

AGENDA
Codington County Board of Commissioners
Codington County Courthouse, 14 1st Ave SE, Watertown SD
Commission Chambers, Room #114
9:00 a.m., Tuesday, October 1, 2019

- 1. Pledge of Allegiance**
- 2. Conflict of interest items**
- 3. Call for Public Comment**
- 4. Action to approve the agenda**
- 5. Action to approve the minutes of September 24th, 2019**
- 6. Monthly reports**
 - a. Extension**
 - b. Community Health Office**
 - c. Veterans Service**
 - d. Weed**
- 7. Opening Audit Conference & action to authorize Chairman to sign audit letter of engagement**
- 8. Action on the Fire Suppression Project Bid received on September 24th**
- 9. Discussion/possible action to request a disaster declaration from the State of SD**
- 10. Action to approve an abatement application**
- 11. Action to approve CCJAC Charter amendment**
- 12. Action to appoint new CCJAC member**
- 13. Action to declare equipment surplus to be destroyed**
- 14. Action to approve employee health insurance plan and premium splits**
- 15. Action to approve update to weed equipment chemical injection system**
- 16. Action on a request for a second wireless body microphone for use in the court room**
- 17. Action to approve hiring of temporary Deputy States Attorney**
- 18. Action to approve employee's donation of sick leave hours**

- 19. Action to approve claims for payment**
- 20. Action to approve automatic budget supplements**
- 21. Action to approve personnel changes**
- 22. Action to approve travel requests**
- 23. Public Notices – possible quorum of Commissioners present**
 - a. CCJAC meeting, October 10th, 6:10 p.m., at LATI**
 - b. Volunteer Appreciation Dinner, October 15th, 6:00 p.m., at the Elks Lodge**
- 24. Old Business**
- 25. New Business**
- 26. Open**
 - a. Public Comments**
 - b. Commission Comments**
- 27. Action to enter into Executive session per SDCL 1-25-2**
 - (1) Discussion of personnel issues**
 - (2) Consulting with legal counsel or reviewing communications from legal counsel regarding proposed or pending litigation or contractual matters**
 - (3) Preparing for contract negotiations with employees or employee's representatives**
 - (4) Discussing information listed in SDCL 1-27-1.5 (8) and 1-27-1.5 (17) (safety or disaster)**
- 28. Action to adjourn until 9:00 a.m., Tuesday, October 8th, 2019; at the Codington County Courthouse**

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

Official Proceedings
County of Codington, Watertown, South Dakota
Codington County Courthouse
14 1st Ave SE

October 1, 2019

The Codington County Commissioners met in regular session at 9:00 a.m., Tuesday, October 1, 2019, at the Codington County Courthouse. Commission members present were: Charlie Waterman, Myron Johnson, Troy VanDusen and Brenda Hanten; Commissioner Lee Gabel was present via telecommunication; Chairman, Myron Johnson, presiding. Grant Loehrer, led the pledge of allegiance.

CONFLICT OF INTEREST ITEMS

There was no conflict of interest items to note.

CALLS FOR PUBLIC COMMENT

Chairman Johnson called for public comments for the Open, none were forthcoming.

AGENDA APPROVED

Motion by Hanten, second by VanDusen, to approve the agenda as posted; all voted aye; motion carried.

MINUTES APPROVED

Motion by Hanten, second by Gabel, to approve the minutes of September 24, 2019; all voted aye; motion carried.

