000.00	34,000.00	2,000.00	94%
620	Interest	5,537.14	11,274.28	10,688.00	10,688.00	-586.28	105%
	Account Total:	21,537.14	43,274.28	44,688.00	44,688.00	1,413.72	97%
	Account Group Total:	42,306.38	301,853.51	346,274.00	346,274.00	44,420.49	87%
510000	MISCELLANEOUS						
510320	TRI-CITY EQUIPMENT INTERLOCAL						
560	Contribution to Equipment	0.00	7,500.00	7,500.00	7,500.00	0.00	100%
	Account Total:	0.00	7,500.00	7,500.00	7,500.00	0.00	100%

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Fund Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
5310	SEWER UTILITY						
510330	COMPREHENSIVE LIABILITY INSURANCE						
510	Insur-Liab/Prop/Auto Physical Dmg	0.00	31,271.25	32,000.00	32,000.00	728.75	98%
815	Insurance Deductible	0.00	187.50	750.00	750.00	562.50	25%
	Account Total:	0.00	31,458.75	32,750.00	32,750.00	1,291.25	96%
	Account Group Total:	0.00	38,958.75	40,250.00	40,250.00	1,291.25	97%
	Fund Total:	92,271.26	618,030.84	1,810,057.00	1,810,057.00	1,192,026.16	34%
5410	SOLID WASTE UTILITY						
410000	GENERAL GOVERNMENT						
410530	AUDIT (1/4)						
350	Professional Services	9,195.60	14,224.10	12,500.00	12,500.00	-1,724.10	114%
	Account Total:	9,195.60	14,224.10	12,500.00	12,500.00	-1,724.10	114%
411050	COMMUNITY DEVELOPMENT DIRECTOR						
100	Regular Wages	1,224.31	8,113.44	16,584.00	16,584.00	8,470.56	49%
118	Termination Pay	0.00	0.00	2,923.00	2,923.00	2,923.00	0%
120	Overtime-Regular	0.00	93.03	0.00	0.00	-93.03	0%
141	Social Security	75.91	508.80	1,209.00	1,209.00	700.20	42%
142	Medicare	17.74	118.97	283.00	283.00	164.03	42%
143	PERS	111.04	744.32	1,769.00	1,769.00	1,024.68	42%
145	Unemployment Insurance	3.07	20.52	49.00	49.00	28.48	42%
146	Workers' Compensation	7.92	52.97	126.00	126.00	73.03	42%
147	Insurance	360.18	2,147.28	4,324.00	4,324.00	2,176.72	50%
	Account Total:	1,800.17	11,799.33	27,267.00	27,267.00	15,467.67	43%
	Account Group Total:	10,995.77	26,023.43	39,767.00	39,767.00	13,743.57	65%
420000	PUBLIC SAFETY						
420100	24/7 Dispatching Services						
300	Purchased Services	4,910.00	29,460.00	54,010.00	54,010.00	24,550.00	55%
	Account Total:	4,910.00	29,460.00	54,010.00	54,010.00	24,550.00	55%
	Account Group Total:	4,910.00	29,460.00	54,010.00	54,010.00	24,550.00	55%
430000	PUBLIC WORKS						
430811	SOLID WASTE ADMIN-COUNCIL						
100	Regular Wages	901.20	5,857.80	11,716.00	11,716.00	5,858.20	50%
141	Social Security	44.70	296.16	721.00	721.00	424.84	41%
142	Medicare	10.46	69.30	169.00	169.00	99.70	41%
143	PERS	40.86	265.59	531.00	531.00	265.41	50%
146	Workers' Compensation	5.88	38.22	75.00	75.00	36.78	51%
147	Insurance	2,660.04	15,960.24	34,582.00	34,582.00	18,621.76	46%
200	Supplies	0.00	0.00	50.00	50.00	50.00	0%
300	Purchased Services	0.00	0.00	362.00	362.00	362.00	0%
	Account Total:	3,663.14	22,487.31	48,206.00	48,206.00	25,718.69	47%

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5410 SOLID WASTE UTILITY							
430812	SOLID WASTE ADMIN-MAYOR						
100	Regular Wages	0.00	0.00	4,518.00	4,518.00	4,518.00	0%
141	Social Security	0.00	0.00	280.00	280.00	280.00	0%
142	Medicare	0.00	0.00	66.00	66.00	66.00	0%
146	Workers' Compensation	0.00	0.00	29.00	29.00	29.00	0%
147	Insurance	0.00	0.00	5,764.00	5,764.00	5,764.00	0%
344	Telephone	7.21	43.27	84.00	84.00	40.73	52%
	Account Total:	7.21	43.27	10,741.00	10,741.00	10,697.73	0%
430813	SOLID WASTE ADMIN-LEGAL SERVICES						
350	Professional Services	1,741.88	6,930.10	16,905.00	16,905.00	9,974.90	41%
	Account Total:	1,741.88	6,930.10	16,905.00	16,905.00	9,974.90	41%
430814	NEWSLETTER (1/4)						
310	Postage	106.35	312.92	467.00	467.00	154.08	67%
	Account Total:	106.35	312.92	467.00	467.00	154.08	67%
430820	NEW CITY HALL-OPERATIONS						
200	Supplies	0.00	672.00	254.00	254.00	-418.00	265%
300	Purchased Services	0.00	288.55	0.00	0.00	-288.55	0%
341	City Bills (wtr, swr, garb)	59.79	336.91	585.00	585.00	248.09	58%
342	Utility-Electric	45.22	347.41	571.00	571.00	223.59	61%
343	Utility-Gas	75.98	122.74	501.00	501.00	378.26	24%
390	Other Contracted Services	75.00	450.00	825.00	825.00	375.00	55%
	Account Total:	255.99	2,217.61	2,736.00	2,736.00	518.39	81%
430830	GARBAGE COLLECTION						
100	Regular Wages	2,746.71	19,551.50	34,887.00	34,887.00	15,335.50	56%
120	Overtime-Regular	0.00	235.11	1,773.00	1,773.00	1,537.89	13%
141	Social Security	150.33	1,108.45	2,270.00	2,270.00	1,161.55	49%
142	Medicare	35.18	259.29	531.00	531.00	271.71	49%
143	PERS	249.13	1,794.71	3,325.00	3,325.00	1,530.29	54%
145	Unemployment Insurance	6.86	49.45	92.00	92.00	42.55	54%
146	Workers' Compensation	88.50	709.03	1,167.00	1,167.00	457.97	61%
147	Insurance	480.22	2,941.47	5,764.00	5,764.00	2,822.53	51%
200	Supplies	552.88	25,458.89	11,957.00	11,957.00	-13,501.89	213%
220	Clothing Allowance (1/4)	18.71	96.16	0.00	0.00	-96.16	0%
230	Fuel	986.62	5,241.61	14,000.00	14,000.00	8,758.39	37%
260	Safety Equipment (1/4)	0.00	0.00	500.00	500.00	500.00	0%
300	Purchased Services	91.88	1,634.28	14,798.00	14,798.00	13,163.72	11%
323	ArcGIS & GPS Mapping	0.00	0.00	1,218.00	1,218.00	1,218.00	0%
341	City Bills (wtr, swr, garb)	52.00	312.18	543.00	543.00	230.82	57%
342	Utility-Electric	121.97	722.67	657.00	657.00	-65.67	110%
343	Utility-Gas	259.50	494.87	1,630.00	1,630.00	1,135.13	30%
344	Telephone	18.23	109.36	203.00	203.00	93.64	54%
	Account Total:	5,858.72	60,719.03	95,315.00	95,315.00	34,595.97	64%

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5410 SOLID WASTE UTILITY							
430831	GARBAGE COLLECTION-CAPITAL OUTLAY						
900	CAPITAL OUTLAY	0.00	15,838.10	100,000.00	100,000.00	84,161.90	16%
	Account Total:	0.00	15,838.10	100,000.00	100,000.00	84,161.90	16%
430840	LANDFILL						
100	Regular Wages	12,058.89	80,609.40	168,974.00	168,974.00	88,364.60	48%
118	Termination Pay	0.00	516.26	0.00	0.00	-516.26	0%
120	Overtime-Regular	6.65	431.74	886.00	886.00	454.26	49%
141	Social Security	743.41	5,028.05	10,530.00	10,530.00	5,501.95	48%
142	Medicare	173.83	1,175.87	2,463.00	2,463.00	1,287.13	48%
143	PERS	1,094.37	7,397.41	15,406.00	15,406.00	8,008.59	48%
145	Unemployment Insurance	30.20	203.99	425.00	425.00	221.01	48%
146	Workers' Compensation	498.44	3,456.83	7,024.00	7,024.00	3,567.17	49%
147	Insurance	4,944.72	31,675.44	65,321.00	65,321.00	33,645.56	48%
200	Supplies	1,317.50	12,153.50	9,308.00	9,308.00	-2,845.50	131%
220	Clothing Allowance (1/4)	0.00	372.37	378.00	378.00	5.63	99%
230	Fuel	1,841.95	12,723.91	30,000.00	30,000.00	17,276.09	42%
300	Purchased Services	8.66	11,980.36	16,000.00	16,000.00	4,019.64	75%
341	City Bills (wtr,swr,garb)	15.00	90.00	165.00	165.00	75.00	55%
342	Utility-Electric	45.81	256.40	1,058.00	1,058.00	801.60	24%
343	Utility-Gas	205.35	406.45	1,004.00	1,004.00	597.55	40%
344	Telephone	19.47	116.82	196.00	196.00	79.18	60%
350	Professional Services	0.00	4,700.00	8,750.00	8,750.00	4,050.00	54%
369	Repairs & Maintenance	0.00	1,088.84	5,090.00	5,090.00	4,001.16	21%
581	Landfill Trust Deposit with	0.00	0.00	25,000.00	25,000.00	25,000.00	0%
	Account Total:	23,004.25	174,383.64	367,978.00	367,978.00	193,594.36	47%
430870	SOLID WASTE CUSTOMER ACCOUNTING & COLLECTION						
100	Regular Wages	7,004.36	45,265.71	91,231.00	91,231.00	45,965.29	50%
120	Overtime-Regular	0.00	0.00	2,982.00	2,982.00	2,982.00	0%
141	Social Security	426.66	2,760.85	5,841.00	5,841.00	3,080.15	47%
142	Medicare	99.80	645.67	1,366.00	1,366.00	720.33	47%
143	PERS	635.30	4,105.60	8,545.00	8,545.00	4,439.40	48%
145	Unemployment Insurance	17.52	113.23	236.00	236.00	122.77	48%
146	Workers' Compensation	30.47	196.26	399.00	399.00	202.74	49%
147	Insurance	1,920.10	11,522.79	23,054.00	23,054.00	11,531.21	50%
200	Supplies	46.09	728.09	1,474.00	1,474.00	745.91	49%
215	Inventory >\$99 <\$5000	0.00	0.00	1,308.00	1,308.00	1,308.00	0%
300	Purchased Services	539.18	2,871.94	12,411.00	12,411.00	9,539.06	23%
310	Postage	137.86	1,073.42	1,557.00	1,557.00	483.58	69%
344	Telephone	40.89	245.33	544.00	544.00	298.67	45%
370	Travel & Education	0.00	7.86	205.00	205.00	197.14	4%
900	CAPITAL OUTLAY	0.00	1,525.00	5,000.00	5,000.00	3,475.00	31%
	Account Total:	10,898.23	71,061.75	156,153.00	156,153.00	85,091.25	46%
	Account Group Total:	45,535.77	353,993.73	798,501.00	798,501.00	444,507.27	44%

