

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, January 20, 2026

- 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 January 13, 2026, agenda**
- 5. Action to approve January 6, 2026, minutes of the Board of Codington County Commissioners**
- 6. Action to approve request to sell alcohol at Pro Pheasants event at the Extension Center Complex**
- 7. Action to approve contracts with FDALG for property parcel data base, GIS web site services**
- 8. Monthly Reports**
 - a. Highway**
 - b. Facility Manager**
- 9. Action to declare Highway Department, Wire Welder to be declared surplus to be sold on Purple Wave**
- 10. Note Annual review of open meeting laws SDCL 1-25-13**
- 11. Note new IRS 2026 mileage rate for non-elected employees**
- 13. Action to hire a full-time Corrections Officer position due to a promotion**
- 14. Action to approve operating cash transfers as budgeted**
- 15. Review and possible action to approve updated Employee Personnel Manual**
- 16. Action to approve abatement applications**
- 17. Action to approve claims for payment**
- 18. Action to approve automatic budget supplements**
- 19. Action to approve personnel changes**
- 20. Action to approve travel requests**
- 21. Public Notices – a possible quorum of Commissioners could be in attendance at:**
- 22. Old Business**
- 23. New Business**
- 24. Open**
 - a. Public Comments**

b. Commission Comments

25. Action to enter into Executive session pursuant to SDCL 1-25-2

(1) Discussion of personnel issues (SDCL 1-25-2(1))

(2) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending

litigation or contractual matters (SDCL 1-25-2(3))

(3) Preparing for contract negotiations or negotiating with employees or employee representatives (SDCL 1-25

2(4))

(4) Discussion of pricing or marketing strategies when public disclosure may harm the competitive position of

the county owned business (SDCL 1-25-2(5))

(5) Discussion of information pertaining to the protection of public or private property (SDCL 1-25-2(6))

26. Action to adjourn upon completion of agenda items

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**

January 13, 2026

The Codington County Commissioners met in regular session at 9:00 a.m., Tuesday, January 13, 2026, at the Codington County Court House. Commission members present were Lee Gabel (via ZOOM), Tyler McElhany, Myron Johnson, Randall Schweer, and Troy VanDusen; Chair VanDusen, presiding. The pledge of allegiance was led by Commissioner Johnson.

CALLS FOR PUBLIC COMMENT AND CONFLICT OF INTEREST ITEMS

Chair VanDusen 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 McElhany, second by Schweer, to approve the January 13, 2026, agenda as posted; all voted aye; motion carried.

MINUTES APPROVED

Motion by Johnson, second by McElhany, to approve the minutes of January 06, 2026; all voted aye; motion carried.

ZONING SERVICES CONTRACT

Zoning Officer, Luke Muller reviewed a letter of agreement, between Codington County and the First District Association of Local Governments, for zoning services in 2026, in an amount of (\$56.65) per hour, the sum not to exceed \$33,990.00, plus mile projected at \$0.700 per mile not to exceed \$650.00. The Zoning Officer noted this contract is identical to the 2025 agreement total maximum contract is \$34,640. Motion by McElhany, second by Gabel, to authorize Chair VanDusen to sign the letter of agreement between Codington County and the First District Association of Local Governments for administrative and technical assistance to the Codington County Planning Commission and County Commissioners in the area of zoning, beginning January 1, 2026, through December 31, 2026; all voted aye; motion carried.

ANNUAL PLANNING/ZONING BOARD REPORT

Zoning Officer, Luke Muller, reported year-end statistics: Building permits issued 113, estimated value of construction \$19,774,205; new residences 9; fees from building permits \$34,122.33 Variance/conditional use permit applications processed; and \$3,225.00 collected from fees for special meetings and variance, conditional use, and rezoning applications. The Zoning Officer advised the Board that Board of Adjustment fees should be increased.

