

AGENDA
Codington County Board of Commissioners
Codington County Court House, 14 1st Ave SE, Watertown SD
Commission Chambers, Room #114
9:00 a.m., Tuesday, November 22, 2022

- 1. Pledge of Allegiance**
- 2. Call for public comment. Public comment may be submitted in person or via telephone at 605-882-6248 or 605-882-6297**
- 3. Conflict of interest items**
- 4. Action to approve the November 22, 2022, agenda**
- 5. Action to approve the November 15, 2022, minutes of the Board of Codington County Commissioners**
- 6. Monthly Reports**
 - a. Emergency Management Director**
 - b. Sheriff**
- 7. Action to approve payout of unused haul road restoration funds**
- 8. Action to approve job shadowing for a LATC HST student at the Welfare office**
- 9. Action to approve the renewal of County liquor license applications**
 - a. Country Road Bard**
 - b. Dakota Sioux Casino**
 - c. Joy Ranch of South Dakota**
 - d. Rooster Sports Bar**
 - e. Southfork Lounge**
- 10. Action to approve an MOU between Codington County and Lutheran Social Services to continue with the licensure process for the Court Resource Family**
- 11. Action to apply for Local Assistance and Tribal Consistency Funds**
- 12. Action to approve ARPA October salary transfer**
- 13. Note court appointed attorney fees hourly rate increase**
- 14. Note holiday office closures and lack of Commissioners meeting on the 5th Tuesday of November per previously adopted policy**
- 15. Action to approve claims for payment**
- 16. Action to approve automatic budget supplements**
- 17. Action to approve personnel changes**
- 18. Action to approve travel requests**

- 19. Public Notices – a possible quorum of Commissioners could be in attendance at:**
- 20. Old Business**
- 21. New Business**
- 22. Open**
 - a. Public Comments**
 - b. Commission Comments**
- 23. 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)**
- 24. Action to adjourn until 9:00 a.m., Tuesday, December 6th, 2022; at the Codington County Court House**

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
Codington County Court House
14 1st Ave SE
Watertown, SD 57201**

November 15, 2022

The Codington County Commissioners met in regular session at 9:00 a.m., Tuesday, November 15, 2022, at the Codington County Court House. Commission members present were: Lee Gabel, Charlie Waterman, Myron Johnson, Troy VanDusen and Brenda Hanten; Chair Hanten, presiding. The pledge of allegiance was led by Commissioner Waterman.

CALLS FOR PUBLIC COMMENT AND CONFLICT OF INTEREST ITEMS

Chair Hanten called for public comments to be taken up during the open portion of the meeting; none were offered. There were no conflict-of-interest items to note.

AGENDA APPROVED

Motion by VanDusen, second by Gabel, to approve the November 15, 2022 agenda as posted; all voted aye; motion carried.

MINUTES APPROVED

Motion by Johnson, second by Waterman, to approve the minutes of November 10th, 2022; all voted aye; motion carried.

MONTHLY REPORTS

Auditor, Cindy Brugman, expressed thanks to her office staff, maintenance staff, staff from other County offices, all those who served as precinct officials for the 2022 General Election, and Boy Scout Troop 209 who also assisted by carrying election supplies to the Auditor's office on election night. The office continues to work on the processing of property tax levies for taxes payable in 2023 along with regular monthly duties and year-end procedures. **Facilities Director, Steve Molengraaf**, updated the Board. Ag. Building – the Veterans' Day program was held and other events continue at the facility. Government Buildings – the Safety Benefits Conference was attended and floors in the Court House are being stripped and re-waxed. Detention Center – there have been minor issues with boilers. Memorial Park – revenue in the amount of \$178,059.00 was receipted for the past camping season; trees are being planted to replace those which were destroyed by the May Derecho event; a nine basket Disc Golf Course has been installed; and the Parks and Recreation conference was attended. Weed Department – due to weather conditions weed spraying was not completed in two Townships and on half the State roads; 554.5 spray hours were logged, 3,944 miles sprayed, 31.25 acres, 484 gallons of 2-4D were used, 372.75 gallons of Tordon were used, 11.5 gallons of glyphosate aquatic were used, invoices have been mailed, and district weed meetings attended. West Nile – the annual Mosquito Conference was attended. Phones have been ordered for the new phone system with installation scheduled for November 28th and 29th. The new phone system is expected to go live on December 1st. **Highway Superintendent, Rick Hartley**, updated the Board: sanding trucks were sent out on November 14th; mowing has been completed; the rumble strips on 19th St NE have been modified; gravel continues to be hauled when possible; trees will be trimmed in the rural municipalities in preparation for snow plowing; trees are also being trimmed from County roads right of way; winter hours are now in place; and the striping of chip sealed roads was not fully completed due to a lack of glass beads needed to go over the paint for better reflection. The Highway Superintendent expressed his thanks to the Welfare office for the part time clerical assistance being provided.

BOY SCOUT TROOP 209

The following scouts and leaders from Boy Scout Troop 209 were recognized for their assistance with carrying election supplies to the Auditor's office when Precinct Officials arrived at the Court House on election night: Scouts – Tyler Assel, Jaxen Riley, Jordon Endres, Colton Endres, Jeremy Stout, Jacob Beisch, Karter Kohlenberg, and Leaders – Gale Beisch and Brian Kohlenberg.

FY2024 COMPETITIVE WEED GRANT

Motion by Johnson, second by Waterman, to authorize the application for FY2024 Competitive Weed and Pest Grant funds; all voted aye; motion carried.