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5410	SOLID WASTE UTILITY						
490000	OTHER PAYMENTS						
490521	CATERPILLAR LOAN						
610	Principal	0.00	41,338.63	41,339.00	41,339.00	0.37	100%
620	Interest	0.00	6,537.25	6,538.00	6,538.00	0.75	100%
	Account Total:	0.00	47,875.88	47,877.00	47,877.00	1.12	100%
490534	2022 GARBAGE TRUCK (PETERBILT)						
610	Principal	24,796.37	49,017.49	49,000.00	49,000.00	-17.49	100%
620	Interest	3,896.50	8,368.25	8,000.00	8,000.00	-368.25	105%
	Account Total:	28,692.87	57,385.74	57,000.00	57,000.00	-385.74	101%
	Account Group Total:	28,692.87	105,261.62	104,877.00	104,877.00	-384.62	100%
510000	MISCELLANEOUS						
510330	COMPREHENSIVE LIABILITY INSURANCE						
510	Insur-Liab/Prop/Auto Physical Dmg	0.00	31,271.25	32,000.00	32,000.00	728.75	98%
815	Insurance Deductible	0.00	187.50	750.00	750.00	562.50	25%
	Account Total:	0.00	31,458.75	32,750.00	32,750.00	1,291.25	96%
	Account Group Total:	0.00	31,458.75	32,750.00	32,750.00	1,291.25	96%
	Fund Total:	90,134.41	546,197.53	1,029,905.00	1,029,905.00	483,707.47	53%
5720	STORM DRAINAGE						
430000	PUBLIC WORKS						
430246	STORM DRAINAGE						
300	Purchased Services	0.00	5,796.38	5,464.00	5,464.00	-332.38	106%
350	Professional Services	0.00	1,435.91	0.00	0.00	-1,435.91	0%
802	Refunds	0.00	0.00	10.00	10.00	10.00	0%
950	Construction	34,612.04	1,422,949.65	4,050,000.00	4,050,000.00	2,627,050.35	35%
	Account Total:	34,612.04	1,430,181.94	4,055,474.00	4,055,474.00	2,625,292.06	35%
	Account Group Total:	34,612.04	1,430,181.94	4,055,474.00	4,055,474.00	2,625,292.06	35%
490000	OTHER PAYMENTS						
490213	SRF-14704 Rev Bond-Stormwater						
610	Principal	0.00	99,000.00	99,000.00	99,000.00	0.00	100%
620	Interest	0.00	84,137.50	84,138.00	84,138.00	0.50	100%
	Account Total:	0.00	183,137.50	183,138.00	183,138.00	0.50	100%
	Account Group Total:	0.00	183,137.50	183,138.00	183,138.00	0.50	100%
	Fund Total:	34,612.04	1,613,319.44	4,238,612.00	4,238,612.00	2,625,292.56	38%

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7030	HOUSING FUND						
460000	CULTURE AND RECREATION						
460442	CIVIC CENTER						
950	Construction	0.00	22,108.50	0.00	0.00	-22,108.50	0%
	Account Total:	0.00	22,108.50	0.00	0.00	-22,108.50	0%
	Account Group Total:	0.00	22,108.50	0.00	0.00	-22,108.50	0%
470000	HOUSING, COMMUNITY & ECONOMIC						
470000	HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT						
900	CAPITAL OUTLAY	3,729.74	86,723.36	1,248,479.00	1,248,479.00	1,161,755.64	7%
	Account Total:	3,729.74	86,723.36	1,248,479.00	1,248,479.00	1,161,755.64	7%
	Account Group Total:	3,729.74	86,723.36	1,248,479.00	1,248,479.00	1,161,755.64	7%
	Fund Total:	3,729.74	108,831.86	1,248,479.00	1,248,479.00	1,139,647.14	9%
7060	SHELBY ENERGY SHARE						
450000	SOCIAL & ECONOMIC SERVICES						
450138	ENERGY SHARE						
710	Direct Relief	0.00	441.00	8,400.00	8,400.00	7,959.00	5%
	Account Total:	0.00	441.00	8,400.00	8,400.00	7,959.00	5%
	Account Group Total:	0.00	441.00	8,400.00	8,400.00	7,959.00	5%
	Fund Total:	0.00	441.00	8,400.00	8,400.00	7,959.00	5%
7061	LOCAL DISASTER RELIEF						
420000	PUBLIC SAFETY						
420760	LOCAL DISASTER RELIEF						
710	Direct Relief	0.00	462.27	12,800.00	12,800.00	12,337.73	4%
	Account Total:	0.00	462.27	12,800.00	12,800.00	12,337.73	4%
	Account Group Total:	0.00	462.27	12,800.00	12,800.00	12,337.73	4%
	Fund Total:	0.00	462.27	12,800.00	12,800.00	12,337.73	4%
7199	TOURISM BUSINESS IMPROVEMENT DIST (TBID)						
460000	CULTURE AND RECREATION						
460301	COMMUNITY CONTRIBUTIONS						
701	TBID CONTRIBUTIONS	126.00	19,358.00	0.00	0.00	-19,358.00	0%
	Account Total:	126.00	19,358.00	0.00	0.00	-19,358.00	0%
	Account Group Total:	126.00	19,358.00	0.00	0.00	-19,358.00	0%
	Fund Total:	126.00	19,358.00	0.00	0.00	-19,358.00	0%

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7427	SPECIALTY LICENSE PLATES (SHELBY)						
410000	GENERAL GOVERNMENT						
411850	SPECIAL PROJECTS-SPECIALTY LIC PLATE						
200	Supplies	0.00	5,074.08	0.00	0.00	-5,074.08	0%
800	Specialty License Plate	0.00	0.00	5,591.00	5,591.00	5,591.00	0%
	Account Total:	0.00	5,074.08	5,591.00	5,591.00	516.92	91%
	Account Group Total:	0.00	5,074.08	5,591.00	5,591.00	516.92	91%
	Fund Total:	0.00	5,074.08	5,591.00	5,591.00	516.92	91%
	Grand Total:	1,369,364.96	6,412,640.34	22,008,360.00	22,008,360.00	15,595,719.66	29%

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Fund	Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
1000	GENERAL					
310000	TAXES					
311010	Real Prop-Current	301,018.57	400,409.33	735,000.00	334,590.67	54 %
311021	Mobile Home-Current	505.33	922.41	2,500.00	1,577.59	37 %
311022	Pers Prop-Current	0.00	30,450.33	25,000.00	-5,450.33	122 %
311040	Centrally Assessed	24,967.06	29,595.89	67,000.00	37,404.11	44 %
311510	Real Prop-Delinquent	699.24	55,037.50	15,000.00	-40,037.50	367 %
311521	Mobile Home-Delinquent	0.00	35.06	1,200.00	1,164.94	3 %
311522	Pers Prop-Delinquent	0.00	0.00	400.00	400.00	0 %
312000	Pen & Int on Delinq & Protested Taxes	69.36	3,792.39	2,000.00	-1,792.39	190 %
314140	Local Option Tax	7,519.69	41,889.01	77,000.00	35,110.99	54 %
	Account Group Total:	334,779.25	562,131.92	925,100.00	362,968.08	61 %
320000	LICENSES AND PERMITS					
322010	Alcoholic Beverage Licenses	2,462.40	2,462.40	4,000.00	1,537.60	62 %
322020	Business Licenses/Permits	0.00	2,128.75	6,000.00	3,871.25	35 %
322030	Itinerant & Transient Licenses	0.00	50.00	0.00	-50.00	%
323030	Dog Lic/Pnd Fees/Rabies Shots	190.00	762.00	4,500.00	3,738.00	17 %
	Account Group Total:	2,652.40	5,403.15	14,500.00	9,096.85	37 %
330000	INTERGOVERNMENTAL REVENUES					
331053	FRA USDOT GRANT	0.00	0.00	910,000.00	910,000.00	0 %
331092	Recycling Program Grant	151.80	510.20	1,000.00	489.80	51 %
334125	Fish, Wildlife & Parks Grant	0.00	0.00	65,000.00	65,000.00	0 %
334140	Cultural Trust Grant	0.00	12,400.00	58,000.00	45,600.00	21 %
335040	Gasoline Tax Apportionment	18,943.36	689,948.55	816,782.00	126,833.45	84 %
335065	Oil & Gas Distribution	0.00	5,015.60	10,000.00	4,984.40	50 %
335120	Permits-Video Gaming Machine	0.00	9,500.00	10,000.00	500.00	95 %
335230	State Entitlement Share	138,342.82	276,177.42	575,000.00	298,822.58	48 %
338001	Toole Cty for Fire Department	0.00	24,600.00	49,200.00	24,600.00	50 %
	Account Group Total:	157,437.98	1,018,151.77	2,494,982.00	1,476,830.23	41 %
340000	CHARGES FOR SERVICES					
343010	Street Charges for Services	0.00	0.00	2,000.00	2,000.00	0 %
346010	Civic Center User Fees	280.00	1,876.00	3,000.00	1,124.00	63 %
346012	Recreation Passes	2,973.50	25,688.00	50,000.00	24,312.00	51 %
346030	Swimming Pool User Fees	0.00	2,287.00	4,500.00	2,213.00	51 %
346041	Williamson Park Camping Fees	0.00	1,198.15	1,000.00	-198.15	120 %
346042	Lake Shel-oole Camping Fees	0.00	9,815.82	9,000.00	-815.82	109 %
	Account Group Total:	3,253.50	40,864.97	69,500.00	28,635.03	59 %
350000	FINES AND FORFEITURES					
351030	Fines & Forfeitures	2,260.00	18,372.80	20,000.00	1,627.20	92 %
	Account Group Total:	2,260.00	18,372.80	20,000.00	1,627.20	92 %
360000	MISCELLANEOUS REVENUE					
361003	Land Rental-Industrial Park	6,938.48	9,741.46	10,700.00	958.54	91 %
361008	Historic City Hall & Land Rent-Chamber of	0.00	100.00	3,000.00	2,900.00	3 %
361012	Food Pantry Lease-Civic Center	0.00	12.00	0.00	-12.00	%
361014	Property Sales	0.00	14,315.31	35,000.00	20,684.69	41 %
362002	Miscellaneous	3,560.00	15,102.26	25,000.00	9,897.74	60 %

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1000	GENERAL					
362003	Cash Over/Short	0.00	-3.05	0.00	3.05	%
362004	MRE/SG Capital Credit	0.00	4,845.86	13,000.00	8,154.14	37 %
362005	Weed Abatement	2,184.60	3,130.60	1,500.00	-1,630.60	209 %
363040	Special Assessments-P&I (Penalty &	0.00	134.83	250.00	115.17	54 %
365000	Contributions & Donations	0.00	1,200.00	0.00	-1,200.00	%
	Account Group Total:	12,683.08	48,579.27	88,450.00	39,870.73	55 %
370000	INVESTMENT AND ROYALTY EARNINGS					
371010	Interest Earnings	231.01	4,887.78	5,000.00	112.22	98 %
	Account Group Total:	231.01	4,887.78	5,000.00	112.22	98 %
380000	OTHER FINANCING SOURCES					
383006	Transfer In from other funds	0.00	0.00	55,000.00	55,000.00	0 %
	Account Group Total:	0.00	0.00	55,000.00	55,000.00	0 %
	Fund Total:	513,297.22	1,698,391.66	3,672,532.00	1,974,140.34	46 %
2190	COMPREHENSIVE LIABILITY					
310000	TAXES					
311510	Real Prop-Delinquent	0.00	93.81	0.00	-93.81	%
312000	Pen & Int on Delinq & Protested Taxes	0.00	30.61	0.00	-30.61	%
	Account Group Total:	0.00	124.42	0.00	-124.42	%
330000	INTERGOVERNMENTAL REVENUES					
335230	State Entitlement Share	1,503.72	3,001.92	6,000.00	2,998.08	50 %
	Account Group Total:	1,503.72	3,001.92	6,000.00	2,998.08	50 %
360000	MISCELLANEOUS REVENUE					
362002	Miscellaneous	0.00	0.00	6,600.00	6,600.00	0 %
	Account Group Total:	0.00	0.00	6,600.00	6,600.00	0 %
	Fund Total:	1,503.72	3,126.34	12,600.00	9,473.66	25 %
2260	DISASTER-FLOOD WLMSN PARK					
310000	TAXES					
311010	Real Prop-Current	3,028.31	4,028.20	5,000.00	971.80	81 %
311021	Mobile Home-Current	4.24	7.75	0.00	-7.75	%
311022	Pers Prop-Current	0.00	255.65	0.00	-255.65	%
311040	Centrally Assessed	251.17	290.03	0.00	-290.03	%
311510	Real Prop-Delinquent	5.87	469.59	2,000.00	1,530.41	23 %
311521	Mobile Home-Delinquent	0.00	0.30	0.00	-0.30	%
312000	Pen & Int on Delinq & Protested Taxes	0.59	34.37	0.00	-34.37	%
	Account Group Total:	3,290.18	5,085.89	7,000.00	1,914.11	73 %
	Fund Total:	3,290.18	5,085.89	7,000.00	1,914.11	73 %