PLANNING BOARD APPOINTMENTS

Motion by Schweer, second by McElhany; to approve the following Planning Board appointments: Calvin Mack, term expires 12/31/2028, Brenda Hanten, term expires 12/31/2028; all voted aye; motion carried.

MONTHLY REPORTS

State's Attorney, Alison Bakken, informed the Board that her office has been busy, compiled some numbers at the end of 2025 Codington County saw 1467 CRI filings (Class 1 misdemeanors and higher),

Codington County, 13 January 2026

Brookings County had 972, and Brown County had 1312; working with department heads; working to get a Federal inmate back into our custody for sentencing that will happen on Thursday; will be out of the office February 13-19, have asked Roberts County State's Attorney to be appointed as a Special Deputy for any emergency things that come up during that time period, statute authorizes me to appoint him as such, give the commissions the knowledge that he will be the on-call individual for that time, not requesting any compensation, but will return the favor to him. **Community Health Nurse, Codi Storm**, provided a quarterly report to the Board covering the following items: Personnel/office activity, staff training, immunizations, maternal health, child/adolescent services, school health activities, general public health office activities. **Auditor, Brenda Hanten**, updated the Board: working on end of year 2025 and beginning 2026, tax notices for pay 2025 have been printed and are being processed for mailing and being mailed out today; election publication is ready and has been submitted for publication to announce which offices are up for election in 2026 and other duties related to elections including getting petitions ready for candidates and other items related to an election year. **Welfare Director, Sara Foust**, updated the Board: 35 unique individuals were served in December; Medicaid Reimbursement - \$1502.60 for December; DOH CHW Grant reimbursement - \$660.86, Community Service Office, updating policies and procedures; Alex has given notice and her last day is Friday; Codington Connects is now a 501c3, so we are working on making that its own entity; Systems of Care/Codington Connects – Interagency meeting last week treatment court & Court Services presented; the Agency of the month is Treatment court and Tiffany Barthel, is the individual of the month; Housing – Housing Conference is next month, Thursday, February 12th, 2026, at the Watertown Event Center from 8-3; Childcare – finalizing the community survey for administration in February; Centralized Location – working with Codington Connects on making this happen; HEART (Healing, Education, Awareness, Resilience, Trauma) is working on a strategic plan with goals of improving trauma education, supporting schools, and supporting families; check out Codington Connects at www.codingtonconnects.com for more events and information about the community.

APPOINT SPECIAL DEPUTY FOR STATE'S ATTORNEY OFFICE

Motion by Johnson, second by Schweer, to approve the State's Attorney to appoint a Special Deputy while she is out of the office during the time frame of February 13-19; State's Attorney, Alison Bakken, informed the Board that statute authorizes her to do this and she will be appointed the Robert's County State's Attorney as the Special Deputy during the time frame of February 13-19 for any emergency things that come up, he is not requesting any compensation for this, as Alison will return the favor to him; all voted aye; motion carried.

INDIGENT BURIAL RATES

Motion by Gabel, second by Johnson, to approve indigent burial rates, per the recommendation of the Community Service Director as follows: Traditional burial \$3,952.00, Cremation \$2,575.00, and \$565.00 for opening and closing of graves; all voted aye; motion carried.

COMMUNITY SERVICE GUIDELINES UPDATES

Motion by Gabel, second by McElhany, to approve the updates to the Community Service Guidelines presented by Community Service Director, Sara Foust, as follows: increased the Funeral Assistance Guidelines to 125% of Poverty rate (effective 1/13/2026) and in Section G – Conditions of County Assistance (5) remove food pantry referral and insert South Dakota birth certificates, and South Dakota ID's, also add #6 Case Management – Applicants may be required to participate in on-going case management through the IMPACT program to support and address ongoing needs; all voted aye; motion carried.

OVERDOSE DATA-TO-ACTION COMMUNITY HEALTH WORKER GRANT

Motion by Johnson, second by McElhany, to authorize Chair to sign Overdose Date-to-Action Community Health Worker grant that was awarded to Codington County in the amount of \$39,998

beginning June 1, 2026 through May 31, 2027, Community Service Director, Sara Foust, provided the Board with the information and timeline; all voted aye; motion carried.