HAUL ROAD FUNDS

The Board met with the Highway Superintendent and Waylon Blasius, Banner Associates, to review the amount to be re-paid to NextEra Energy Resources for the restoration construction efforts of the haul roads utilized by NextEra and their affiliates during the construction of the Crowned Ridge Wind and Crowned Ridge Wind II developments. The Board delayed action until the amounts to be re-paid could be reconciled with the County's financial reports.

AUDITOR'S ACCT. W/TREASURER AND REGISTER OF DEEDS FEES

Motion by VanDusen, second by Gabel, to approve the Auditor's Account of the cash and cash items in the hands of the County Treasurer as of the last business day of October, 2022, all present voted aye; motion carried.

Cash on hand	\$ 15,595.09
Checks in Treasurers' possession	
less than 3 days	\$ 989,161.80
Credit Card Charges	\$ 28,527.34
Cash Items	\$ 410.00
TOTAL CASH ASSETS ON HAND	\$ 1,033,694.23
RECONCILED CHECKING	
Great Western Bank Checking (Memorial Park)	\$ 10,155.98
Reliabank Dakota	\$ 46,359,419.10
INVESTMENTS	
SD Public Funds Investment	\$ 7,287.86
TOTAL CASH ASSETS	\$47,410,557.17
General Ledger Cash Balance by Funds	
General	\$21,606,342.11
General restricted cash	\$ 500,000.00
Sp. Revenue	\$13,969,183.18
Custodial	\$ 11,335,031.88
(schools 8,490,520.79, townships 144,257.88; city/towns 2,037,956.42)	
TOTAL GENERAL LEDGER CASH	\$47,410,557.17

The Board noted Register of Deeds fees, in the amount of \$34,524.70 were collected in the month of October, 2022.

SDSU 4-H YOUTH ADVISOR M.O.U.

Motion by Johnson, second by Gabel, to authorize the Chair to sign the Memorandum of Agreement between the SDSU Extension and Codington County for partial salary support of the 4-H Youth Advisor position, suitable office space for said Advisor, office administrative support, office supplies, travel expenses, etc., subject to the County's budgetary authority. The County agrees to reimburse the 4-H Advisor for official use of their personal vehicle, meals, and lodging on official business away from their County office headquarters at rates and polices equal to or above those established by the State Board of

Finance. The County further agrees to furnish office space and provide sufficient funds (office supplies, postage, telephone, and technology charges) for 1 (one) Family Nutrition Program nutrition assistant. The amount the County will pay SDSU is \$21,770.63 for the calendar year 2023. Upon vote of the Board; all voted aye; motion carried.

WELFARE OFFICE COMMUNITY CARE COORDINATOR POSITION

Motion by Gabel, second by VanDusen, to advertise and hire a Welfare Office Community Care Coordinator, to fill a vacancy; all vote aye; motion carried.

DIRECTOR OF EQUALIZATION COMPUTER EQUIPMENT

Motion by VanDusen, second by Johnson, to approve the purchase of computer equipment for the Director of Equalization Office, from Connecting Point, at the estimated cost of \$3,844.00; all voted aye; motion carried.

CLAIMS

Motion by Johnson, second by Gabel, to approve for payment the following list of claims; all voted aye; motion carried: LINDA AASON 275.00 ELEC, ALAN ALBRIGHT 275.00 ELEC, KAREN ALBRIGHT 275.00 ELEC, SHELLY ALVINE 275.00 ELEC, DOROTHY ANDERSON 275.00 ELEC, MARILYN ANDERSON 275.00 ELEC, MARY ANTRIM 275.00 ELEC, MARILYN BACH 296.25 ELEC, CARMEN BAKKEN 225.00 ELEC, EMILY BERG 225.00 ELEC, PAM BERG 275.00 ELEC, JAN BIRKELAND 275.00 ELEC, BORNES GROUP 3236.57 POST, DOUG BRAND 225.00 ELEC, LINDA BRAND 225.00 ELEC, SHARON BREKKE 275.00 ELEC, GARY BRUGMAN 75.00 ELEC, LISA CADY 275.00 ELEC, CHRIS CHANDLER 296.25 ELEC, CODINGTON TREASURER PETTY CASH 456.00 PMT, CAROL COMES 275.00 ELEC, VERGENE COMES 225.00 ELEC, PAM CORDELL 275.00 ELEC, SHARON DAHLGREN 275.00 ELEC, RHONDA DARGATZ 225.00 ELEC, GERRI DEBOER 275.00 ELEC, CAROL DENMAN 275.00 ELEC, JERRY DENMAN 275.00 ELEC, DIANE DRAKE 275.00 ELEC, DIANNE DRAKE 225.00 ELEC, COROLYN EDISON 275.00 ELEC, DAVID EDISON 275.00 ELEC, MARSHA ENDERSON 275.00 ELEC, JUDY EVERSON 225.00 ELEC, FLORENCE COMMUNITY CENTER 50.00 RENT, ALLISON FORBUSH 350.00 ELEC, MARY FRANSEN 75.00 ELEC, CLAUDIA FRENTZ 225.00 ELEC, DENISE FROKE 275.00 ELEC, KATHY FRYSLIE 225.00 ELEC, DIANE GARVEY 275.00 ELEC, HELEN HAAN 275.00 ELEC, MARILYN HAAN 275.00 ELEC, JANIS HANSON 225.00 ELEC, ALISSA HARTE 75.00 ELEC, CHRISTINE HARTE 275.00 ELEC, RICK HARTLEY 50.00 ELEC, DAN HAWKINSON 225.00 ELEC, JUDY HEIM 275.00 ELEC, MARILYN HENNING 275.00 ELEC, TOWN OF HENRY 50.00 ELEC, SHARON HERMAN 275.00 ELEC, NANCY HLAVACEK 275.00 ELEC, MORGAN HOFF 275.00 ELEC, RONA HOFF 275.00 ELEC, HOLY ROSARY SCHOOL 50.00 ELEC, CHERI HOWELL 75.00 ELEC, BARB JOHNSON 275.00 ELEC, CHERYL JONGELING 275.00 ELEC, PAM JUNSO 275.00 ELEC, JOAN KAAZ 225.00 ELEC, GLENDA KITTELSON 225.00 ELEC, NANCY KJELLSSEN 275.00 ELEC, STEVE KJELLSSEN 275.00 ELEC, LINDA KOCH 225.00 ELEC, LISA KONOLD 275.00 ELEC, JUDY KRANZ 275.00 ELEC, CHARLENE KRUGER 275.00 ELEC, KARI KRUMWIEDE 275.00 ELEC, CONNIE LAKE 225.00 ELEC, KAREN LAUSENG 225.00 ELEC, JAN LAWRENCE 225.00 ELEC, CARINA LITTLE 275.00 ELEC, KELLY MAAG 275.00 ELEC, JEANETTE MACK 275.00 ELEC, JUDY MACK 275.00 ELEC, FIRST INTERSTATE BANK 339.66 PMT, FIRST INTERSTATE BANK 355.30 PMT, FIRST INTERSTATE BANK 605.04 PMT, FIRST INTERSTATE BANK 103.30 PMT, JOYCE MCGILLIVARY 225.00 ELEC, COREY MELVILLE 75.00 ELEC, KATHLEEN MEYER 304.13 ELEC, PEGGY MEYER 275.00 ELEC, MICHAEL MILES 225.00 ELEC, JIM MORGANS 275.00 ELEC, PENNY NELSON 275.00 ELEC, JANET NEWMAN 275.00 ELEC, JEANIE OCHSENDORF 225.00 ELEC, LYNN OSTHUS 275.00 ELEC, SUSAN PATRICK 275.00 ELEC, JANICE PAULSON 275.00 ELEC, PEARL PAULSON 296.25 ELEC, DARLENE RADTKE 275.00 ELEC, JEROME RADTKE 275.00 ELEC, ANN RASMUSSEN 75.00 ELEC, CARMEN REDLIN 275.00 ELEC, DONNA REDLIN 225.00 ELEC, SUSAN RILEY 275.00