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2310 TAX INCREMENT FINANCING DISTRICT (TIFD)						
310000 TAXES						
	312000 Pen & Int on Delinq & Protested Taxes	0.00	26.97	0.00	-26.97	%
	Account Group Total:	0.00	26.97	0.00	-26.97	%
360000 MISCELLANEOUS REVENUE						
	363010 Maint. Assess-Current	71,231.70	96,742.27	160,000.00	63,257.73	60 %
	Account Group Total:	71,231.70	96,742.27	160,000.00	63,257.73	60 %
380000 OTHER FINANCING SOURCES						
	381020 Revenue Bonds (Non-Enterprise)	0.00	1,400,000.00	1,400,000.00	0.00	100 %
	Account Group Total:	0.00	1,400,000.00	1,400,000.00	0.00	100 %
	Fund Total:	71,231.70	1,496,769.24	1,560,000.00	63,230.76	96 %
2370 P.E.R.S.-EMPLOYER CONTRIBUTION						
310000 TAXES						
	311510 Real Prop-Delinquent	0.00	152.68	0.00	-152.68	%
	312000 Pen & Int on Delinq & Protested Taxes	0.00	49.57	0.00	-49.57	%
	Account Group Total:	0.00	202.25	0.00	-202.25	%
330000 INTERGOVERNMENTAL REVENUES						
	335230 State Entitlement Share	3,007.45	6,003.85	12,000.00	5,996.15	50 %
	Account Group Total:	3,007.45	6,003.85	12,000.00	5,996.15	50 %
	Fund Total:	3,007.45	6,206.10	12,000.00	5,793.90	52 %
2371 HEALTH INSURANCE-EMPLOYER CONTRIBUTION						
310000 TAXES						
	311510 Real Prop-Delinquent	0.00	283.23	0.00	-283.23	%
	312000 Pen & Int on Delinq & Protested Taxes	0.00	92.44	0.00	-92.44	%
	Account Group Total:	0.00	375.67	0.00	-375.67	%
330000 INTERGOVERNMENTAL REVENUES						
	335230 State Entitlement Share	7,518.63	15,009.64	30,000.00	14,990.36	50 %
	Account Group Total:	7,518.63	15,009.64	30,000.00	14,990.36	50 %
	Fund Total:	7,518.63	15,385.31	30,000.00	14,614.69	51 %

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2372	PERMISSIVE MEDICAL LEVY					
310000	TAXES					
311510	Real Prop-Delinquent	0.00	6.57	0.00	-6.57	%
	Account Group Total:	0.00	6.57	0.00	-6.57	%
	Fund Total:	0.00	6.57	0.00	-6.57	%
2395	MARIAS VALLEY GOLF & COUNTRY CLUB					
360000	MISCELLANEOUS REVENUE					
362002	Miscellaneous	1,200.00	1,200.00	1,200.00	0.00	100 %
	Account Group Total:	1,200.00	1,200.00	1,200.00	0.00	100 %
	Fund Total:	1,200.00	1,200.00	1,200.00	0.00	100 %
2396	REC FACILITIES PASS (DONATIONS)					
360000	MISCELLANEOUS REVENUE					
365005	City Recreation Pass Donations	0.00	200.00	1,000.00	800.00	20 %
	Account Group Total:	0.00	200.00	1,000.00	800.00	20 %
	Fund Total:	0.00	200.00	1,000.00	800.00	20 %
2399	REVOLVING LOAN					
370000	INVESTMENT AND ROYALTY EARNINGS					
373020	Principal on USARD	0.00	1,000.00	5,548.00	4,548.00	18 %
	Account Group Total:	0.00	1,000.00	5,548.00	4,548.00	18 %
	Fund Total:	0.00	1,000.00	5,548.00	4,548.00	18 %
2400	STREET LIGHTING DISTRICT NO. 35					
360000	MISCELLANEOUS REVENUE					
363010	Maint. Assess-Current	41,589.99	47,590.30	75,000.00	27,409.70	63 %
363040	Special Assessments-P&I (Penalty &	4.76	1,244.53	0.00	-1,244.53	%
363510	Maint. Assess-Delinquent	58.90	10,232.10	8,000.00	-2,232.10	128 %
	Account Group Total:	41,653.65	59,066.93	83,000.00	23,933.07	71 %
	Fund Total:	41,653.65	59,066.93	83,000.00	23,933.07	71 %

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2500 STREET MAINTENANCE DISTRICT NO. 1						
360000 MISCELLANEOUS REVENUE						
	363010 Maint. Assess-Current	113,002.56	135,898.39	255,000.00	119,101.61	53 %
	363040 Special Assessments-P&I (Penalty &	17.53	3,072.79	0.00	-3,072.79	%
	363510 Maint. Assess-Delinquent	223.88	31,290.66	28,000.00	-3,290.66	112 %
	Account Group Total:	113,243.97	170,261.84	283,000.00	112,738.16	60 %
	Fund Total:	113,243.97	170,261.84	283,000.00	112,738.16	60 %
2550 2012 CURB GUTTER & SIDEWALK SID						
360000 MISCELLANEOUS REVENUE						
	363030 CGS Assessments-Current	8,736.13	10,404.23	25,000.00	14,595.77	42 %
	363040 Special Assessments-P&I (Penalty &	0.00	58.91	0.00	-58.91	%
	363530 CGS Assessments-Delinquent	0.00	1,195.59	0.00	-1,195.59	%
	Account Group Total:	8,736.13	11,658.73	25,000.00	13,341.27	47 %
380000 OTHER FINANCING SOURCES						
	383006 Transfer In from other funds	0.00	0.00	20,000.00	20,000.00	0 %
	Account Group Total:	0.00	0.00	20,000.00	20,000.00	0 %
	Fund Total:	8,736.13	11,658.73	45,000.00	33,341.27	26 %
2600 PARK MAINTENANCE DISTRICT #1						
360000 MISCELLANEOUS REVENUE						
	363010 Maint. Assess-Current	15,525.47	20,422.80	40,000.00	19,577.20	51 %
	363040 Special Assessments-P&I (Penalty &	3.57	271.03	0.00	-271.03	%
	363510 Maint. Assess-Delinquent	38.45	3,969.08	0.00	-3,969.08	%
	Account Group Total:	15,567.49	24,662.91	40,000.00	15,337.09	62 %
	Fund Total:	15,567.49	24,662.91	40,000.00	15,337.09	62 %
2810 POLICE PENSION & TRAINING (3RD CLASS CITIES)						
330000 INTERGOVERNMENTAL REVENUES						
	335050 Insurance Premium Apportionment (Fire Dept)	0.00	5,001.00	10,000.00	4,999.00	50 %
	Account Group Total:	0.00	5,001.00	10,000.00	4,999.00	50 %
	Fund Total:	0.00	5,001.00	10,000.00	4,999.00	50 %

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2920	TRAILS GRANT					
330000	INTERGOVERNMENTAL REVENUES					
334125	Fish, Wildlife & Parks Grant	0.00	0.00	25,000.00	25,000.00	0 %
	Account Group Total:	0.00	0.00	25,000.00	25,000.00	0 %
	Fund Total:	0.00	0.00	25,000.00	25,000.00	0 %
2940	CDBG HOUSING FUND					
330000	INTERGOVERNMENTAL REVENUES					
331010	HOME Grant	0.00	125,272.71	550,000.00	424,727.29	23 %
	Account Group Total:	0.00	125,272.71	550,000.00	424,727.29	23 %
	Fund Total:	0.00	125,272.71	550,000.00	424,727.29	23 %
3035	2006 FIRE HALL G.O.B.					
310000	TAXES					
311510	Real Prop-Delinquent	0.00	814.60	0.00	-814.60	%
312000	Pen & Int on Delinq & Protested Taxes	0.00	280.85	0.00	-280.85	%
	Account Group Total:	0.00	1,095.45	0.00	-1,095.45	%
	Fund Total:	0.00	1,095.45	0.00	-1,095.45	%
4000	CAPITAL PROJECTS FUND					
370000	INVESTMENT AND ROYALTY EARNINGS					
371010	Interest Earnings	45,764.47	232,465.42	325,000.00	92,534.58	72 %
	Account Group Total:	45,764.47	232,465.42	325,000.00	92,534.58	72 %
	Fund Total:	45,764.47	232,465.42	325,000.00	92,534.58	72 %
5210	WATER UTILITY					
330000	INTERGOVERNMENTAL REVENUES					
331011	CDBG Grant	0.00	18,045.00	18,045.00	0.00	100 %
334120	TSEP Grant	0.00	53,991.69	678,000.00	624,008.31	8 %
334991	COVID-19/Stimulus Rev-State Sources	0.00	853,845.61	3,728,451.00	2,874,605.39	23 %
337100	NCMRWA GRANT	0.00	0.00	200,000.00	200,000.00	0 %
	Account Group Total:	0.00	925,882.30	4,624,496.00	3,698,613.70	20 %
340000	CHARGES FOR SERVICES					
343021	Metered Water Charges	109,652.56	774,082.01	1,460,000.00	685,917.99	53 %
343023	Bulk Water Sales (dispenser)	394.00	1,384.00	2,500.00	1,116.00	55 %
343026	Water Tapping Permit	8,316.67	8,316.67	6,000.00	-2,316.67	139 %
343027	Miscellaneous Revenue	403.00	3,940.77	10,000.00	6,059.23	39 %
343028	Utility Billing Late Fees	640.00	3,835.00	8,000.00	4,165.00	48 %

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5210	WATER UTILITY					
	Account Group Total:	119,406.23	791,558.45	1,486,500.00	694,941.55	53 %
360000	MISCELLANEOUS REVENUE					
	362002 Miscellaneous	0.00	11,021.27	0.00	-11,021.27	%
	Account Group Total:	0.00	11,021.27	0.00	-11,021.27	%
	Fund Total:	119,406.23	1,728,462.02	6,110,996.00	4,382,533.98	28 %
5310	SEWER UTILITY					
330000	INTERGOVERNMENTAL REVENUES					
	334120 TSEP Grant	0.00	0.00	45,000.00	45,000.00	0 %
	334991 COVID-19/Stimulus Rev-State Sources	0.00	0.00	750,000.00	750,000.00	0 %
	Account Group Total:	0.00	0.00	795,000.00	795,000.00	0 %
340000	CHARGES FOR SERVICES					
	343031 Sewer Service Charges	70,648.17	476,974.53	975,000.00	498,025.47	49 %
	343033 Sewer Tapping Permits	7,160.00	7,760.00	8,000.00	240.00	97 %
	343037 Miscellaneous Revenue	0.00	0.00	30,000.00	30,000.00	0 %
	343038 Utility Billing Late Fees	215.00	1,290.00	3,000.00	1,710.00	43 %
	Account Group Total:	78,023.17	486,024.53	1,016,000.00	529,975.47	48 %
360000	MISCELLANEOUS REVENUE					
	361011 Pasture Lease (land by sewer lagoon)	0.00	600.00	600.00	0.00	100 %
	362002 Miscellaneous	0.00	0.00	200.00	200.00	0 %
	Account Group Total:	0.00	600.00	800.00	200.00	75 %
	Fund Total:	78,023.17	486,624.53	1,811,800.00	1,325,175.47	27 %
5410	SOLID WASTE UTILITY					
340000	CHARGES FOR SERVICES					
	341030 Junk Vehicle Disposal	0.00	0.00	2,000.00	2,000.00	0 %
	343041 Garbage Collection Charges	33,668.64	203,311.31	405,000.00	201,688.69	50 %
	343042 Landfill Disposal Charges	54,494.15	384,574.96	715,000.00	330,425.04	54 %
	343044 Dump Permits	210.00	5,040.00	20,000.00	14,960.00	25 %
	343047 Miscellaneous Revenue	0.00	0.00	20.00	20.00	0 %
	343048 Utility Billing Late Fees	215.00	1,290.00	2,600.00	1,310.00	50 %
	Account Group Total:	88,587.79	594,216.27	1,144,620.00	550,403.73	52 %
360000	MISCELLANEOUS REVENUE					
	362002 Miscellaneous	716.44	4,298.64	18,000.00	13,701.36	24 %
	Account Group Total:	716.44	4,298.64	18,000.00	13,701.36	24 %
	Fund Total:	89,304.23	598,514.91	1,162,620.00	564,105.09	51 %