ADMINISTRATIVE SUPPORT POSITION IN COMMUNITY SERVICE OFFICE

Motion by Johnson, second by Schweer, to advertise and hire a full-time position for Administrative Support position in the Community Service Office; Community Service Director, Sara Foust, appeared before the Board, Sara informed the Board that this is due to a resignation; all voted aye; motion carried.

NOTICE TO BIDDERS' ANNUAL HIGHWAY SUPPLIES AND WEED CHEMICALS

Motion by Johnson, second by Gabel, to authorize a notice to bidders for annual Highway supplies and Weed Chemicals; all voted aye; motion carried. Bids will be opened on Friday, February 27th, 2026, at board room of the Codington County Commissioners; all voted aye; motion carried.

**CODINGTON COUNTY
NOTICE TO BIDDERS**

Notice is hereby given that the Board of Commissioners of Codington County, South Dakota, will receive bids up to 10:30 AM in the morning on Friday, February 27th, 2026 at the office of the Codington County Auditor, 14 First Avenue SE, Watertown, South Dakota 57201, for the following:

Items to be furnished during the period from March 1, 2026, to February 28, 2027.

All items to be delivered to locations within Codington County as required by the County Highway Department.

- | | |
|-----------------------|------------------------------|
| 1. Concrete Pipe | 6. Asphalt Patching Material |
| 2. Diesel and Ethanol | 7. Weed Chemicals |
| 3. Liquid Asphalt | |
| 4. Pea Gravel | |
| 5. Gravel Crushing | |

GENERAL NOTES: All materials meet the Standard Specifications for Roads and Bridges of the South Dakota Department of Transportation. Certification shall be provided on all bid items stating that they meet or exceed the standard specifications when the Codington County Highway Department requests such certificates. Tax exempt certificates will be furnished by Codington County.

A bid bond or certified check will be waived as provided by S.D.C.L. 5-18-6.1

By virtue of statutory authority, preference will be given to materials produced or supplies that are found, produced, or manufactured within the State of South Dakota.

The Board of Commissioners reserves the right to reject any or all bids.

Codington County, 13 January 2026

Dated this 13th day of January 2026

Troy VanDusen
Chair, Codington County Commission

ATTEST:

Brenda Hanten
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 twice at the total approximate cost of \$ _____.

ROAD WEIGHT LIMIT ANNUAL RESOLUTION

Motion by McElhany, second by Schweer, to approve Resolution 2026-1 as follows; all voted aye; motion carried.

CODINGTON COUNTY WEIGHT LIMIT RESOLUTION

Resolution No. 2026 - 1

WHEREAS, seasonal climatic changes can be detrimental to our highways, and

WHEREAS, the Codington County Board of Commissioners desires to protect existing Codington County Highways, ultimately saving tax dollars and,

WHEREAS, the Codington County Board of Commissioners desire the enforcement of weight limitations on Codington County Highways as set forth and posted by the Codington County Highway Superintendent.

NOW THEREFORE BE IT RESOLVED:

WHEREAS, the limits on Codington County roads shall be, forty miles per hour truck speed limit, and maximum load limit shall be seven tons per axle on all asphalt surfaced roads during the Spring thaw period from February 15, to May 1, 2026 inclusive, when limit signs are in place. That The South Dakota Highway Patrol be notified, and hereby is authorized and requested to enforce weight and speed limitations on Codington County Roads.

BE IT FURTHER RESOLVED, that the penalty for the violation of the load restrictions shall be as set forth in SDCL 32-22-55.

Codington County, 13 January 2026

Dated this 13th day of January, 2026, at Watertown, South Dakota.

Troy VanDusen

Codington County Commission Chair

ATTEST:

Brenda Hanten

Codington County Auditor

WELDER FOR HIGHWAY DEPARTMENT

Motion by Gabel, second by McElhany, to approve the purchase of a welder from A-OX Welding Supply, in the amount of \$4,086.35; all voted aye; motion carried.