ELEC, MARCY ROSSOW 275.00 ELEC, MARK SANDEN 275.00 ELEC, MORGAN SCHAACK 298.50 ELEC, CAROL SCHNEIDER 225.00 ELEC, HEIDI SELCHERT 350.00 ELEC, VICTORIA SMITH 275.00 ELEC, KAY SOLBERG 275.00 ELEC, TOWN OF SOUTH SHORE 50.00 ELEC, DONNA SPEIDEL 275.00 ELEC, MARY ANN STAHLKE 225.00 ELEC, JOHN STONEBARGER 275.00 ELEC, LORNA STONEBARGER 75.00 ELEC, JOAN STRANG 275.00 ELEC, JIM SUTTON 75.00 ELEC, KATHY TESCH 275.00 ELEC, SARAH TESCH 75.00 ELEC, DAWN THYEN 293.13 ELEC, LOYDEEN VANSICKLE 275.00 ELEC, BOB WAITE 275.00 ELEC, SUSAN WAITE 275.00 ELEC, JULIE WALKER 287.50 ELEC, SUSAN WALKER 275.00 ELEC, WALLACE COMMUNITY CENTER 50.00 ELEC, DEANNA WARD 275.00 ELEC, SHAWN WARD 225.00 ELEC, WAVERLY TOWNSHIP 50.00 ELEC, BARBARA WEBER 275.00 ELEC, BARBARA WERNER 275.00 ELEC, KAYLEEN WERNER 275.00 ELEC, THOMAS WERNER 275.00 ELEC, HARVEY WIBETO 307.25 ELEC, BRENDA WINGE 275.00 ELEC, JOAN ZWIEG 275.00 ELEC.

ADJOURNMENT

Upon conclusion of all business to come before the Board, a motion was made by Johnson, second by Gabel to adjourn at 9:50 a.m., until 9:00 a.m., Tuesday, November 22, 2022; all voted aye; motion carried.

ATTEST:

Cindy Brugman
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 \$_____



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 409 22nd Avenue South
 Brookings, SD 57006
 Tel 605.692.6342
 Toll Free 855.323.6342
 www.bannerassociates.com

MEMO

TO	NextEra Energy Resources – Attn: Tyler Wilhelm	
DATE	November 15, 2022	
SUBJECT	Construction Phase Funding Closeout	
PROJECT	Haul Road Restoration -- Codington County, SD	BAI No. 23517.00

Mr. Wilhelm,

Codington County (County) has prepared the following information for your review and acceptance regarding the return of excess funds for the restoration construction efforts of the haul roads utilized by NextEra Energy Resources (NextEra) and their affiliates during the construction of the Crowned Ridge Wind and Crowned Ridge Wind II developments. In June 2021, NextEra transferred funding in the amount of \$11,500,000.00 to the County to be utilized to cover all costs incurred by the County to facilitate the restoration construction efforts. Restoration construction neared completion in December 2021, with a few items that have been carried over due to seasonal restrictions not allowing them to be completed last year. The County has coordinated the completion of those efforts and is prepared to close out the restoration funding and return the excess balance. Please see below for a breakdown of the restoration costs, both spent and still outstanding.

