

**Official Proceedings**  
**County of Codington, Watertown, South Dakota**  
**Codington County Courthouse**  
**14 1<sup>st</sup> Ave SE**

February 3, 2015

The Codington County Commissioners met in regular session at 9:00 a.m., Tuesday, February 3<sup>rd</sup>, 2015, at the Codington County Courthouse. Commission members present were: Lee Gabel, Tyler McElhany, Myron Johnson, Elmer Brinkman, and Brenda Hanten; Chairman Brinkman, presiding.

**AGENDA APPROVED**

Motion by Gabel, second by Hanten, to approve the agenda, all present voted aye; motion carried.

**MINUTES APPROVED**

Motion by Johnson, second by Hanten, to approve the minutes of January 27<sup>th</sup>, 2015; all present voted aye; motion carried.

**CONFLICT RESOLUTION & MEDIATION CENTER OF SD**

Ron Frauenshuh, Conflict Resolution & Mediation Center of SD, met with the Board to review services of his company, now located in Watertown, which may be of interest to the County. Mr. Frauenshuh noted he is in the business of encouraging business and discouraging litigation by means of alternative dispute resolution.

**ORDINANCE #59 ADOPTION**

The Board held a public hearing and second reading on proposed Ordinance #59, an ordinance which, if adopted, would rezone property at the: W500.2' E1514.7' N687' less S75' W295' and less Highway ROW of Section 3-T116N-R53W to "C" Commercial from "I" Industrial. Zoning Officer, Luke Muller, reviewed the proposed zoning change and noted the proposed ordinance has been recommended for approval by the Codington County Planning and Zoning Board. Motion by McElhany, second by Hanten, to adopt Ordinance #59. Chairman Brinkman opened the hearing to the public; no persons were present to address the proposed ordinance. Upon vote of the Board; all present voted aye; motion carried.

**MONTHLY REPORTS**

**4-H/Youth Program Advisor, Jodi Loehrer**, updated the Board on Farm Show preparations, shooting sports, nutrition and health education training at elementary schools, and recruiting of non 4H youth to serve on the Promotion and Expansion Committee as the 4H slots have been filled. **Weed Office Supervisor, Steve Molengraaf**, reported on recertification of commercial applicators, working the Sioux Falls Farm Show, booth preparation for the Watertown Winter Farm Show, Weed Supervisors training and annual meeting, and preparation for the Codington County annual Weed meeting with Town and Township officers. **Welfare Director, Sarah Petersen**, reported the following statistics from her office from January 6<sup>th</sup> to February 2<sup>nd</sup>, 2015: 71 contacts, 27 case management, 3 applications, 1 approval, 2 denials, and 1 medical application pending decision. Total assistance \$2,870.00 for one burial. The Welfare Director noted statistics for the NACo Prescription Drug Program in Codington County during the month of December 2014 with 171 persons utilizing the program and a realized savings of \$6,711.87 for the month.

**CLAIM APPROVED**

Motion by Hanten, second by Gabel, to approve for payment the following claim; all present voted aye; motion carried: SD D.C.I. 43.25 svc.

**ASSESSMENT NOTICES INSERT TO THE TAXPAYER**

The Board reviewed an insert, which will be mailed with 2015 assessment notices, which will inform property owners on SDCL 31-32-7 regarding destruction, etc. of highway grade or ditch; road right of way obstructions, and a recommendation to property owners/renters regarding the reporting of controlled burns.

**RESOLUTION 2014-5 CODINGTON COUNTY JUSTICE ADVISORY COMMITTEE CHARTER**

Motion by Gabel, second by McElhany, to adopt Resolution 2015-4, a charter creating a committee to advise the Commissioners concerning Codington County's Justice responsibilities.

**RESOLUTION 2015-4  
CODINGTON COUNTY JUSTICE ADVISORY COMMITTEE CHARTER**

I. The Committee will be called the Codington County Justice Advisory Committee, (hereafter referred to as "CCJAC"). It is created by the Codington County Board of Commissioners (hereafter referred to as "the Commissioners"), and will serve at the pleasure of the same. The Commissioners may amend this charter at their discretion.