2026 RAIF FUNDING ALLOCATION TO KRANZBURG TOWNSHIP

Motion by Gabel, second by McElhany, to approve an application from Kranzburg Township and award RAIF (Rural Access Infrastructure Funds), to Kranzburg Township, for two projects in 2026 for an estimated total cost of \$179,944.00 for both projects, the cost share will be RAIF 80% - \$143,955.20 and Kranzburg Township 20% - \$35,988.80; upon vote of the Board; all voted aye; motion carried.

ADDITIONAL FUNDING FOR WAVERLY TOWNSHIP

Waverly Township Supervisor, Dan Thyen, appeared before the Board to request additional RAIF funding for the project on 465th Avenue from the original amount of \$40,000.00 that was approved at the January 14, 2025, meeting which the cost share of 80% RAIF funding was \$32,000.00. The other project that was approved in 2025 came in under the estimated amount for a saving of \$6,149.33 of RAIF funding. The actual total amount of the 465th Avenue project is \$58,474.38, the remaining amount after the original RAIF approval amount of \$32,000.00 and Township portion of \$8,000.00 is \$18,474.38, 80% of that amount would be an additional \$14,779.50 RAIF and \$3,694.88 for Waverly Township, the additional amount Waverly Township is requesting for RAIF funding is \$14,779.50, Motion by McElhany, second by Schweer, to approve the additional RAIF funding amount of \$14,779.50 to Waverly Township; all voted aye; motion carried.

NEW HEATERS FOR BARN AT CODINGTON COUNTY EXTENSION COMPLEX

Motion by Johnson, second by McElhany, to approve the purchase of two new Reznor UDXC heaters in the barn at the Codington County Extension Center, in the amount of \$3,014.00 ea., two quotes were provided, one from Reznor UDXC in the amount of \$3,014.00 ea. and Modine heater in the amount of \$2,263.00 ea.; all voted aye; motion carried.

CORONER COMPENSATION

Motion by Johnson, second by McElhany, to approve compensation for the coroner at the same rate as 2025 at \$400.00 per call; all voted aye; motion carried.

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

Motion by McElhany, second by Schweer, 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 December 2025, all present voted aye; motion carried.

Codington County, 13 January 2026

Cash on hand	\$ 5,232.18
Checks in Treasurers' possession less than 3 days	\$ 49,202.06
Credit Card Charges	\$ 11,668.57
Cash Items	\$ 355.70
TOTAL CASH ASSETS ON HAND	\$ 66,458.51
RECONCILED CHECKING	
Reliabank (Memorial Park)	\$ 2,179.76
Reliabank Dakota	\$ 25,820,830.94
INVESTMENTS	
SD Public Funds Investment	\$ 1,106.12
Plains Commerce Bank CD's	\$ 0.00
TOTAL CASH ASSETS	\$ 25,890,575.33
General Ledger Cash Balance by Funds	
General	\$ 10,331,837.22
General restricted cash	\$ 500,000.00
Sp. Revenue	\$ 7,368,206.01
County Jail Build	\$ 6,695,877.81
Custodial	\$ 994,654.29
(schools \$177,660.14, townships \$39,167.42; city/towns \$32,325.34)	
TOTAL GENERAL LEDGER CASH	\$ 25,890,575.33

The Board noted Register of Deeds fees, in the amount of **\$35,635.00**, were collected in the month of December 2025.

TITLE VI COORDINATOR APPOINTED

Motion by Johnson, second by McElhany, to appoint Human Resource Representative, Natalie Remund, to the position of Codington County Title VI coordinator; all voted aye; motion carried.

TITLE VI POLICY STATEMENT AND NOTICE OF PUBLIC RIGHTS

Motion by Gabel, second by McElhany, to authorize the signing of the Codington County Title VI Policy Statement and advertise the Codington County Notice of Public Rights; all voted aye; motion carried.