Contract Value Paid to General Contractor in 2021:	\$8,011,852.39
Value of Chip Seal Work Completed in 2022:	\$90,000.00
Value of Seeding Completed in 2022:	\$17,646.01
Outstanding Invoices yet to be Reimbursed to County:	\$299,303.68
Total Costs Incurred by County:	\$8,418,802.08
Amount to be Returned to NextEra:	\$3,081,197.92

The County appreciates your review and acceptance of this cost breakdown and is prepared to return the funds noted upon your formal concurrence. We ask that you please sign and return this memo, along with instructions as to how you would like the funds returned to you.

We appreciate your cooperation through this process and look forward to hearing from you.

 Brenda Hanten - Codington County Commission Chairwoman

 Waylon Blasius - Project Manager

 NextEra Energy Resources Representative

We acknowledge the cost breakdown presented in this memo and accept a return payment amount of \$3,081,197.92 from the County.



Human Services Technician On the Job Training Agreement

Name of student: Elizabeth Smith

Name of OJT site/Department/Staff Name: Codington Co. Welfare Office

The above-named parties agree that the purpose of this assignment is to allow the above-named student to job shadow Codington County Welfare Staff. It is expected that this student will gain insight into what are some routine daily tasks associated and how they are executed by seasoned staff.

PARAMETERS OF THE ASSIGNMENT:

It is understood by both parties that job shadowing does not constitute formal training and cannot be applied towards work experience. It is also understood that the participant is not to physically perform tasks in order to avoid any claims or contentions that the participant has been worked out of class.

TASKS TO BE OBSERVED:

The following tasks should be observed during the job shadowing assignment:

- Awareness of facility/center/service that one provides to the community and surrounding area.
- Educating patients/clients on available eligible resources, referral processes and documentation.

LENGTH OF THE ASSESSMENT:

If facility needs permit, the job shadowing assignment is scheduled to occur Monday through Fridays from 9am-4pm for 1 week. Otherwise, meetings can be arranged as both schedules permit. If facility needs warrant, this assignment can be terminated by either party at any time.

Contact Information:

Lake Area Technical College
 HST Program Director
 Jackie Abel
 abelj@lakeareatech.edu
 (O) 605.882.5284 ext. 430 (C) 605.868.4833

Site Contact Information:

Site: _____
 Title: _____
 Name: _____
 Email: _____
 Phone: _____

Student's Signature: Lizy Smith

Date 11/15/2022

HST Program Instructor: Jackie Abel

Date 11/15/2022

Shadowed Staff Signature: _____

Date _____

To the extent not otherwise inconsistent with state law, each party shall save, indemnify and hold the other parties to this Agreement harmless from all liability, loss, costs and expenses (including reasonable attorney's fees) incurred directly or indirectly from any acts, errors or omissions by a party to this Agreement, or its respective agents, employees or invitees or from any cause arising from a party's material breach of their respective representations and obligations under the Agreement.

LUTHERAN SOCIAL SERVICES AND COURT RESOURCE HOMES MEMORANDUM OF UNDERSTANDING (MOU)

I. PARTIES

This document constitutes an agreement between Lutheran Social Services (LSS) and identified counties that receive a grant through the Council for Juvenile Services to support Court Resource Homes. A Court Resource Home is a family identified and licensed specifically for the purpose of providing short term care and supervision to youth involved in the County juvenile justice system who score on the Risk Assessment Instrument for an alternative and do not require locked detention. The counties currently receiving these funds are Brown, Codington, and Davison.

LSS shall perform the agreed upon work in accordance with approved industry methods and standards of practice in the profession. LSS shall comply with all Federal, State and local laws, regulations and requirements necessary for the provision of contracted services. In the performance of work, duties and obligations imposed by this MOU, LSS is at all times acting as an independent contractor practicing professional and not as an employee of partner Counties. A copy of LSS' current professional, local, state or other business licenses required to conduct the services stated herein, will be provided to partner Counties upon request. LSS shall not have any claim under this MOU or otherwise against partner Counties for vacation, sick leave, retirement benefits, social security or worker's compensation benefits. LSS shall be responsible for federal and state payroll taxes.

II. PURPOSE

This agreement establishes that Lutheran Social Services will be the licensing agency and will hold licensing responsibilities for families that become Court Resource Homes. LSS will not provide placement services, support, or hold responsibility specific to children placed in Court Resource Homes. Each county will be responsible for reimbursement to Lutheran Social Services for all services provided at the agreed upon rates below.

Services provided by LSS include:

- LSS will assist counties in talking to potential families about the training and licensing process.
- LSS will provide families with the required training and materials needed for the family to complete the licensing process.
- LSS will process background check paperwork for the family.
- LSS will complete the foster family home study for Court Resource Homes.
- LSS will provide families with a foster family license if all training and licensing requirements are met.
- LSS will communicate monthly with the Juvenile Detention Alternatives Initiative (JDAI) Coordinators in each partner county.

- LSS will communicate a minimum of one time per month with the licensed Court Resource Homes.
- LSS will address licensing concerns as they are identified and brought to the attention of the agency.
- LSS will provide ongoing training resources and opportunities for Court Resource Home families.
- LSS will complete renewal home studies for Court Resource Homes.
- LSS will maintain documentation of all services provided to Court Resource Home families.
- LSS will submit timely invoices for services provided on a monthly basis.
- Virtual visits and contact may be used when it is deemed appropriate to the family's needs and the partner County's needs.