II. Purposes

In light of the stated intent in the U.S. and South Dakota Constitutions to "establish justice," the CCJAC, is created to advise the Commissioners concerning Codington County's justice responsibilities.

- In light of South Dakota Codified Laws, 24-11-2 and 24-11-23, the CCJAC shall provide information and offer recommendations to the Commissioners regarding the, budget, and facilities of the Codington County Detention Center.
- In light of South Dakota Codified Laws 16-2-25, 16-5-22, 16-6-7 and 16-12A-29.1, the CCJAC shall provide information and offer recommendations to the Commissioners regarding facilities for the Circuit and Magistrate Court proceedings and related Court administration that take place in Codington County.

III. Relationship of CCJAC to the Commissioners

The CCJAC shall offer recommendations and provide information relevant to the County's justice responsibilities. The CCJAC has no authority to expend funds or to make decisions on behalf of the Commissioners.

IV. Membership

Composition: The advisory committee shall consist of up to nine members. Of these, up to seven members shall be voting members and shall include:

- up to four members of the public appointed by the Commissioners,
- two County Commissioners, to be appointed by the Commissioners,
- the County Sheriff, as an ex officio member. If necessary, the Sheriff may designate a Sheriff's deputy or corrections officer to attend and vote at CCJAC meetings.

The two non-voting members shall include:

- With the agreement of the 3<sup>rd</sup> Circuit Court, one Judge of the 3rd Judicial Circuit chambered in Codington County, as an ex officio member. The appointed Judge may designate another 3<sup>rd</sup> Judicial Circuit Judge or 3<sup>rd</sup> Judicial Circuit Administration official to attend CCJAC meetings on the appointed judge's behalf.
- The County Chief Corrections Officer, as an ex officio member.

Term: A term of membership for the two County Commissioners and members of the public shall last for two years. Terms will begin on February 1st. At the end of the two year term, the Commissioners may re-appoint serving committee members or appoint new members.

The appointment of appointed members shall be recorded in the minutes of the official proceedings of the Commissioners. The Commissioners shall appoint one of the two County Commissioners appointed to the CCJAC to serve as interim CCJAC Chairman to organize the first meeting of the term, during which the CCJAC officers will be elected by the CCJAC.

#### V. Organizational Structure

Officers: The committee will have a chair and vice chair, who are elected for one-year terms by the members of CCJAC. The CCJAC will also have a recording secretary elected for a one-year term by the members of CCJAC. The recording secretary need not be a CCJAC member. There are no limits on consecutive terms. Elections will be held at the first meeting of the new membership year.

Duties of Officers: The chair shall ensure that the committee complies with this charter and preside over committee meetings. The vice-chair shall fulfill the duties of the chair in the chair's absence. The recording secretary shall record and keep minutes.

#### VI. Procedural Rules

By-Laws: The committee will operate according to Roberts Rules of Order. The committee may adopt by-laws at its discretion to further govern committee operation. By-laws shall require that two-thirds of the appointed members of CCJAC vote to approve adoption or change.

Meetings: The committee will meet at least two times per year. A quorum must be present in order for the CCJAC to vote on any matters. A quorum shall be a simple majority of appointed and ex officio voting CCJAC members. All meetings shall be public and shall be held in compliance with South Dakota public meeting laws (South Dakota Codified Law, Chapter 1-25). Notices of upcoming meetings will be communicated to members and to the public sufficiently in advance to allow members and the public to make plans to attend.

Minutes: Minutes of each meeting will be kept. Copies will be filed with the County Auditor and made available to the public in accordance with South Dakota public meeting laws.

Instructions to the CCJAC: When the Commissioners refer a specific question or issue instructions to the CCJAC, the Commissioners shall record such in the minutes of the official proceedings of the Commissioners.

Recommendations and Reports: Committee recommendations and reports shall be approved by a simple majority of CCJAC members present and will be submitted to the Commissioners and may be presented during the official proceedings of the Commissioners. Recommendations/reports shall be summarized in the minutes of the official proceedings of the Commissioners or attached to said minutes as written reports/recommendations. The Commissioners' reaction/response to such recommendations/reports shall be recorded in the minutes of the official proceedings of the Commissioners. The Commissioners may attach written reactions/responses to the minutes of the Commissioners proceedings.