MONTHLY REPORTS

4-H/Youth Program Advisor, Jodi Loehrer, informed the Board that National 4-H Week is observed October 6th through the 12th. Jodi also updated the Board on 4-H members finishing up journals and preparing applications for awards. The annual recognition event is scheduled for October 27th at 2:00 p.m. Jodi provided the Board with the following stats for Codington County: 255 total youth are in 4-H with 46% from the City, 16% from small towns, and 38% from the rural area; Clover Buds make up 14% of the total youth, Beginners 33%, Juniors 26%, and Seniors 27%; top five project areas are Shooting Sports, Visual Arts, Photography, Foods and Nutrition, and Clothing and Textiles. 4-H members Samantha Thyen, Grant Loehrer and Hannah Loehrer were in attendance at this meeting. Samantha, who is starting her 11th and final year in 4-H, shows Dairy and Swine and has participated in Foods and Nutrition, Visual Arts, Home Environment, Photography, and Fashion Revue. Grant Loehrer is starting his 9th year and shows Dairy Cattle as well as photography and visual arts; Hannah Loehrer is starting her 7th year and participates in Special Foods, Judging, and numerous static exhibits. The 4-H members expressed appreciation for the opportunity to participate in 4-H and for the support provided by Codington County. **Community Health Nurses, Codi Martin and Savannah Price**, provided the Board with a report of 3rd quarter statistics for WIC caseload, immunizations, baby care/prenatal education, staffing levels, and staff training. **Weed Supervisor, Steve Molengraaf**, reported on the following: weather conditions have made spraying a challenge this season, the State Weed Commission meeting and tour took place in Rapid City, Russian Knapweed may be removed from the State noxious weed list and Wormwood may be added to the State noxious weed list, an area district meeting will be held in Brookings on 11/6, Mr. Molengraaf may be asked to attend a district meeting in Rapid City, and the Mosquito Conference will be held on 10/8 and 10/9 in Aberdeen.

WEED DEPT. CHEMICAL INJECTION SYSTEM

Motion by VanDusen, second by Gabel, to approve the purchase of a chemical injection system, to replace an older outdated system used by the Weed Dept., in the amount of \$13,000.60 from Benco Products, Inc., and as budgeted in 2019; all voted aye; motion carried.

SD DEPT. OF LEGISLATIVE AUDIT

Michelle Burkhart and Lorisa Rudolph, with the SD Dept. of Legislative Audit, met with the Board to review procedures that will be used during Codington County's regularly scheduled biennial audit for the years 2017 & 2018. Motion by Hanten, second by Gabel, to authorize the Chairman and Auditor to sign the audit letter of engagement, all voted aye; motion carried. Ms. Burkhart informed the Board the cost for this audit is \$68.50 per hour.

FIRE SUPRESSION PROJECT BID

Motion by Gabel, second by Hanten, to accept the Fire Suppression Project bid, received from PrairieSons, Inc. on September 24th in the amount of \$71,130.00. Commission Gabel informed the Board that the Fire Suppression Project bid has been reviewed and approved by Fire Marshal, Chip Premus. Commissioner Gabel noted the bid price will include the use of copper pipe instead of steel pipe. Upon vote of the Board; all voted aye; motion carried.

DISASTER DECLARATION DISCUSSION

Emergency Management Director, Jim Sutton, met with the Board to discuss the possibility of asking the Governor for another Federal Disaster Declaration, for public infrastructure, due to heavy rain events between September 9th and 26th, 2019. Mr. Sutton noted the County had two roads go under water due to the rains during that time period. Townships have been contacted for additional reportable damage during this time period. Research will continue through this next week before the Board could be asked to make a decision to ask for another disaster declaration.

ABATEMENT APPLICATION

Motion by VanDusen, second by Gabel, to approve an application for an abatement and refund of taxes on property record #4625 in a total amount of \$485.27; all voted aye; motion carried.

CCJAC CHARTER AMENDMENT

Motion by Gabel, second by Hanten, to approve an amendment to the CCJAC Charter. Commissioner Gabel outlined several changes to the charter including language to provide information and recommendations, to the Board of Commissioners, regarding criminal justice coordination, changing the number of committee members from nine to ten, change the non-voting members from two to three, and the addition of the Codington County States Attorney as an ex official member to the committee. Upon vote of the Board; all voted aye; motion carried.

**AMENDED
RESOLUTION 2019-24
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.

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- 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.
- **In light of the complexity of the criminal justice process and factors that influence that process, the CCJAC shall:**
 - **Provide a forum for discussion of ideas to improve the criminal justice process and control the inmate population of the Codington County Detention Center**
 - **Facilitate awareness and coordination of community efforts to improve the criminal justice process and control the inmate population of the Codington County Detention Center**
 - **Provide information and offer recommendations to the Commissioners**

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. **CCJAC action will not inhibit or hinder concerned individuals or groups from directly interacting with the Commissioners about criminal justice matters.**

IV. Membership

Composition: The advisory committee shall consist of up to ~~nineteen~~ 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~~three non-voting members shall include:

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

Liaison with the City of Watertown: The City of Watertown is invited to designate up to two city council members as liaisons. These liaisons may participate in CCJAC meetings in a manner similar to non-voting members.