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5720	STORM DRAINAGE					
310000	TAXES					
311020	Pers Prop-Current (rolled over to 311022)	0.00	0.00	7,000.00	7,000.00	0 %
311022	Pers Prop-Current	0.00	0.00	14,000.00	14,000.00	0 %
	Account Group Total:	0.00	0.00	21,000.00	21,000.00	0 %
330000	INTERGOVERNMENTAL REVENUES					
334991	COVID-19/Stimulus Rev-State Sources	0.00	1,336,733.28	0.00	-1,336,733.28	%
	Account Group Total:	0.00	1,336,733.28	0.00	-1,336,733.28	%
340000	CHARGES FOR SERVICES					
343010	Street Charges for Services	20,335.37	121,485.28	230,000.00	108,514.72	53 %
	Account Group Total:	20,335.37	121,485.28	230,000.00	108,514.72	53 %
360000	MISCELLANEOUS REVENUE					
363010	Maint. Assess-Current	17,435.17	41,449.24	50,000.00	8,550.76	83 %
363040	Special Assessments-P&I (Penalty &	14.79	97.59	200.00	102.41	49 %
363510	Maint. Assess-Delinquent	155.55	3,221.43	20,000.00	16,778.57	16 %
	Account Group Total:	17,605.51	44,768.26	70,200.00	25,431.74	64 %
380000	OTHER FINANCING SOURCES					
380102	CDBG	0.00	0.00	4,000,000.00	4,000,000.00	0 %
	Account Group Total:	0.00	0.00	4,000,000.00	4,000,000.00	0 %
	Fund Total:	37,940.88	1,502,986.82	4,321,200.00	2,818,213.18	35 %
7060	SHELBY ENERGY SHARE					
370000	INVESTMENT AND ROYALTY EARNINGS					
371010	Interest Earnings	0.00	1,315.24	2,200.00	884.76	60 %
	Account Group Total:	0.00	1,315.24	2,200.00	884.76	60 %
	Fund Total:	0.00	1,315.24	2,200.00	884.76	60 %
7061	LOCAL DISASTER RELIEF					
370000	INVESTMENT AND ROYALTY EARNINGS					
371010	Interest Earnings	0.00	1,315.24	2,200.00	884.76	60 %
	Account Group Total:	0.00	1,315.24	2,200.00	884.76	60 %
	Fund Total:	0.00	1,315.24	2,200.00	884.76	60 %

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7120	FIRE RELIEF					
330000	INTERGOVERNMENTAL REVENUES					
335050	Insurance Premium Apportionment (Fire Dept)	0.00	0.00	5,057.00	5,057.00	0 %
	Account Group Total:	0.00	0.00	5,057.00	5,057.00	0 %
	Fund Total:	0.00	0.00	5,057.00	5,057.00	0 %
7199	TOURISM BUSINESS IMPROVEMENT DIST (TBID)					
310000	TAXES					
315200	TBID Assessment Collections	0.00	58,474.00	100,000.00	41,526.00	58 %
	Account Group Total:	0.00	58,474.00	100,000.00	41,526.00	58 %
	Fund Total:	0.00	58,474.00	100,000.00	41,526.00	58 %
	Grand Total:	1,150,689.12	8,234,548.86	20,178,953.00	11,944,404.14	41 %

[illegible]

CHANGE ORDER NO.: 1

Owner: City of Shelby
Engineer: Great West Engineering, Inc.
Contractor: Maguire Iron, Inc.
Project: City of Shelby Airport Tank
Contract Name: City of Shelby Airport Tank
Date Issued: Effective Date of Change Order: December 21, 2023

Owner's Project No.:
Engineer's Project No.: 1-19332 TOS
Contractor's Project No.:

The Contract is modified as follows upon execution of this Change Order:

Description: Change the Airport Water tank and foundation design to operate at a high water elevation of 3,474 ft.

Attachments: Maguire Iron, Inc. Breakdown of costs

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ 2,231,000	Original Contract Times: Substantial Completion: 180 Ready for final payment: 60
[Increase] [Decrease] from previously approved Change Orders No. 1 to No. \$ N/A	[Increase] [Decrease] from previously approved Change Orders No.1 to No. Substantial Completion: N/A Ready for final payment: N/A
Contract Price prior to this Change Order: \$ 2,231,000	Contract Times prior to this Change Order: Substantial Completion: 180 Ready for final payment: 60
Increase this Change Order: \$ 627,440	Increase this Change Order: Substantial Completion: 60 Ready for final payment: 0
Contract Price incorporating this Change Order: \$ 2,858,440	Contract Times with all approved Change Orders: Substantial Completion: 240 Ready for final payment: 60

Recommended by Engineer (if required)

Accepted by Contractor

By: _____

Title: _____

Date: _____

Authorized by Owner

Approved by Funding Agency (if applicable)

By: _____

Title: _____

Date: _____

From: Corey Sanders <sandersc@maguirewater.com>

Sent: Thursday, December 7, 2023 8:15 AM

To: Amy Deitchler <adeitchler@greatwesteng.com>

Cc: Craig Pozega <cpozega@greatwesteng.com>; Bill Lloyd <blloyd@greatwesteng.com>

Subject: RE: Shelby, MT

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Amy,

I spoke with Craig yesterday in regards to the reasoning for the cost changes on the water tower project. I explained some of the major reasons to him and he requested that I put the justification in writing. I am going to refer to the expenses/costs in my below description.

The original price had \$236,700 in foundation expenses and \$160,000 in steel expenses. This pricing was stated in an email that we had to have authorization to proceed by Dec 1 in order for us to hold that pricing. We felt that we would be able to finish the foundation in around 3 weeks as the weather forecast was phenomenal for this time of year. We also felt that we could get steel expedited in time as to be able to have our erection crew start building the base cone on January 2.

The second price had \$287,200 in foundation expenses and \$160,000 in steel expenses. This pricing was based off of a phone conversation with Amy and Craig that they were hoping to have authorization to proceed by the end of day on Dec 5. The foundation subcontractor went through his pricing again and found that he had missed some items and he also accrued for more rentals. He missed \$9,500 for having to re-excavate center of hole after he has to fill a bunch of it back in and also having to form/pour a new rat slab. He also missed \$25,000 for some rental expenses that he didn't account for previously and also accrued for additional rental time. So essentially \$34,500 of these additional expenses should have been in the original price and \$16,000 were added to adjust from the Dec 1 to Dec 5 time frame.

The third price has \$327,200 in foundation expenses and \$204,200 in steel expenses. This pricing was based off of an email stating that we may not get authorization to move forward until next week so we figured this pricing based on having a go-ahead by Dec 15.


The additional pricing for the foundation expenses accounted for another week and a half of standby and rental expenses. This also pushes the construction of the foundation from Dec 18 to probably mid-January. We are assuming that the weather will take a turn and our previous estimate of 3 weeks to complete will be more like 4 to 5 weeks so we are figuring additional expenses for being on site longer. We are also taking into account the anticipated snow/wind that will have to be dealt with. So essentially about \$15,000 of these additional expenses were added to adjust from the Dec 5 to Dec 15 timeline and about \$25,000 of these additional expenses were to account for an additional week of labor plus weather issues.


The additional steel expenses are based on the decision that we now won't be able to get the foundation installed and the steel purchased/fabricated/blasted/painted/delivered in time as to not hold up our field crew. It will be more cost effective to have the steel crew leave and return in the spring versus staying on site and having a month of standby. The main additional expenses for the steel are based on \$36,000 for demobilization and remobilization of the rig/crew and also \$23,000 for renting a crawler crane when we come back to site in the spring.

My previous breakdowns and this description are hopefully what you need in regards to this issue. But please be aware that there are extensive issues and costs that go into the redesign and construction of this situation. Also combined with the timing, delays, and weather; there are substantial expenses that go into this project change order. Please let me know if there is anything else that you need from me. I will wait to hear back from you.

Thanks,

COREY SANDERS
SENIOR PROJECT MANAGER

 [\(605\) 334-9749](tel:(605)334-9749)

 [\(605\) 496-5146](tel:(605)496-5146)



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MAGUIRE

From: Corey Sanders

Sent: Wednesday, December 6, 2023 1:53 PM

To: Amy Deitchler <adeitchler@greatwesteng.com>

Cc: cpozega@greatwesteng.com; blloyd@greatwesteng.com

Subject: FW: Shelby, MT

Amy,

We have had many conversations both internally and externally (with subs & suppliers). Due to the delays taking a little longer, we have gone ahead and figured the below pricing to cover us through 12/15 and that pricing is below. With the current situation of this project and the impact of these dates, it will not be possible to finish the foundation and also complete the purchasing/fabrication of new steel in time as to not delay our erection crew. The foundation crew will continue with the piers and foundation through the winter but they would still like to start back again as soon as possible to try and take advantage of the nice weather. The erection crew will finish assembling the ball of the tank, and then they will go ahead and demobilize and then remobilize back in the spring to finish erection. This will be the most cost-efficient way to address this issue rather than factoring in a bunch more standby time for our erection crew and winter weather costs.

Please feel free to respond back to this email or give me a call to discuss any questions. We will wait to hear back for direction.

Foundation/Piling crew downtime, demobilization, and remobilization - \$12,500

Take apart and remove installed forms - \$4,800

Different form rentals and shipping - \$26,000

Additional equipment rentals - \$56,000

Backfill portion of hole to access location for new piles - \$5,000

Re-excavate out center of hole / re-survey center point - \$5,000

Take apart riser piping, move 12" piping, and additional load of sand - \$15,000

Build new jigs for new radius on forms - \$3,400

Drill 12 new 39' (18" diameter) deep shafts - \$94,000

Geologist Consulting - \$6,000

Assemble, tie, and place rebar cages - \$9,200

Additional rebar for piers - \$8,000

Additional concrete for piers and new rat slab - \$11,000

Form and pour new rat slab for foundation forms - \$4,500

Crew housing, hotels, meals - \$15,000
Heater, building materials, fuel, and labor for tenting enclosure - \$11,200
Fees for heating concrete trucks and aggregate at offsite airplane hangar - \$12,000
New backfill inside ring wall and removal of unusable soils due to being frozen - \$6,200
Concrete and labor credit for ring wall and slab - (\$17,600)
Additional standby on form rentals from 12/6 to 12/18 - \$11,000
Additional standby on equipment rentals from 12/6 to 12/18 - \$22,000
Crew housing from 12/6 to 12/18 - \$3,000
Supplies and labor to build and remove wood structure for wind/snow protection - \$4,000

Total expenses for foundation subcontractor = \$327,200
15% OH and profit for foundation subcontractor = \$49,080
5% OH and profit for Maguire = \$16,360
Total expenses, OH, and profit for foundation = \$392,640

New base cone steel - \$24,000
Shop fabrication for new base cone, reducer transition, gusset supports, etc. - \$54,000
Shop blast/paint new steel \$8,000
Quality Control and shop inspections for welding and shop blasting/painting - \$4,000
Engineering and engineering consultant - \$12,000
Additional concrete testing - \$6,000
Handling, loading, and shipping of new base cone to site and removing existing base cone from site - \$28,000
Field crew to assemble ball in one piece - \$18,000
Larger crane to pick ball in one piece instead of two - \$25,000
~~Cost factor to stop scheduled production and expedite new steel through the shop and blast/paint booth - \$15,000~~
Estimating and project management - \$8,000
Less field erection labor credit for no column and smaller base cone - (\$27,000)
Less paint and painting labor credit for no column and smaller base cone - (\$15,000)
Demobilize/Remobilize rig and crew - \$36,000
Crawler crane rental - \$23,200

Total expenses for steel tank = \$204,200
15% OH and profit for Maguire = \$30,600
Total expenses, OH, and profit for steel tank = \$234,800

Total expenses, OH, and profit for entire change order $\$392,640 + \$234,800 = \$627,440$

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Jade Goroski

From: Christopher Scoones <chris@scooneslaw.com>
Sent: Wednesday, January 3, 2024 1:25 PM
To: Jade Goroski
Subject: Kevin's Appeal
Attachments: Kevins Opening Brief.pdf

Jade,

Kevin filed its opening brief yesterday. I'll begin drafting our brief.

-Chris

Christopher T. Scoones
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IN THE SUPREME COURT OF THE STATE OF MONTANA
Cause No.: DA 23-0495

TOWN OF KEVIN,
Petitioner and Appellant,

MONTANA DEPARTMENT OF NATURAL RESOURCES AND
CONSERVATION,
Respondent and Appellee,

CITY OF SHELBY
Applicant and Appellee.

APPELLANT TOWN OF KEVIN'S OPENING BRIEF

On Appeal from the Montana Water Court
Case No. MAPA-0001-WC-2022
Hon. Stephen R. Brown, Associate Water Judge, Presiding

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ISSUE PRESENTED FOR REVIEW

Under the so called “possessory interest requirement” of the Montana Water Use Act (“WUA”), an applicant seeking to establish a new water right or to change an existing water right must prove that the “applicant has a possessory interest or the written consent of the person with the possessory interest in the property where the water is to be put to beneficial use” Mont. Code Ann. § 85-2-311(1)(e) (new appropriations) and § 85-2-402(2)(d) (change applications).¹

The issue presented for review is whether the Water Court erred when it affirmed Montana Department of Natural Resources and Conservation’s (“DNRC” or “Department”) decision to deny the Town of Kevin’s (“Kevin”) objections and to grant the City of Shelby’s (“Shelby”) applications to expand the place of use for Shelby’s water rights when Shelby does not have a possessory interest or the written consent of the persons with the possessory interest in the expanded place of use.