Services provided by partner counties:

- Counties will be responsible for the recruitment of Court Resource Home families.
- Counties will provide the potential family's information to LSS.
- Counties will provide training opportunities related to juvenile justice in their communities for their Court Resource Homes.
- Counties will be responsible for the placement of youth into Court Resource Homes, including providing support to Court Resource Homes to ensure safety and well being while a youth is placed in the Court Resource Home.
- Counties will inform LSS when a placement has been made in a Court Resource Home.
- Counties will communicate directly with Court Resource Home families regarding youth history, needs, and expectations for the placement duration.
- Counties will be available to respond to the Court Resource Home families as needed for support and information.
- Counties will communicate with LSS as to any concerns with the Court Resource Home or training needs the family may have.
- Counties will be responsible for reimbursement directly to Court Resource Home families, including cost when youth are in care and the on call stipend, and LSS has no responsibility in reimbursement to Court Resource Home families.
- Counties will ensure prompt reimbursement to LSS for services provided.

III. COMPENSATION

LSS will submit a monthly invoice in months where services are provided congruent with the purpose of this MOU. Partner counties agree to reimburse LSS for the agreed upon fees as identified in this MOU:

Home Study Services: \$5,000 per home plus associated travel expenses

- Application processing: required paperwork, background checks, references, etc.
- Training facilitation: hybrid in person & online totaling 30 hours

- Assessment and home study: 3-4 home visits and collateral contacts as needed; writing home study
- License approval, review by supervisor, and submission
- Travel expenses are an additional cost

Renewal Home Study Services: \$1,500 per home plus associated travel expenses

- Application processing: required paperwork, background check updates if needed
- Review of required training
- Assessment and home study update: 1-2 home visits and collateral contacts as needed; writing home study update
- License approval, review by supervisor, and submission
- Travel expenses are an additional cost

Monitoring Services: \$250 per month plus associated travel fees if required; Additional expenses may be incurred and invoiced if a significant licensing concern requires additional support from LSS

- Monthly contact with family and JDAI Coordinator and associated documentation
- Receipt of notification of placements with family from JDAI Coordinator
- Management of licensing issues or concerns (*may be additional fees if a significant concerns requires additional support by LSS)
- Travel expenses are an additional cost

Travel expenses will be invoiced at actual costs. A mileage rate of \$0.45/mile will be used for FY2023, and may be adjusted in subsequent years based on the LSS agency mileage rate.

LSS will request reimbursement for expenses after services have been provided. LSS may request reimbursement of \$2,500 for a partial home study completion if the family withdraws after reaching the mid-point of the training and licensing process. Mid-point is defined as completion of a minimum of 5 training sessions and 2 home visits.

IV. INSURANCE

LSS agrees to maintain adequate general liability, worker's compensation, professional liability and automobile liability insurance during the term of this Agreement.

V. HOLD HARMLESS

The parties are independent contractors. Should either party cause damage to another by way of its negligence or other breach of duty, the negligent party will hold the other party harmless from any and all damages to person or property or any other claims, liabilities, costs, or expenses resulting from the acts or omissions of the party responsible for the claim.

VI. CONFIDENTIALITY

LSS and the partner counties agree that any and all Confidential Information will be held in confidence and will not be disclosed to any third party without the consent of partner counties. LSS and partner counties shall treat family and client information as confidential within the organization, and shall disclose confidential information therein only on a need-to-know basis.

LSS understands and acknowledges that any use, disclosure or misappropriation of the partner county's Confidential Information is in violation of this MOU and may cause irreparable harm, the amount of which may be difficult to ascertain.

Partner counties agree to sign the LSS business associate agreement as required by the federal Health Insurance Portability and Accountability Act of 1996.

VII. AUTHORITY

Upon agreement, LSS and partner counties may make changes to the above process.

VIII. PERIOD OF AGREEMENT AND MODIFICATION/TERMINATION

This MOU will become effective when signed by all parties. The services in this MOU between LSS and partner Counties shall commence on July 1, 2022, and shall end on June 30, 2023. Amendments to this MOU must be submitted in writing at least 30 days in advance and approved by all agencies represented herein.

Intent to terminate participation in this MOU prior to the identified end date must be submitted in writing at least 90 days in advance of termination to all participating agencies.

IX. RESPONSIBILITIES OF THE PARTIES

All parties agree to work cooperatively to address the purpose of Court Resource Homes as identified above.

Amy Witt

LSS: Amy Witt, Vice President, Children & Youth Services 11/10/22 Date _____
Brown County: _____
Date

Cordington County: _____
Date Davison County: _____
Date

REPORTING GUIDANCE FOR THE LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND

**U.S. Department of the Treasury
September 2022**

INTRODUCTION

The U.S. Department of the Treasury (Treasury) is issuing this reporting guidance regarding the Local Assistance and Tribal Consistency Fund (LATCF), established by Section 605 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021 (American Rescue Plan). The American Rescue Plan appropriated \$2 billion across fiscal years 2022 and 2023 to provide payments to eligible revenue sharing counties and eligible Tribal governments for use on any governmental purpose, except for a lobbying activity. The statute defines “eligible revenue sharing county” to include the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands and statements to such counties in this guidance apply to these territories.

The purpose of LATCF is to serve as a general revenue enhancement program. As outlined in the *Guidance for the Local Assistance and Tribal Consistency Fund*, recipients have broad discretion on uses of funds and may treat these funds in a similar manner to how they treat funds generated from their own local revenue. For instance, programs, services, and capital expenditures that are traditionally undertaken by a government are considered to fulfill a “governmental purpose.” For Tribal governments, investing in activities undertaken by Tribal enterprises, such as operating costs or capital expenditures for businesses that are owned or controlled by a Tribal government, are likewise considered to fulfill a governmental purpose. However, as stated above and outlined further in the Ineligible Uses section of the *Guidance for the Local Assistance and Tribal Consistency Fund*, LATCF funds may not be used for lobbying activities.