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 1st day of October, 2019

Myron Johnson
Chairman

Attest:

Cindy Brugman
County Auditor

CCJAC MEMBER APPOINTMENT

Motion by Gabel, second by Hanten, to appoint Jeanne Horning to the CCJAC, to replace committee member Megan Olsen, who currently does not have sufficient time to devote to the CCJAC, all voted aye; motion carried.

SUPLUS EQUIPMENT

Motion by Hanten, second by VanDusen, to declare the following equipment surplus, to be destroyed: Sheriff’s office – Elitedesk 800 computer s/n2UA5010N5H; HP EliteDesk 800 Computer s/n 2UA43410SF; Elitedesk 800 computer s/n2UA53325L1; GEN01607 HP Server s/nMXQ20303KD; HP EliteDesk 800 s/n2UA43410S5, GEN00690 Compaq computer server s/nS6607HUN10342300, and HP Server s/nUSE108N60D; Director of Equalization Office – HP monitor s/n3CQ03600HO, HP tower s/n2UA1410HGX, HP keyboard s/nBC2AA0FLUVWFX0, HP mouse s/nF98600A5BVR0WQL, HP Office Jet Pro 8600 Plus s/nCN436FV23Q, HP tower s/n2UA14107K4. Upon vote of the Board; all voted aye; motion carried.

EMPLOYEE HEALTH INSURANCE PLAN

Motion by Hanten, second by Waterman, to approve the 2020 employee health insurance premium renewals from the Sanford Health plan and the following employer/employee payments; all voted aye; motion carried:

<u>PLAN</u>	<u>COUNTY COST</u>	<u>EMPLOYEE COST</u>
Single – option 1	\$712.68	
Single – option 2	\$646.40	
Single – option 3	\$608.10	
Family – option 1	\$890.25	\$890.25
Family – option 2	\$890.25	\$724.55
Family – option 3	\$890.25	\$628.80

COURT ROOM WIRELESS MIC

Codington County Clerk of Courts, Connie Hartley, met with the Board to request the purchase of a 2nd wireless microphone for the new courtroom, in the amount of \$2,810.00 from MidStates Audio & Video.

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Motion by Hanten, second by Waterman, to approve this request. The Clerk of Courts informed the Board that the new courtroom is also in need of a polycom teleconference adapter, in the amount of \$1,310.00, which can also be purchased from MidStates Audio and Video. Ms. Hartley noted the purchase of these two items together will reduce the \$250.00 charge for travel to install the equipment. Commissioners Hanten and Waterman agreed to the adding of the purchase of the polycom equipment to the motion and second. Commissioner VanDusen noted equipment previously used by this Board is not compatible with the system in the new courtroom. Upon vote of the Board; all voted aye; motion carried.

TEMPORARY DEPUTY STATES ATTORNEY

Motion by Hanten, second by VanDusen, to approve the hiring of a temporary Deputy States Attorney to assist with the current caseload; all voted aye; motion carried.

EMPLOYEE SICK LEAVE HOURS DONATION

Human Resource Manager, Terry Satterlee, met with the Board to discuss the possibility of allowing employees to donate sick leave hours to an employee, with a medical condition, that may exhaust all leave of said employee. The Board had no objection and will take action when and if the situation occurs.

CLAIMS

Motion by VanDusen, second by Waterman, to approve a claim to the City of Watertown, in the amount of \$22,737.92, for July 911 surcharge collections; all voted aye; motion carried.

PERSONNEL CHANGES

Motion by Hanten, second by VanDusen, to approve a personnel change for Jeanie Ochsendorf, Community Health Office secretary; anniversary step increase 10/1/2019, to step 13/\$19.99 per hour; all voted aye; motion carried.

TRAVEL REQUESTS

Motion by Hanten, second by Waterman, to approve the following travel requests: Auditor and Election Clerk, Secretary of States Election School; Weed Supervisor and Highway Supt., 2019 Annual Safety & Loss Training Conference; all voted aye; motion carried.

ADJOURNMENT

There being no further business to come before the Board a motion was made by Hanten, second by Gabel, to adjourn at 10:09 a.m., until 9:00 a.m., Tuesday, October 8th, 2019; all voted aye; motion carried.

ATTEST:

Cindy Brugman

Codington County Auditor

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