STATEMENT OF THE CASE

In 2017, before the current dispute arose, Shelby submitted two applications to change the place of use for its municipal water rights to serve the areas known as Shelby South, the Prison, the Humic facility, the communities of Devon, Dunkirk, Ethridge, and Big Rose Colony, and the City of Cut Bank. *See* the Water

¹ The two code sections are the same except for the use of commas to set off the phrase “or the written consent of the person with the possessory interest” in Mont. Code Ann. § 85-2-402(2)(d).

Court's Order on Petition for Judicial Review at 2 (April 7, 2023), Dkt. 20,² ("Water Court Order," a copy of which is provided at Appendix Tab A). DNRC designated those applications as numbers 41P 30072725 and 41P 30072726 ("2017 Applications"). *See* DNRC's Findings of Fact and Conclusions of Law and Order at 10, n. 6 (March 30, 2022), (4262 AR 1:0002 [Tab 1])³ ("DNRC Final Order," a copy of which is provided at Appendix Tab B). These applications did not receive any objections, and they were granted by DNRC.

In 2019, Shelby submitted a second set of applications to change the points of diversion and places of use for its water rights. Water Court Order at 2. DNRC designated the applications as numbers 41P 30114262 and 41P 30116656. *Id.* Shelby also applied for a beneficial water use permit for a new water right. DNRC assigned the permit application number 41P 30117451. *Id.* at 3. Among other things, the three applications sought to expand the place of use for Shelby's water rights (beyond the place of use approved in the 2017 Applications) to serve the communities of Oilmont, Nine Mile, and Galata. *Id.* at 2-3. Shelby's ability to

² Documents filed with the Water Court are referenced as Dkt. ____ according to document number on the Case Register Report filed with this Court on October 11, 2023.

³ As noted in the Water Court Order, DNRC provided separate administrative record for each of the three applications at issue in this appeal. The Water Court filed the administrative records with this Court on December 12, 2023. Each administrative record contains four volumes. The record is further organized by tabs and each page of each record contains a Bates stamp. *See* Water Court Order at 2, n. 1. Kevin adopts the Water Court citation format of including a prefix that references the last four digits of the application number, followed by the administrative record volume, page number, and tab number. For example, (4262 AR ____ [Tab ____]). When the same document is located in all three records, the Brief refers to the record for application no. 41P 30114262.

claim a place of use that includes the communities of Oilmont, Nine Mile, and Galata is at issue in this appeal.

In December 2020, DNRC determined Shelby's applications were correct and complete, and it issued separate preliminary determinations to grant ("PDGs") for the change applications and the beneficial permit use permit.⁴ (4262 AR 1:0021 [Tab 1] ("Change applications PDG"); 7451 AR 1:0021 [Tab 1] ("Permit Application PDG")).

Kevin depends on bulk water sales to fund a sizable portion of its municipal budget. Approximately 90% of Kevin's customers for bulk water are located within the proposed expanded place of use for Shelby's water rights. (4262 AR 4:1734 at 78:6-23 [Tab 72] (Mayor Fagan's testimony)). Kevin believed that Shelby's applications did not comply with the requirements of the WUA and that it would lose a significant amount of revenue from bulk water sales if Shelby were allowed to expand its water rights in violation of Montana law. Thus, Kevin filed timely objections with DNRC asking the agency to deny all three applications.⁵ (4262 AR 2:0569 [Tab 27]; 7451 AR 2:0412 [Tab 21]). DNRC appointed Hearing

⁴ See Mont. Code Ann. § 85-2-307(2)(a)(ii) (If DNRC determines an application meets the criteria, it issues a "preliminary determination to grant" the permit or change).

⁵ If a person files a valid objection to a PDG, DNRC appoints a hearing examiner to preside over a contested case hearing on the objection. Mont. Code Ann. §§ 2-4-601 to -631; 85-2-309(1). The hearing provides an opportunity for the applicant and objectors to present evidence and argument why the permit should or should not be granted. See Water Court Order at 4.

Examiner David Vogler to preside over the contested case proceedings and to issue a final decision on behalf of the agency.

The administrative record filed by DNRC did not contain the service agreements with Oilmont, Galata and the Nine Mile mentioned in the PDGs, and Shelby did not produce the service agreements in discovery. (4262 AR 3:0848 at 0857-88 [Tab 56] (Request for Production Nos. 5, 6, and 7, “[Shelby] is not in possession, custody, or control of any responsive documents” related to the agreements)). As a result, Kevin moved for Summary Judgment asserting that Shelby could not satisfy the possessory interest requirement in Mont. Code Ann. §§ 85-2-311(1)(e) and -402(2)(d). (4262 AR 2:0781-90 [Tab 51]). Kevin’s Motion was supported by an affidavit from Richard Rice who owns property within the proposed expanded place of use for Shelby’s water rights. (7451 AR 2:0603-04, [Tab 39]). Mr. Rice explained that Shelby does not have a possessory interest in his property, and it does not have his written consent. (*Id.* at 0603, ¶¶ 3-4).

Shelby presented no affidavits, or other evidence, with its response brief establishing that it had a possessory interest in the intended place of use for the three applications. (4262 AR 2:0749-62 [Tab 49]). Rather, it fell back on the fact the PDGs stated, incorrectly, that the service agreements had been provided to DNRC, and its belief that “any further documentation beyond what is in the administrative record for said applications is irrelevant.” (*Id.* at 755).

In its Summary Judgment Reply Brief, Kevin requested that if its Motion for Summary Judgment was not granted, under Rule 56(d)(1), M. R. Civ. P.⁶ the Hearing Examiner should establish several facts as undisputed for purposes of the proceeding, including: “Shelby does not have a possessory interest in the various parcels of land that make up the communities of Oilmont, Nine Mile and Galata;” “Shelby does not have the written consent of the hundreds of people with the possessory interests in the intended place of use;” and “Shelby does not have the written consent of Oilmont County Water District, Ninemile County Water District, or Galata County Water District to provide water to the landowners within those communities.” Exhibit B to Dkt. 22.⁷

The Hearing Examiner did not address these factual issues in the Order Denying Kevin’s Motion for Summary Judgment. Instead, he found that “ARM 36.12.1802(1)(b) expressly provides that an applicant for municipal uses of water *need not show that the applicant has the possessory interest or the written consent of the person with the possessory interest where the water is to be put to beneficial use.*” (4262 AR 2:0742 at 0744 [Tab 47] (emphasis added)).

⁶ “If summary judgment is not rendered on the whole action, the court should, to the extent practicable, determine what material facts are not genuinely at issue. . . . It should then issue an order specifying what facts . . . are not genuinely at issue. The facts so specified must be treated as established in the action.” Rule 56(d)(1), M. R. Civ. P.

⁷ Even though Kevin’s Reply Brief in Support of its Motion for Summary Judgment was filed and considered by the Hearing Examiner, *see* 4262 AR 2:0742 [Tab 47], the Brief was not included in the record DNRC filed with the Water Court. Therefore, Kevin filed the brief with the Water Court as an exhibit to one of its briefs.

The Hearing Examiner reasoned that “that the concept of possessory interest for uses such as instream flow, municipal, sale, etc. was *impractical*,” and to get around the impracticality, DNRC had adopted Admin. R. Mont. 36.12.1802 to create an exception for municipal uses. (*Id.*). Thus, according to DNRC, the lack of evidence about the possessory interest requirement was not relevant because Shelby “need not show” that the statutory criteria had been satisfied.

The Hearing Examiner thought it was “[i]nteresting[]” that neither party had cited Admin. R. Mont. 36.12.1802(1)(b) in their Summary Judgment briefing. (*Id.* at 0743).⁸ There was no oversight as according to the rule, an applicant for a municipal water right does not have to sign an application affirming that they have a possessory interest in the place of use, but the applicant still must satisfy the possessory interest requirement through other evidence.

On November 4, 2021, one day after the Hearing Examiner issued the Order denying Kevin’s Motion for Summary Judgment, DNRC’s Chief of Staff issued an Order substituting Jay Weiner as the new Hearing Examiner due to Mr. Vogler’s upcoming retirement. (4262 AR 2:0739 [Tab 46]).

Because the first of the two contested case hearings was set to begin a week after the Order Denying Kevin’s Motion for Summary Judgment was issued, on

⁸ In its objections to the PDGs, Kevin addressed why Admin. R. Mont. 36.12.1802 was not relevant. (4262 AR 2:0578 at 0580 [Tab 27] (“[the PDGs] also cites to Admin. R. Mont. 36.12.1802 and states ‘It is clear that the ultimate user will not accept the supply without consenting to the use of water.’ . . . this is a misreading of the administrative rule as Admin. R. Mont. 36.12.1802 defines the contents of an ‘application affidavit’ and it does not purport to define a possessory interest.”)).

November 5, 2021, Kevin filed an Emergency Motion to Certify to the Director and Stay the Proceedings.⁹ (4262 AR 2:0731-0738 [Tab 45]). One reason that Kevin asked to stay the proceedings was to obtain clarification from DNRC regarding what evidence, if any, Kevin could present at the hearings to overcome the agency's prior Order stating that "an applicant for municipal uses of water need not show that the applicant has the possessory interest or the written consent of the person with the possessory interest where the water is to be put to beneficial use." (4262 AR 2:0742 at 0744 [Tab 47]). On November 9, 2021, the new Hearing Examiner issued an Order holding Kevin's Motion in abeyance until after the hearings, but he did not explain what evidence DNRC expected the parties to present concerning the possessory interest requirement. (4262 AR 2:0721 [Tab 43]).

The Hearing Examiner held an evidentiary hearing concerning Shelby's permit application on November 10, 2021, and a second hearing concerning the change applications on November 16, 2021. Water Court Order at 3. At the hearings, Shelby did not present evidence establishing that it had a possessory interest in the hundreds of properties within the proposed place of use for its expanded water rights. In fact, in its post-hearing Proposed Findings of Fact and Conclusions of Law, Shelby conceded "the fact that Shelby does not actually own all of the proposed places of use for the applications, nor does Shelby have express

⁹ Pursuant to Admin. R. Mont. 36.12.214(1), "Any party may request that a pending motion, or a motion decided adversely to that party by the hearing examiner before or during the course of the proceeding be certified by the hearing examiner to the director."

written consent of each owner of each proposed place of use.” (4262 AR 4:1680 at 1700, ¶ 14 [Tab 68]). Shelby argued, however, that “[it] need not hold possessory interest or have the written consent of those with possessory interest in the proposed places of use to fulfill the possessory interest criteria set forth in Mont. Code Ann. § 85-2-311(1)(e) and §85-2-402(2)(d)” because it believed that “Admin. R. Mont. 36.12.1802(1) *modifies* how a municipal applicant such as Shelby may satisfy said criteria.” (*Id.* at 1700-01, ¶¶ 15-16 (emphasis added)).

On December 7, 2021, the Hearing Examiner issued an Order Denying Kevin’s Motion to Certify. (4262 AR 4:1668-1678 [Tab 67]). On March 30, 2022, the Hearing Examiner issued DNRC’s Findings of Fact and Conclusions of Law and Order in which the agency denied all of Kevin’s objections and it granted Shelby’s applications as proposed in the PDGs. (DNRC Final Order, Appendix Tab B). The Hearing Examiner acknowledged that Shelby “does not have a possessory interest in all of the places of use identified in the Permit Application and the Change Applications or the written consent of all such owners.” DNRC Final Order at 17, ¶ 40. Yet he decided the statutory possessory interest requirement had been satisfied based on his belief that “a municipality may demonstrate compliance with the statutory possessory interest requirement if ‘it is clear that the ultimate user will not accept the supply [provided by the municipality] without consenting to the use of water on the user’s place of use’” *Id.* at ¶ 42 (alterations in DNRC’s Final Order; quoting Admin. R. Mont. 36.12.1802(1)(b)). The Hearing Examiner found there was “no evidence in the record to indicate that [Shelby] will or can force delivery of water on the

unwilling,” and thus he held that Shelby had satisfied the statutory possessory interest requirement. *Id.* ¶¶ 41, 44.

Deciding the case based on Kevin’s failure to provide evidence that Shelby would “force delivery of water on the unwilling” was prejudicial for two reasons: (1) this test has no basis in the text of the relevant statutes and (2) DNRC had not mentioned this test before to the hearings, and thus Kevin had no idea what type of evidence DNRC would consider.