Each recipient is responsible for ensuring that its LATCF programs are implemented in accordance with applicable legal, regulatory, and other program requirements including the awards terms and conditions provided in recipients’ financial assistance agreements. As outlined in the LATCF guidance, recipients are subject to certain provisions of 2 C.F.R. Part 200 (the Uniform Guidance), including Subpart F, Audit Requirements. Recipients should review the LATCF guidance to understand which provisions of the Uniform Guidance do and do not apply. Additionally, recipients must ensure they maintain active registration in the System for Award Management (SAM.gov) for the duration of their award.

This reporting guidance details the reporting requirements for governments that receive LATCF funding, including the following:

- Section I concerns the annual reporting requirements. Recipients are required to submit annual reports to Treasury that detail all obligations and expenditures broken down by governmental purpose reporting category.
- Section II discusses required certifications. Specifically, recipients must certify that LATCF funds are not being spent on lobbying activities. Each recipient must also certify that the information reported is accurate and that LATCF funds are being used in accordance with applicable legal, regulatory, and program requirements.
- Section III discusses other information related to reporting, including compliance and record keeping.

Treasury will create an online portal that recipients must use to submit reporting data. Treasury may publicly release reports and/or extracts of data based on the information reported to provide transparency about how LATCF funds are being used by recipients. In any public report or data, Treasury will, subject to applicable laws and regulations, withhold information that appears to be personally identifiable information and sensitive information such as commercial or financial information about businesses that is privileged and confidential.

This guidance may be updated, revised, or modified, and Treasury may waive these standards to the extent permitted by law. For more information on LATCF, please visit:

<https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/local-assistance-and-tribal-consistency-fund>.

OMB Control Number: 1505-0276

OMB Expiration Date: 03/31/2023

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden for the collections of information included in this guidance is as follows: two hours.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

I. Annual Report

a. Reporting Deadlines

Each recipient will be responsible for submitting an annual Obligation and Expenditure Report to Treasury by March 31 of each year (beginning in 2023) until the recipient has submitted its final report accounting for expenditure of all LATCF funds received. Recipients are required to continue submitting an annual report until their entire award is expended and accounted for in their submitted report(s) and will be required to indicate when their final report is submitted. After verifying that all obligations and expenditures have been reported, Treasury will send notice to the recipient confirming that no additional reports are required. Treasury may provide additional closeout guidance at a later date.

For example, for the next several fiscal years, each annual report should be submitted as follows:

Table 1. Reporting Periods and Submission Deadlines.

Reporting Period	Submission Deadline
January 1, 2022 to December 31, 2022	March 31, 2023
January 1, 2023 to December 31, 2023	March 31, 2024
January 1, 2024 to December 31, 2024	March 31, 2025
January 1, 2025 to December 31, 2025	March 31, 2026
January 1, 2026 to December 31, 2026	March 31, 2027
January 1, 2027 to December 31, 2027	March 31, 2028

b. Required Information

Recipients are required to report annually on obligations and expenditures made using their LATCF award.¹ Specifically, recipients are required to report on (i) current period obligations, (ii) cumulative obligations, (iii) current period expenditures, and (iv) cumulative expenditures for each government purpose reporting category discussed below. Data may be reported on a cash, accrual, or modified accrual basis, as long as the methodology is consistently applied throughout the covered period and until reporting is no longer required.

As a general matter, recipients may use funds to cover costs incurred on any eligible use, including costs incurred from March 15, 2021. Recipients may use funds to cover costs of administering the LATCF program, including costs of consultants to support effective management and oversight as well as compliance with legal, regulatory, and other program requirements. In the *Guidance for the Local Assistance and Tribal Consistency Fund*, Treasury provided a non-exhaustive list of examples of activities that fulfill a governmental purpose. The

¹ Recipients should follow the definitions of “financial obligation” and “expenditure” in Uniform Guidance 2 CFR § 200.1 (Definitions) for purposes of completing these reports. As contemplated by the definition of financial obligation, Treasury recognizes that recipients may obligate funds through means other than contracts. In these circumstances, recipients must follow state, local, or Tribal law and their own established practices and policies regarding when they are considered to have incurred an obligation and how those obligations are documented.

examples below in parentheses expand on that list. These examples in parentheses are also non-exhaustive.

- Government Services: programmatic services intended to serve the community and non-infrastructure/capital expenditures related to—
 - Health Services (public health expenditures related to the pandemic, as well as medical expenses and behavioral healthcare, and emergency medical)
 - Education (elementary and secondary education related expenditures, early education, addressing learning loss)
 - Public Safety (police, fire, correction/detention, court services, responding to violence)
 - Social Services (adult and children protective services, foster care, family preservation programs, benefit programs, such as food assistance, emergency housing, cash assistance, and utility assistance)
 - Economic Development (tourism, general economic development, workforce development, projects to generate new employment, and stimulate growth)
 - General Government Operations (government administration, personnel costs, administrative facilities, record keeping, tax assessments, election administration)
 - Other Services
- Capital Expenditures²: capital expenditures related to—
 - Health Services (hospitals, clinics)
 - Education (schools, childcare facilities)
 - Public Safety (facilities and equipment, including police vehicles)
 - Community Development (parks and recreation facilities)
 - Housing (new affordable housing construction, maintenance)
 - Government Administration (buildings)
 - Economic Development
 - Other Capital Expenditures
- Transportation/Water/Sewer/Technology: infrastructure expenditures related to—
 - Transportation (roads, bridges, airports, public transit)
 - Water/Sewer
 - Technology Development
 - Other Infrastructure
- Other Governmental Purposes: other expenditures related to—
 - Non-Federal Match/Cost Sharing Requirements
 - LATCF Program Administration
 - Other Purposes Not Listed Above

² Please note that capital expenditures may include expenditures on infrastructure as defined in the award terms and conditions and in the footnote below.