Tie votes: Should a CCJAC vote on a recommendation or report result in a tie vote, the text of the motion that was voted upon, and supporting information, will be provided to the Commissioners. The Commissioners shall decide how to proceed regarding the matter voted upon. The Commissioners may require a report that reflects both points of view on the motion that resulted in a tie vote.

Dismissal: Appointed members who are absent without reasonable cause from two successive meetings will be considered to have resigned their seat. The Commissioners will move to fill the position.

Compensation of members of the public: The Commissioners may decide to compensate members of the public for their service as members of CCJAC.

#### VI. Liability and Indemnification

Neither the CCJAC nor any CCJAC member shall be corporately or personally liable for decisions or recommendations made by the CCJAC. Codington County shall indemnify the members of the CCJAC to the fullest extent possible allowed by law with respect to duties performed on behalf of the CCJAC and shall advance all expenses and other costs incurred by or on behalf of such persons in connection with any

legal or other proceedings thereto, unless and until a final determination is made that the person has been found to have acted with negligence, gross negligence or willful misconduct with respect to such duties.

ACCEPTANCE AND AUTHORIZATION

Approved this 3<sup>rd</sup> day of February, 2015

Elmer P. Brinkman  
Chairman

Attest:

Cindy Brugman  
County Auditor

**CODINGTON COUNTY JUSTICE ADVISORY COMMITTEE MEMBERS**

Commissioner McElhany nominated Commissioner Gabel to the Justice Advisory Committee. Commissioner Hanten nominated Commissioner McElhany to the Justice Advisory Committee. Motion by Hanten, second by Brinkman to approve the aforementioned nominations; all present voted aye; motion carried. Motion by Johnson, second by Hanten, to appoint Gabel as the interim CCJAC chairman for the purpose of organizing said committee at its first meeting at which time a Chairman, Vice Chairman and Recording Secretary will be appointed; all present voted aye; motion carried. Commissioner Gabel noted Judge Robert Timm has been appointed by the Presiding Judge of the Third Judicial Circuit to serve on the Justice Advisory Committee. Motion by Gabel, second by Johnson, to appoint Megan Gruman, Larry Wasland, and Al Koistinen as members of the public to serve on the CCJAC; all present voted aye; motion carried. Motion by Gabel, second by McElhany, to compensate public members of the CCJAC, who reside outside the Watertown City limits, at the federal mileage rate of .575 per mile for mileage expenses incurred to participate in CCJAC meetings; all present voted aye; motion carried.

**INSTRUCTIONS TO THE CODINGTON COUNTY JUSTICE ADVISORY COMMITTEE**

Motion by Gabel, second by Hanten, to instruct the CCJAC to: (1) review the previous work done to develop the "Justice Center" proposal prior to the election in November 2014 to determine the need for further analysis regarding the space needs for the Court and Jail; (2) as necessary, further analyze or recommend to the Board of County Commissioners ways to obtain the needed analysis; (3) recommend to the Board of County Commissioners criteria to use in evaluating options to resolve Court and jail space needs; (4) recommend to the Board of County Commissioners options for resolving Court and jail space needs. Upon vote of the Board; all present voted aye; motion carried.

**TRAVEL REQUESTS**

Motion by Hanten, second by McElhany, to approve the following travel request; all present voted aye; motion carried: Weed Supervisor, Category-Commercial Applicator Recertification.

**ADJOURNMENT**

There being no further business to come before the Board a motion was made by Hanten, second by Gabel, to adjourn at 9:58 a.m., until 9:00 a.m., Wednesday, February 11<sup>th</sup>, 2015; all present voted aye; motion carried.

ATTEST:

Cindy Brugman

Codington County, February 3, 2015

Codington County Auditor

Codington County does not discriminate on the basis of color, national origin, sex, religion, age, or disability in employment or the provision of service.

Published once at the total approximate cost of \$\_\_\_\_\_.