To correct DNRC’s flawed decision, Kevin filed a Petition for Judicial Review with the Water Court.¹⁰ Dkt. 1. After an opportunity for briefing, but without the benefit of oral argument, the Water Court issued an order affirming DNRC’s decision to grant the applications. (Water Court Order, Appendix Tab A). The Water Court’s Order was based on the apparent factual misapprehension that Shelby had service agreements with the communities of Oilmont, Nine Mile, and Galata. *See* Water Court Order at 10-11 (“The PDGs made this clarity finding by citing the water service agreements Shelby entered into with the outlying communities.” “Kevin never explains why it is unreasonable for DNRC to rely on evidence of water service agreements to demonstrate written consent of possessory interest from the communities to which Shelby proposes to supply water.”).

Shelby does not have service agreements with the communities of Oilmont, Nine Mile, and Galata. Therefore, Kevin filed a Motion pursuant to Rules 59 and

¹⁰ The Montana Administrative Procedure Act provides the Water Court with concurrent jurisdiction over petitions for judicial review of final decisions on permit or change applications. Mont. Code Ann. § 2-4-702(2)(e)(i).

60, M. R. Civ. P., asking the Water Court to Amend or Alter its Final Order to correct this factual issue. Dkt. 23. In its supporting Brief, Kevin pointed out that part of the confusion regarding the service agreements was based on an incomplete transcript that Shelby had a Court Reporter prepare based on the audio recordings of the hearings. Dkt. 22 at 11. The original transcript denoted a key part of the testimony as “inaudible,” but based on a close examination of the recording, it is clear the witness testified that Shelby did not have service agreements with the communities referenced in the Water Court’s Order. At Kevin’s request, the Court Reporter provided an updated transcript that replaced the “inaudible” portion with the missing testimony. Exhibit A to Dkt. 22 at 7:10-15. In their Response Briefs to Kevin’s Motion to Amend, Shelby and DNRC did not dispute the accuracy of the updated transcript. Dkt. 24 (Shelby) and 25 (DNRC). Nor did they dispute that Shelby does *not* have service agreements with the communities of Oilmont, Nine Mile, and Galata. *Id.*

The Water Court did not rule on Kevin’s Motion to Amend or Alter the Final Order within 60 days, and thus it was deemed denied. *See* Rule 59(f) and 60(c)(1), M. R. Civ. P. Kevin then timely filed a Notice of Appeal with this Court. Dkt. 28.

STATEMENT OF THE FACTS

The sole question on appeal is whether Shelby proved it “has a possessory interest or the written consent of the person with the possessory interest in the property where the water is to be put to beneficial use . . .” Mont. Code Ann. §§

85-2-311(1)(e) and 85-2-402(2)(d). Thus, the relevant facts would be evidence establishing that Shelby has a possessory interest in the hundreds of properties where it intends to put the water to beneficial use or that it has the written consent of the people with a possessory interest in the place of use.

While the exact number of properties located within the proposed place of use is not contained in the record, according to DNRC the applications were complex because they “involve[] a very large number of places of use.” (4262 AR 1:0421 [Tab 16]). Likewise, Shelby’s consultant acknowledged “the property where the water is to be put to beneficial use would be many properties.” (4262 AR 1:0380 [Tab 16]).

Nothing in the record suggests that Shelby has a possessory interest in *any* of the properties within the communities of Oilmont, Nine Mile, and Galata. Nor is there any evidence of written agreements between Shelby and *any* of the individuals with possessory interests in the properties. In fact, Mr. Rice testified in his affidavit and at the evidentiary hearing that he owns property within the proposed place of use, and Shelby does not have a possessory interest in his property, and it does not have his written consent to put water to use on his property. (7451 AR 2:0603-04, [Tab 39] (Rice’s Affidavit), 4262 AR 4:1714 at 1744-45, 115:13-124:6 [Tab 69] (testimony at the November 10, 2021, hearing)).

In its proposed Findings of Fact and Conclusions of Law, Shelby acknowledged “the fact that Shelby does not actually own all of the proposed places of use for the applications, nor does Shelby have express written consent of each owner of each proposed place of use.” (4262 AR 4:1680 at 1700, ¶ 14 [Tab

68]). In its briefing filed with the Water Court, DNRC likewise acknowledged “[i]t is not disputed that Shelby does not currently have possessory interest in all of the places of use identified in the applications or the written consent of all such owners.” DNRC’s Response Brief (Sept. 1, 2022), Dkt. 14 at 3. Therefore, as a factual matter, Shelby does not have a possessory interest in the places of use identified in the applications or the written consent of all such owners.

A related factual issue is the existence or non-existence of service agreements between Shelby and the communities of Oilmont, Nine Mile, and Galata. Kevin asked Shelby to produce a copy of the agreements in discovery. (4262 AR 3:0848 at 0857-88 [Tab 56] (Request for Production Nos. 5, 6, and 7)). Shelby objected to the requests, asserting that questions were “not reasonably calculated to lead to the discovery of evidence admissible in proceedings in any of the above-captioned matters.” (*Id.*). Notwithstanding the objection, Shelby responded that it was “not in possession, custody, or control of any responsive documents” concerning agreements between itself and Oilmont, Nine Mile, and Galata. (*Id.*).

The PDGs stated that Shelby’s Applications were “for supply of water to . . . the communities . . . Oilmont, Galata and the Nine Mile system,” and “[Shelby] has established water service agreements through contracts and have [sic] provided copies to the Department.” (4262 AR 1:0021 at 31, ¶ 38 [Tab 1]; 7451 AR 1:0021 at 0054, ¶ 88 [Tab 1]). In its objection, Kevin pointed out that the statement in the PDGs “appears to be false” as DNRC had not provided a copy of the agreements in the administrative record. (4262 AR 2:0578 at 0580 [Tab 27]).

In DNRC's Final Order, the Hearing Examiner agreed with this portion of Kevin's objection.

[The] language [in the PDGs] does not state (though it certainly implies) that the water service agreements that Applicant has established through contracts are at least with . . . Oilmont, Galata, and the Nine Mile system. Yet copies of such agreements do not appear to be in the DNRC claim files specifically denominated for either the Permit Application or the Change Applications.

DNRC Final Order at 16, ¶ 36, Appendix Tab B. The Hearing Examiner concluded "[he was] not satisfied that the analysis conducted in the [PDGs] is sufficient to demonstrate that Applicant has satisfied its burden to prove by a preponderance of the evidence that it has a possessory interest in all of the places of use identified in the above-captioned applications." *Id.* at 17-18, ¶ 44.

Specifically, DNRC's Final Order found that Shelby did *not* have contracts with Galata and Nine Mile. DNRC's Final Order at 16, ¶ 37. The Order, however, mistakenly stated that Shelby had a contract with Oilmont. *Id.* ("Mayor McDermott testified that Shelby . . . has contracts with . . . Oilmont, though not with Galata"). This finding was based on an incomplete transcript of Mayor McDermott's testimony that Shelby had provided — not the audio recording of the hearing which is the official record of the hearing.¹¹ The transcript of Mayor McDermott's

¹¹ DNRC's administrative rule states the official record is "a verbatim record of oral proceedings." Admin. R. Mont. 36.12.226(1)(c). "The verbatim record consisting of audio recordings of the contested case hearing shall be transcribed if requested by the hearing examiner." Admin. R. Mont. 36.12.227. In these proceedings, the Hearing Examiner did *not* request that the hearings be transcribed, and thus, the official record of the hearings are the audio recordings of the hearings that were produced as part of the Administrative Record.

testimony provided by Shelby stated, “With respect to the other contracts, we have contracts with North Central Montana Regional Water Authority, Cut Bank, Nine Mile, and (inaudible) Oilmont. But we just have a contract with North Central.” (4262 AR 4:1793 [Tab 71] line 7:12). The audio recording of Mayor McDermott’s testimony however reveals that he testified, “With respect to the other contracts, we have contracts with North Central Montana Regional Water Authority, Cut Bank, Nine Mile, and **it goes to Nine Mile and Oilmont**, but we just have a contract with North Central.” See audio file “Shelby #03 McDermott Testimon.mp3” at 07:19 produced by DNRC in the Administrative Record (bold language replaces the “inaudible” portion in the original transcript). At Kevin’s request, the Court Reporter provided an updated transcript replacing the portion marked “inaudible” in the original transcript with, “it goes to Nine Mile.” Exhibit A to Dkt. 22 at 7:10-15. The accuracy of the updated transcript is not disputed.

Therefore, the finding that Shelby had a contract with Oilmont was clearly erroneous because it is not supported by any evidence in the record and the Hearing Examiner misapprehended the evidence in the official record based on the incomplete transcript provided by Shelby. *Clark Fork Coalition v. DNRC*, 2021 MT 44, ¶ 33, n. 64, 403 Mont. 225, 481 P.3d 198 (“*Clark Fork Coalition v. DNRC*”) (“Agency findings of fact are clearly erroneous only if not supported by substantial record evidence or a careful review of the record manifests that the agency clearly misapprehended the effect of the evidence or was otherwise mistaken.” (citing Mont. Code Ann. § 2-4-704(2)(a)(v)).

STANDARD OF REVIEW

The Montana Administrative Procedure Act (“MAPA”) governs judicial review of final agency decisions. A reviewing court may reverse or modify an agency decision if substantial rights of the appellant have been prejudiced because the administrative decision is, among other reasons: affected by an error of law; clearly erroneous in view of the whole record; or arbitrary or capricious. Section 2-4-704(2)(a)(iv)-(vi), MCA. A district court reviews an administrative agency’s conclusions of law for correctness. The same standard of review applies to this Court’s review of the district court’s decision.

Flathead Lakers Inc. v. DNRC, 2020 MT 132, ¶ 7, 400 Mont. 170, 464 P.3d 396 (citations omitted).

SUMMARY OF THE ARGUMENT

Since the WUA was amended in 1989, the Act requires a person seeking to establish a new water right or to change an existing water right to meet possessory interest requirement in Mont. Code Ann. §§ 85-2-311(1)(e) and -402(2)(d).

Shelby applied to expand the place of use for its water rights to cover the communities of Oilmont, Nine Mile, and Galata, but “Shelby does not actually own all of the proposed places of use for the applications, nor does Shelby have express written consent of each owner of each proposed place of use.” (4262 AR 4:1680 at 1700, ¶ 14 [Tab 68]). And “[i]t is not disputed that Shelby does not currently have possessory interest in all of the places of use identified in the applications or the written consent of all such owners.” Dkt. 14 at 3. Shelby did not prove the possessory interest requirement and the applications should have been denied.

The Water Court erred when it relied on Admin. R. Mont. 36.12.1802(1)(b) to hold that Shelby could satisfy the statutory possessory interest requirement by complying with the administrative rule. The rule establishes what information must be contained in an application affidavit, and it does not state that if the rule is satisfied, then the statutory possessory interest requirement is satisfied as well. Therefore, the Water Court's Final Order must be reversed.

ARGUMENT

I. Background regarding the WUA and the process to change or establish a water right.

Before the adoption of the WUA in 1973, a person could establish a new water right by putting the water to beneficial use or by publishing a notice at the point of diversion and filing a notice of appropriation with the county clerk. *Hoon v. Murphy*, 2020 MT 50, ¶¶ 34-35, 399 Mont. 110, 460 P.3d 849. Further, before the WUA, a person was free to “change the place of diversion” or to “extend the ditch . . . by which the diversion is made, to any place other than where the first use was made” if the change did not injure another water user. *Twin Creeks Farm & Ranch, LLC v. Petrolia Irrigation District*, 2022 MT 19, ¶ 32, 407 Mont. 278, 502 P.3d 1080 (quoting RCM § 89-803 (repealed 1973)). Therefore, prior to 1973, a person could establish or change a water right without first obtaining permission or approval from the State of Montana.

That changed with the adoption of the WUA. Now, a person must apply to DNRC for a new water right, and DNRC can only issue a permit if certain criteria,

including a possessory interest, are established.¹² Mont. Code Ann. §§ 85-2-112 and -311(1). Likewise, a person must apply to DNRC to change an existing water right and DNRC can only approve a change application if certain criteria, including a possessory interest, are established. Mont. Code Ann. § 85-2-402(2).

II. The 1989 amendment to the WUA abrogated the concept of a service area for a new or changed water right.

Further, before the adoption of the WUA, an appropriator offering water for sale, rental, or distribution to a third party (such as a municipality or an irrigation company) did not have to “own the land upon which the water is put to use.” *See generally Curry v. Pondera Cnty. Canal & Reservoir Co.*, 2016 MT 77, ¶ 41, 383 Mont. 93, 370 P.3d 440. Instead, an appropriator could claim a “service area” where the water could be put to use on land owned by third parties. *Id.* ¶¶ 48-50.