Table 2. Governmental Purpose Reporting Categories.

Recipients should select the appropriate governmental purpose reporting category based on the nature of the obligations and expenditures and identify whether the obligation/expenditure was for an infrastructure project.³ Obligations and expenditures reported should be scoped to align to a single governmental purpose category.

Category	Subcategory	Obligation Data		Expenditure Data		Infrastructure (check “Y” for Infrastructure)
		Current Period	Cumulative	Current Period	Cumulative	
EC 1: Government Services						
	1.1 Healthcare					
	1.2 Education					
	1.3 Public Safety					
	1.4 Social Services					
	1.5 Economic Development					
	1.6 General Government Operations					
	1.7 Other Services					
EC 2: Capital Expenditures						
	2.1 Healthcare					
	2.2 Education					
	2.3 Public Safety					
	2.4 Community Development					
	2.5 Housing					
	2.6 Government Administration					
	2.7 Economic Development					
	2.8 Other Capital Expenditures					
EC 3: Transportation/Water/ Sewer/Technology						
	3.1 Transportation					

³ For purposes of this reporting guidance, the term “infrastructure” has the meaning provided in the award terms and conditions related to compliance with the Buy America, Build America Act, as follows: infrastructure means public infrastructure, including but not limited to, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property.

	3.2 Water/Sewer					
	3.3 Technology Development					
	3.4 Other Infrastructure					
EC 4: Other Governmental Purposes						
	4.1 Non-Federal Match/Cost Sharing*					
	4.2 LATCF Program Administration					
	4.3 Other Purposes Not Listed Above					

* Please see page 5 of the Guidance for the Local Assistance and Tribal Consistency Fund for additional information about using LATCF funds for non-federal matching requirements.

II. Certifications

Each recipient must submit a certification, using the form in Appendix 1, with every annual report, certifying that no LATCF funds were used for lobbying activities, in addition to completing the annual certifications and representations in SAM.gov. Amounts that are used in violation of the lobbying restriction set forth in the American Rescue Plan will be subject to recoupment. Furthermore, recipients must also certify that any information reported is accurate and that the approved programs of the recipient are being implemented in accordance with applicable legal, regulatory, and other program requirements as part of their annual report submission.

III. Other Information

a. Subaward Information

Treasury is not collecting subaward data for LATCF funded activities because Treasury has determined that there are no subawards under this program. The definition of subrecipient in the Uniform Guidance states that a subaward is for the purpose of “carrying out” a portion of a federal award. The federal purpose of LATCF is to serve as a general revenue enhancement program for all recipients that receive payments from existing revenue-sharing programs. The federal purpose of the award—to enhance revenue for eligible recipients—is accomplished once funds are available for use by recipients. Therefore, recipients’ use of LATCF funds does not give rise to subrecipient relationships given that there is no federal program or purpose to carry out beyond making funds available for use.

b. Uniform Guidance Applicability

LATCF recipients are only subject to the following provisions of 2 C.F.R. Part 200 (the Uniform Guidance):

- 2 C.F.R. Subpart A (Acronyms and Definitions);

- 2 C.F.R. 200.100-110 (certain General Provisions);
- 2 C.F.R. 200.203 (public notice of Federal financial assistance programs);
- 2 C.F.R. 200.303 (internal controls); and
- Single Audit Act and its implementing regulations at 2 C.F.R. Part 200 Subpart F.

Per 2 C.F.R. § 200.101(b), the program is not subject to other Uniform Guidance provisions beyond those detailed above, such as the provisions regarding program income, interest advances, equipment and real property management, procurement requirements, or subrecipient monitoring and reporting requirements.

c. Records Maintenance and Retention

As stated in the Award Terms and Conditions, all eligible Tribal governments and eligible revenue sharing counties must maintain records regarding the award and permit Treasury and other oversight bodies access to such records. Please see Appendix 2 for more information on the scope this requirement.

d. Additional Reporting

Treasury may unilaterally increase the frequency and the scope of a recipient's reporting requirements if Treasury finds the recipient to be a high-risk jurisdiction. To determine whether a recipient is a high-risk jurisdiction, Treasury will apply a risk evaluation approach that is consistent with the principles set forth in 2 C.F.R. § 200.206. Treasury may find a recipient to be a high-risk jurisdiction prior to the jurisdiction's receipt of allocated funds or after the recipient receives its allocated funds.

e. Buy America

The Build America, Buy America Act establishes domestic content procurement preference requirements for Federal financial assistance programs for infrastructure.⁴ These requirements apply to projects for infrastructure funded in whole or part with a LATCF award. These requirements do not apply to non-infrastructure projects or to infrastructure projects undertaken in response to the COVID-19 public health emergency.

The certification attached as Appendix 1 includes a certification as to recipients' compliance with these requirements. For more information on this topic, including information on any waivers that are issued from the Build America, Buy America requirements, please visit the [LATCF Treasury website](#).

f. Civil Rights Compliance

Eligible revenue sharing county recipients of Federal financial assistance from the Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of

⁴ The definition of "infrastructure" is provided in the award terms and conditions. See footnote 3, above.

Federal funds.⁵ Those requirements include ensuring that eligible revenue sharing counties receiving Federal financial assistance from Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and Treasury's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and Treasury's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.