The law regarding a service area was abrogated in 1989 when the WUA was amended to require an applicant for a new water right or to change an existing water right to prove “the applicant has a possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use.” 1989 Mont. Laws Chap. 432, 994 at 996, 98, §§ 2, 3 (amending Mont. Code Ann. §§ 85-2-311(1)(f) (now (e)) and 85-2-402(2)(d)). The new possessory interest requirement eliminated the possibility for an applicant to claim a “service area” for a new or changed water right.

¹² There are a few exceptions to the permit requirement, none of which are relevant here.

The ability to claim a “service area” was based on the law “prior to the WUA,” *Curry*, ¶ 45, and the 1989 amendment to the WUA eliminated the ability to claim a service area for a new or changed water right. The Water Court noted, this Court has recognized the concept of a “service area” and that offering water for sale, rental, or distribution to others as a beneficial use in several decisions. Water Court Order at 14 (citing *Bailey v. Tintinger*, 45 Mont. 154, 122 P. 575 (1912); *In re United States of America (Barthelmess Ranch)*, 2016 MT 348, 386 Mont. 121, 386 P.3d 952; and *Curry*). But the decisions cited by the Water Court applied Montana law before the adoption of the WUA and the 1989 amendment.

The possessory interest requirement applies to all new or changed uses of water in Montana — including municipal water rights — and the Court should reject the Water Court’s and DNRC’s attempt to create a special exception for municipal water rights based on the concept of a service area which has no basis in the text of the WUA.

III. Shelby failed to establish the possessory interest criterion.

The sole issue in this appeal is whether Shelby proved, by a preponderance of the evidence, the following criterion had been met: “the applicant has a possessory interest or the written consent of the person with the possessory interest in the property where the water is to be put to beneficial use.” Mont. Code Ann. §§ 85-2-311(1)(e) and -402(2)(d).

Shelby sought, and DNRC granted, an expanded place of use for its municipal water rights that included communities of Oilmont, Nine Mile, and

Galata.¹³ But according to Shelby, “[it] does not actually own all of the proposed places of use for the applications, nor does Shelby have express written consent of each owner of each proposed place of use.” 4262 AR 4:1680 at 1700, ¶ 14 [Tab 68]). And according to DNRC, “It is not disputed that Shelby does not currently have possessory interest in all of the places of use identified in the applications or the written consent of all such owners.” Dkt. 14 at 3.

This is confirmed by Mr. Rice’s testimony, who testified that he owns property within the proposed place of use and Shelby does not have a possessory interest in his property and it does not have his written consent. (7451 AR 2:0603-04, [Tab 39] (Rice Affidavit), 4262 AR 4:1714 at 1744-45, 115:13-124:6 [Tab 69] (testimony at the November 10, 2021, hearing)).

According to DNRC, applying the possessory interest requirement in Mont. Code Ann. §§ 85-2-311(1)(e) and -402(2)(d) to municipal uses would be “impractical,” and thus “an applicant for municipal uses of water need not show that the applicant has the possessory interest or the written consent of the person with the possessory interest where the water is to be put to beneficial use.” (4262 AR 2:0742 at 74 [Tab 47]). It may be impractical for a municipality to claim a place of use beyond its municipal boundaries that covers a sizable portion of Montana, but neither DNRC nor a court may create an exception to make the law more “practical.”

¹³ The “place of use” for a water right is “the land, facility, or site where water is beneficially used.” Admin. R. Mont. 36.12.101(49).

The Legislature could have written an exception that allowed an applicant proposing to offer water for sale, rental, or distribution to claim a service area. Or it could have provided that the possessory interest requirement does not apply to certain classes of beneficial uses, such as municipal uses, but it chose not to do so. It is not the Court's obligation to create an exemption the Legislature did not include in the WUA. Instead, the Court "must follow the ubiquitous rule, under § 1-2-101, MCA, that it is the obligation of the reviewing court, in interpreting a statute or an Act of legislation, to simply ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted or to omit what has been inserted." *Mont. Power Co. v. Mont. Pub. Serv. Commn.*, 2001 MT 102, ¶ 26, 305 Mont. 260, 26 P.3d 91.

Kevin's substantial rights were prejudiced by the incorrect application of the possessory interest requirement in Mont. Code Ann. §§ 85-2-311(1)(e) and -402(2)(d). Based on the evidence in the record, Shelby failed to prove the statutory possessory interest requirement had been met for its applications; therefore, the applications should have been denied. The Court should correct this mistake by reversing the Water Court's Order affirming DNRC's decision to grant Shelby's applications.

IV. Admin. R. Mont. 36.12.1802 does not create an exception to the statutory possessory interest requirement for municipal use water rights.

Rather than finding the possessory interest requirement in Mont. Code Ann. §§ 85-2-311(1)(e) and -402(2)(d) had been met, DNRC and the Water Court found

that Shelby had satisfied the requirements of Admin. R. Mont. 36.12.1802(1)(b) and that by complying with the rule, Shelby had somehow satisfied the statutory requirement. The correct interpretation and application of the administrative rule is thus central to this appeal. The relevant portion of Admin. R. Mont. 36.12.1802(1) provides:

(1) An applicant or a representative shall sign the application affidavit to affirm the following:

(a) the statements on the application and all information submitted with the application are true and correct; and

(b) except in cases of an instream flow application, or where the application is for sale, rental, distribution, or is a municipal use, or in any other context in which water is being supplied to another and it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user's place of use, the applicant has possessory interest in the property where the water is to be put to beneficial use or has the written consent of the person having the possessory interest.

Admin. R. Mont. 36.12.1802(1).

DNRC and the Water Court did not expressly adopt Shelby's argument that Admin. R. Mont. 36.12.1802(1)(b) "modifies" the statutory criteria such that "Shelby need not hold possessory interest or have the written consent of those with possessory interest in the proposed places of use to fulfill the possessory interest criteria set forth in Mont. Code Ann. § 85-2-311(i)(e) and §85-2-402(2)(d)." (4262 AR 4:1680 in 1700. ¶¶ 15-16 [Tab 68]). Yet, as a practical matter, that is what DNRC and the Water Court recognized when they found Shelby had satisfied the statutory possessory interest requirement because it had satisfied the condition in Admin. R. Mont. 36.12.1802(1)(b).

The Water Court found the “rule[] describe[s] what a permit or change application must do to satisfy the statutory possessory interest requirements.” Water Court Order at 8. Likewise, DNRC found “that a municipality may demonstrate compliance with the statutory possessory interest requirements” if the condition in Admin. R. Mont. 36.12.1802(1)(b) is satisfied. DNRC Final Order at ¶ 42. There is no support for the Water Court’s and DNRC’s belief that the condition in Admin. R. Mont. 36.12.1802 describes how a municipality may satisfy the statutory possessory interest requirement. The rule simply and only specifies what information must be in the application affidavit and it does not expressly or implicitly change the statutory requirements.

The phrase “it is clear that the ultimate user will not accept the supply” helps to define the categories of water users who do not have to provide certain information in an application affidavit, but the rule does not state that the statutory possessory interest requirement is satisfied or waived if “it is clear that the ultimate user will not accept the supply.” In context, Admin. R. Mont. 36.12.1802(1)(b) provides that a typical applicant has to sign an affidavit attesting to the possessory interest requirement, but “where the application is for sale, rental, distribution, or is a municipal use, or in any other context in which water is being supplied to another and it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user’s place of use,” the applicant does not have to include this information in the affidavit.

The Water Court asserted that “[Admin. R. Mont. 36.12.1802(1)] is structured to recognize implicit possessory interest consent for several categories

of uses where the owner of a water right supplies water to others.” Water Court Order at 10. The concept of “implicit possessory interest consent” may have support in this Court’s precedent about a “service area,” but the 1989 amendment to the WUA closed the door on the ability to claim a service area for a new or changed water right. The law now requires an affirmative possessory interest in the place of use or the written consent of the person with a possessory interest in the place of use.

The Water Court implicitly rejected the portion of DNRC’s Final Order finding that Admin. R. Mont. 36.12.1802(1) required that Kevin prove that Shelby would “force delivery of water on the unwilling.” Rather, the Water Court found that Shelby had satisfied Admin. R. Mont. 36.12.1802(1) — and as a result it had satisfied the statutory possessory interest requirement — based on “water service agreements” between Shelby and the various communities. Water Court Order at 9 (“the rule to allow municipal water suppliers to demonstrate possessory interest through water service agreements, which it did for Shelby’s applications.”)

The Water Court is correct that a municipality could establish a possessory interest if it had a water service agreement with the landowners within the intended place of use. But Shelby does not have water service agreements with the communities of Oilmont, Nine Mile, and Galata, or the individual landowners within the communities. Thus, the Water Court’s reliance on the nonexistent service agreements to establish Shelby’s compliance with the possessory interest requirement was incorrect.

The Court should find that Admin. R. Mont. 36.12.1802(1) is limited to defining what information must be contained in an application affidavit, and even if “it is clear that the ultimate user will not accept the supply without consenting to the use of water on the user’s place of use,” the applicant still has to satisfy the statutory possessory interest requirement through other evidence — which Shelby failed to do.

V. DNRC is not entitled to deference concerning its interpretation of the statutory possessory interest criteria or Admin. R. Mont. 36.12.1802(1).

The Water Court found that DNRC’s interpretation of the possessory interest criteria was entitled to “respectful consideration.” But according to this Court’s precedent, DNRC’s interpretation is not entitled to deference as the relevant statutory provisions are unambiguous.

In reviewing a state agency’s interpretation of a Montana statute for correctness, this Court applies a two-step analysis similar to *Chevron* deference in *Chevron, U.S.A., Inc. v. NRDC, Inc.*, 467 U.S. 837, 104 S. Ct. 2778, 81 L.Ed.2d 694 (1984), but much less deferential. Consistent with the first step of analysis in *Chevron*, the first step in Montana’s two-step analysis is to determine whether the language of the statute is ambiguous. *Clark Fork Coal. v. Tubbs*, 2016 MT 229, ¶ 20, 384 Mont. 503, 380 P.3d 771 (if “the intent of the Legislature can be determined from the plain meaning of the words used in the statute, the plain meaning controls”). Where the language of the statute is ambiguous, Montana courts proceed to the second step in Montana’s two-step analysis. Under *Chevron*, courts defer to reasonable agency interpretations. In contrast, courts in Montana give only “respectful consideration” to agency interpretations meeting the requirements of the second step. Administrative interpretations of statutory language are not binding on Montana courts.

Mont. Env'tl. Info. Ctr. v. Mont. Dep't of Env'tl. Quality, 2019 MT 213, ¶ 24, n. 9, 397 Mont. 161, 451 P.3d 493 (some citations omitted). If the statutory language is unambiguous, “the plain meaning controls and the Court need go no further nor apply any other means of interpretation,” such as considering the agency’s interpretation of the statute. *Clark Fork Coalition v. Tubbs*, 2016 MT 229, ¶ 20, 384 Mont. 503, 380 P.3d 771 (“*Clark Fork Coalition v. Tubbs*”). “For the same reason that a contract term is not rendered ambiguous merely because the parties disagree as to its meaning, a statutory term is not rendered ambiguous because of subsequent inconsistent rules implemented by the agency.” *Id.*

The statutory provisions at issue, Mont. Code Ann. §§ 85-2-311(1)(e) and - 402(2)(d), are unambiguous and the Court should apply the plain meaning of the statutes to the undisputed fact that Shelby does not have a possessory interest in the intended place of use or the written consent of the landowners with a possessory interest.

Further, even under the “respectful consideration” standard applied by the Water Court, DNRC’s interpretation of Mont. Code Ann. §§ 85-2-311(1)(e) and - 402(2)(d) must be rejected as it creates an exception for municipalities which has no basis in the text of the WUA. *Mont. Env'tl. Info. Ctr.*, ¶ 22 (“Montana courts do not defer to incorrect or unlawful agency decisions”). Under DNRC’s interpretation, an applicant for a municipal water right must establish that “the ultimate user will not accept the supply without consenting to the use of water,” but it “need not show that the applicant has the possessory interest or the written consent of the person with the possessory interest where the water is to be put to

beneficial use.” (4262 AR 2:0742 at 74 [Tab 47]). This interpretation is incorrect and deserves no deference.

The second layer of deference is DNRC’s request for deference to its interpretation of Admin. R. Mont. 36.12.1802(1)(b). While a more deferential standard applies to an agency’s interpretation of its own administrative rule, *see, e.g., Clark Fork Coalition v. Dep’t of Env’tl. Quality*, 2008 MT 407, ¶ 22, 347 Mont. 197, 197 P.3d 482 (“*Clark Fork Coalition v. DEQ*”), DNRC’s interpretation still must be rejected. “An agency’s interpretation of its regulation that is plainly inconsistent with the spirit of the rule is not lawful” and merits no deference. *Mont. Env’tl. Info. Ctr.*, ¶ 23. “Rules adopted by administrative agencies which conflict with statutory requirements or exceed authority provided by statute, are invalid.” *Haney v. Mahoney*, 2001 MT 201, ¶ 6, 306 Mont. 288, 32 P.3d 1254 (internal quotations omitted). A rule “must be deemed invalid if: (1) it is contradictory or inconsistent with the statute, or (2) adds a requirement not envisioned by the Legislature.” *Clark Fork Coalition v. Tubbs*, ¶ 26.

The Legislature did not create an exception to the possessory interest requirement for municipal uses, and DNRC could not adopt an administrative rule expressly creating an exception to the possessory interest requirement for municipal uses as such a rule would be invalid under this Court’s precedent. *See, e.g., Clark Fork Coalition v. Tubbs*, ¶ 26 and *State ex rel. Swart v. Casne*, 172 Mont. 302, 564 P.2d 983 (1977) (holding an administrative rule was void because an agency may change a statute through administrative regulations), overruled on other grounds in *Trustees of Ind. Univ. v. Buxbaum*, 2003 MT 97, 315 Mont. 210,

69 P.3d 663. And since it could not directly create an exception by adopting an administrative rule, DNRC may not create an exception to the possessory interest requirement indirectly through its *interpretation* of Admin. R. Mont. 36.12.1802(1)(b).

The Water Court found that DNRC had a “longstanding” interpretation of Admin. R. Mont. 36.12.1802(1)(b) that was consistent with how it applied the rule in its Final Order. Water Court Order at 12. But this is the first case in which the issue of how the possessory interest requirement should be applied to municipal use application was contested, and there is no precedent (from DNRC or a court) on the issue.

DNRC, the Water Court, and Shelby all cited to DNRC’s decision *In re Application for Beneficial Water Use Permit No. 41H 30019215 by Utility Solutions, LLC* (July 24, 2007) (“*Utility Solutions*”) as an example in which DNRC applied Admin. R. Mont. 36.12.1802(1)(b) to find the possessory interest requirement was satisfied for a municipal use water right. Water Court Order at 12; DNRC’s Response Brief at 9, Dkt. 14 at 3; Shelby’s Response Brief, Dkt. 17 at 11.¹⁴ The decision in *Utility Solutions*, however, is readily distinguishable for two reasons: (1) no one filed an objection addressing the possessory interest requirement, making the issue uncontested. As a result, DNRC’s perfunctory discussion of Admin. R. Mont. 36.12.1802 in *Utility Solutions* was superfluous. See Exhibit A to Dkt. 18 (listing the objections filed in the *Utility Solutions* case).

¹⁴ A copy of DNRC’s Final Order in *Utility Solutions* is provided at Appendix Tab C.

(2) DNRC affirmatively found the applicant “has the possessory interest, or the written consent of the owners” for the place of use for the water right, and so it was undisputed that the statutory possessory interest requirement was satisfied.

DNRC’s Final Order in *Utility Solutions* at 14, ¶ 23. The objectors in the *Utility Solutions* case filed a petition for judicial review to challenge DNRC’s decision to grant the application, but they did *not* raise the possessory interest requirement in their petition. See *Montana River Action Network v. DNRC*, Cause No. CDV-2007-602, 2008 Mont. Dist. LEXIS 676, Montana First Judicial District Court, Memorandum and Order (Nov. 7, 2008).¹⁵ Therefore, DNRC’s decision in *Utility Solutions* has no precedential or persuasive value here.

The Water Court further believed that DNRC and Shelby had cited decisions that “show DNRC has consistently followed [the interpretation in DNRC’s Final Order] for many years without challenge, which further undercuts Kevin’s position.” Water Court Order at 12. Once again this is incorrect as none of the decisions cited by DNRC and Shelby were relevant to the statutory possessory interest requirement.

Along with the *Utility Solutions* decision, DNRC cited three Montana Supreme Court opinions as “example[s]” of decisions where DNRC had permitted municipal use applications based on Admin. R. Mont. 36.12.1802(1). Dkt. 14 at 9, n. 7 (citing *City of Bozeman v. DNRC*, 2020 MT 214, 401 Mont. 135, 471 P.3d 46; *DNRC v. Intake Water Co.*, 171 Mont. 416, 558 P.2d 1110 (1976); and *Lohmeier v.*

¹⁵ It does not appear this decision was appealed to the Montana Supreme Court.

DNRC, 2008 MT 307, 346 Mont. 23, 192 P.3d 1137). But none of the opinions cited by DNRC address the statutory requirement or Admin. R. Mont. 36.12.1802, however. In *City of Bozeman*, the Court addressed the “adverse effect” criteria under Mont. Code Ann. § 85-2-402(2)(a), but the possessory interest criterion was not considered by the Court. *City of Bozeman*, ¶¶ 8-15. In *Intake Water Company*, the Court considered whether a water right was perfected prior to the effective date of the WUA, and thus the decision is not relevant to the issue here. *Intake Water Company*, 558 P.2d. 1123. In *Lohmeier*, the Court addressed the repeal of Admin. R. Mont. 36.12.101(39), *Lohmeier*, ¶ 2, but the possessory interest criterion was not addressed by the Court.

Likewise, Shelby cited three DNRC decisions in its briefing to the Water Court, but none of the decisions directly addressed the statutory possessory interest requirement or Admin. R. Mont. 36.12.1802. Dkt. 17 at 9-13. First, Shelby cited DNRC’s decision in *In the Matter of the Application for Beneficial Water Use Permit No. 76714-s76M by Donald C. Peterson* (Aug. 15, 1991) (“*Peterson*”).¹⁶ Dkt. 17 at 9. In *Peterson*, the applicant had “received permission to enter” Forest Service for purposes of the water right, and DNRC found that satisfied the possessory interest requirement. However, Shelby has not received permission from the communities of Oilmont, Nine Mile, and Galata, or the individual landowners within the communities.

¹⁶ A copy of DNRC’s Final Order in *Peterson* is provided at Appendix Tab D.

Next, Shelby cited DNRC's decision in *In the Matter of the Application for Beneficial Water Use Permit 72455-g76G and Application to Change Appropriation Water Right G(W) 017056-76G by Anaconda-Deer Lodge City-County* (April 8, 1994) ("*Anaconda-Deer Lodge*").¹⁷ Dkt. 17 at 10. In *Anaconda-Deer Lodge*, DNRC found the possessory interest requirement had not been satisfied because "Anaconda has authority as an incorporated municipality to secure, construct, and operate a water supply system for the use of its city or inhabitants." *Anaconda-Deer Lodge* Proposal for Decision, COL ¶ 8. Kevin does not dispute that a municipality has a sufficient interest in the properties *within* its municipal boundaries to satisfy the possessory interest requirement. But in the current applications, Shelby is not proposing to provide water for "the use of its city or inhabitants." Instead, it is seeking to expand the place of use for its water rights to include hundreds of properties located dozens of miles outside its municipal boundaries.

The third and final example cited by Shelby was DNRC's decision in the *Utility Solutions* case. Dkt. 17 at 12. While not explicitly acknowledging the other decisions were irrelevant, Shelby argued that "*Utility Solutions* is most analogous" to the current case. *Id.* As noted above, none of the parties in that case objected asserting that possessory interest requirement had not been satisfied, and DNRC found the statutory requirement had been satisfied based on evidence that the applicant "has the possessory interest, or the written consent of the owners." *Utility*

¹⁷ A copy of DNRC's Final Order in *Anaconda-Deer Lodge* is provided at Appendix Tab E.

Solutions Final Order page 14, ¶ 23. Therefore, *Utility Solutions* does not help resolve the issue in this appeal. While Shelby is correct that DNRC has granted other applications for municipal use water rights, none of those cases involved objections based on the possessory interest criteria.

It appears this is the first case in which a party has filed an objection asserting that an applicant for a municipal use water right has not satisfied the possessory interest requirement. Therefore, the interpretation of Admin. R. Mont. 36.12.1802(1) found in DNRC's Final Order warrants no deference as it was formulated for the first time in this case.

Rather than granting unwarranted deference to the executive branch regarding the correct interpretation of the law, "[i]t is emphatically the province and duty of the judicial department to say what the law is." *Marbury v. Madison*, 5 U.S. 137, 177 (1803). DNRC's interpretation that Admin. R. Mont. 36.12.1802(1) allows a municipality to automatically establish the possessory interest requirement in Mont. Code Ann. §§ 85-2-311(1)(e) and -402(2)(d) *unless* an objector proves applicant "will or can force delivery of water on the unwilling," DNRC's Final Order, ¶ 41, must be rejected.

CONCLUSION

For the reasons above and in Kevin's prior briefing, the Court should reverse the Water Court's decision to affirm DNRC's decision to grant Shelby's applications, and it should remand the case to the Water Court for further proceedings consistent with the Court's opinion.

Dated this 2nd day of January 2024.

DONEY CROWLEY P.C.

/s/ Jack G. Connors

Jack G. Connors

Attorney for Appellant Town of Kevin

CERTIFICATE OF COMPLIANCE

Pursuant to Montana Rule of Appellate Procedure 11(4)(d), I certify that *Appellant's Opening Brief* is printed with proportionately spaced Times New Roman text typeface of 14 points; is double spaced; and the word count, calculated by Microsoft Word is 8,660 words, excluding the Table of Contents, Table of Authorities, and the Certificate of Compliance.

Dated this 2nd day of January 2024.

/s/ Jack G. Connors

Jack G. Connors

Attorney for Appellant Town of Kevin

CERTIFICATE OF SERVICE

I, Jack Connors, hereby certify that I have served true and accurate copies of the foregoing Brief
- Appellant's Opening to the following on 01-02-2024:

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Electronically Signed By: Jack Connors
Dated: 01-02-2024

Summary of Port of Northern Montana

January 4, 2024

- a. Arrow Reload Montana Inc. ~ Nothing to report.
- b. Calumet Lubricants Co. ~ Calumet has been approved by EPA and DEQ and are now seeking county approval to dispose of wastewater in an injection well near Valier. No decision by Pondera County Commissioners has been made yet. Until that time, Calumet will continue to ship the wastewater to their plant in Indiana through the Port.
- c. Hinrichs Trading Company/Ardent Mills ~ Ardent's Capital Committee has approved the rail expansion project contribution agreement and potential purchase of lot 7. Agreements will be forthcoming at the February meeting.
- d. Pat's Off-Road, Inc. ~ Nothing to report.
- e. Savage Services ~ Savage has expressed an interest in purchasing the Port facility. They will attend the February board meeting to make a presentation.
- f. Pacific Recycling ~ Nothing to report.
- g. Dick Irvin Inc. ~ The Port and DII have approved the new contract for track lease. The parties have also approved a short-term agreement for transloading crushed glass to a fiberglass plant.
- h. Anderson/Bridge-Agri Montana ~ The Port is working on an operating agreement extension, with consideration for the purchase of lot 4 and possibly, lot 5. Bridge is ready to move on the 700 ft. rail expansion with Patrick Construction. The Port has requested they put the project on hold until BNSF has officially signed off on the design plans for rail expansion.
- i. Montana Department of Agriculture Grant Project Update ~ The Montana Board of Investments Intermap Program has requested additional information as part of the Port's application for funding in which to complete the financing package for rail expansion. The Port has verbal approval of the design plans from BNSF and are waiting for official notification.
- j. The ARPA/Toole County pass-through grant is still being processed.

Other Business:

Travis Clark was re-elected to the board for another 5-year term.

Kathy has turned in her resignation as board administrative assistant. They are searching for a new staff member.

Curtis Shuck, Port consultant suggested the board consider soliciting for competitive bids again for the transloading and car switching within the Port facility as the rail expansion project gets underway. With additional trackage – the workload will increase and potentially require a locomotive to move cars within the Port.

Shuck also provided an outline of the Triple Tree planning task order and will present a new task order for project construction at the next meeting. Curtis also provided a tentative schedule for the rail expansion project. He anticipates project construction to start in April and be completed by the end of the year.



NETA Board Member Terms

Updated: 12.31.2023

Position	First Name	Last Name	Representing	Term (years)	Expiration
1	Terry	Tomsheck	Toole County	Open	Open
2	Dan	Whitted	City of Shelby	Open	Open
3	Travis	Clark	At Large	5	12.31.2023
4	Joe	Freitheim	At Large	5	12.31.2024
5	Jay	Lanius	At Large	5	12.31.2024
6	Craig	Tomayer	At Large	5	12.31.2025
7	Byron	Kluth	At Large	5	12.31.2026
8	Jade	Goroski	At Large	5	12.31.2027
9	Pat	Simons	At Large	5	12.31.2027