In order to carry out its enforcement responsibilities under Title VI of the Civil Rights Act, Treasury will collect and review information from eligible revenue sharing county recipients to ascertain their compliance with the applicable requirements. Treasury's implementing regulations, 31 CFR part 22, and the Department of Justice regulations, Coordination of Non-discrimination in Federally Assisted Programs, 28 CFR part 42, provide for the collection of data and information from recipients (see 28 CFR 42.406). Treasury may request that eligible revenue sharing county recipients submit data for post-award compliance reviews, including information such as a narrative describing their Title VI compliance status.

g. Compliance Advisory

Information provided through annual reporting will be used to facilitate Treasury's compliance review for uses of funds that do not comply with the LATCF, Treasury's guidance, or other program requirements, as well as to reduce the risk of waste, fraud, and abuse. Treasury may recoup funds from any recipient in cases of misuse of LATCF funds. Separately, in case of a failure to report, Section 605(c) of the Social Security Act provides specifically that Treasury may recoup funds from an eligible revenue sharing county of an amount that the Secretary determines appropriate but that does not exceed 5 percent of the total amount of LATCF funds paid to the eligible revenue sharing county.

⁵ Please note that the award terms and conditions for Treasury's pandemic recovery programs, including the LATCF, do not impose antidiscrimination requirements on Tribal governments beyond what would otherwise apply under federal law.

Appendix 1.

Certification Required with LATCF Annual Report

The undersigned, on behalf of [_____] (“recipient”) specified below, hereby makes the following certifications to the U.S. Department of the Treasury as of the date of this certification:

1. The information, certifications, attachments, and other information provided by the recipient to the U.S. Department of the Treasury related to the Local Assistance and Tribal Consistency Fund (“LATCF”) are true and correct and do not contain any materially false, fictitious, or fraudulent statement, nor any concealment or omission of any material fact;
2. The recipient is utilizing LATCF funds in accordance with all applicable legal, regulatory, and other program requirements, including as provided under Section 605 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, and any guidance released by the U.S. Department of the Treasury;
3. The recipient has not spent any LATCF funds on lobbying activities as outlined in the Ineligible Uses section of Treasury’s *Guidance for the Local Assistance and Tribal Consistency Fund*;
4. To the extent applicable to the recipient’s award, the recipient is in compliance with Treasury guidance on the application of Build America and Buy America to LATCF funds and any waivers issued by Treasury with regards to the application of BABA requirements to this program; and
5. The undersigned has authority to execute and deliver this certification on behalf of the recipient.

Name:

Title:

Telephone:

Email:

Appendix 2

Record Maintenance and Retention

Each recipient must retain all financial records, supporting documents, statistical records, and all other records pertinent to its LATCF award for a period of five years from the date of submission of the final annual report. This requirement includes documentation necessary to show compliance with the Build America, Buy America Act, to the extent applicable to the recipient's award.

Treasury, the Treasury Office of Inspector General, the Government Accountability Office, or any of their duly authorized representatives have the right of timely and unrestricted access to any books, documents, papers, or other records of the recipient that are pertinent to the recipient's allocation, and to make audits, investigations, examinations, excerpts, transcripts, and copies of such documents. This right also includes timely and reasonable access to the recipient's personnel for the purpose of interviews and discussion related to such documents.

Because recipients and their contracted entities may receive sensitive information in the course of completing projects using the award, Treasury strongly encourages recipients and their contracted entities to establish robust protections against data breaches and misuse and to comply with all applicable privacy laws.



State of South Dakota Unified Judicial System



Office of the State Court Administrator

Telephone: (605) 773-3474
FAX: (605) 773-8437

500 East Capitol Avenue
Pierre, SD 57501-5070

November 15, 2022

Mr. Andrew Fergel
State Bar of South Dakota
111 W. Capitol Avenue, #1
Pierre, South Dakota 57501

RE: 2023 Court-Appointed Attorney Fees and Mileage

Dear Mr. Fergel:

Please publish the following announcement in the December 2022 issue of the State Bar Newsletter:

“Court-appointed attorney fees for 2023 will be \$107 per hour pursuant to UJS policy which provides that these fees increase in an amount equal to any cost of living increase approved for state employees by the Legislature. Mileage for court-appointed attorneys will be paid at the rate of \$1.00 per mile.”

If you have any additional questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Sattizahn".

Greg Sattizahn
State Court Administrator

Our Mission: Justice for All
Our Vision: We are stewards of an open, effective, and accessible court system, worthy of the Public's trust and confidence.

CODINGTON COUNTY

INDIVIDUAL EMPLOYEE TRAVEL REQUEST

Department Weed & Pest

Name of traveling employee Steve Molengraaf

Employee title Supervisor Employee status exempt nonexempt

Purpose of travel VanDiest Year-end

Method of transportation County vehicle

Destination Sioux Falls, SD

Departure date and time 11/30/22 6:30am Destination arrival date and time 11/30/22 8:00am

Return departure date and time 11/30/22 4:00pm Return arrival date and time 11/30/22 5:30pm

Costs of travel

Conveyance expense (airplane, vehicle mileage, vehicle rental, etc.) fuel

Lodging expense _____

Meals \$0 Registration \$0

Other costs _____

Overtime costs involved in the requested travel _____

Can the traveling employee's hours be flexed to reduce or eliminate overtime costs?

Yes No _____ If no, why _____

Is this travel a budgeted item? Yes No _____

County Commission

Travel request approved: yes _____ no _____ Comments _____

Commission Chairman, _____ Date _____