MARTIN LUTHER KING JR. DAY

The Board noted the Court House, and all County offices will be closed on Monday, January 19, 2026, in observance of Martin Luther King Jr. Day.

DELINQUENT PROPERTY TAX LISTS

Delinquent property tax lists are available for Board review for taxes payable in 2024 and prior.

CLAIMS

Motion by McElhany, second by Schweer, to approve for payment the following list of claims; all voted aye; motion carried. 605 PROPERTY SOLUTIONS, LLC 1099.02 RENT, A-OX WELDING 164.18 SUPPLIES, ACCREDITATION, AUDIT AND 165.00 SVC, A&B BUSINESS SOLUTIONS 320.17 MAINT, A&B BUSINESS SOLUTIONS 73.78 REPAIRS/MAINT., ADVANCED CORRECTIONAL 42459.34 SVC, ADVANTAGE RV'S & TRAILERS INC 83.95 MAINT, ALCOHOL MONITORING SYSTEMS 815.40 SVC, AUSTIN LAW OFFICES LLP 28086.73 SVC, AUTO VALUE 201.93 REPAIRS/MAINT., ALISON BAKKEN 40.00 CELL, EDIE BALDWIN 105.60 JURY, BATTERIES UNLIMITED 187.00 SUP, BEACON CENTER 1000.00 PMT, BEACON CENTER 1697.98 SVC, BLUEPEAK 339.71 UTIL, BLUEPEAK 117.99 UTILITIES, BORNS GROUP 2099.87 POST, BOYS & GIRLS CLUB 1733.37 PMT, BRATLAND LAW 6312.00 SVC, BRIAN'S GLASS & DOOR INC. 50.00

REPAIRS/MAINT., BROTHERS & SISTERS BEHIND BARS 2586.10 RENT, BUTLER
 MACHINERY 1271.90 REPAIRS/MAINT., CODINGTON-CLARK ELECTRIC COOPE 35.41
 UTILITIES, CODINGTON TREASURER PETTY CASH 30.70 REIMB, COKO PROPERTIES 250.00
 RENT, COLE PAPERS, INC. 4342.61 SUP, ANGIE COLLIGNON 40.00 CELL, CULLIGAN OF
 WATERTOWN 223.82 SUP, DAKOTA GROUP LLC 2630.00 SVC, MATTHEW DARGATZ 25.00
 CELL, KATHRYN JANE DEJONG 1000.00 SVC, DELANEY NIELSEN SANNES PC 1299.72 SVC,
 DIAMOND DRUGS, INC 1206.73 SVC, DIRT TRACK SUPPLY 367.00 SUP, JAMIE DOLEN 25.00
 CELL, EIGHT TEN PROPERTIES, LLC 1740.00 RENT, KEITH EISCHENS 25.00 CELL,
 EVERBRIDGE, INC 2318.54 MAINT, FACE IT TOGETHER INC 2494.98 SVC, JAMES FALK 52.80
 JURY, RANDALL G. FALVEY 40.00 CELL, SARA FOUST 40.00 CELL, MICHELLE GAIKOWSKI
 81.05 SVC, GALLS, LLC 463.00 SUP, GENOA HEALTHCARE 15.92 SVC, GEORGE BOOM
 FUNERAL HOME 2575.00 SVC, GLACIAL LAKES & PRAIRIES TOUR 700.00 SVC, HALEY
 GOSSEN 54.20 JURY, GREEN OVIATT LAW FIRM LLP 8892.00 SVC, GUARDIAN ALLIANCE
 TECHNOLOGIES 190.00 SVC, JUSTIN HALAJIAN 68.00 CELL, JEFF HARTLEY 3.00 SVC, RON
 HARTLEY 25.00 CELL, DAVID HEDDING 25.00 CELL, JAMES HEDGES 25.00 CELL, HELSPER,
 MCCARTY & RASMUSSEN 16104.00 SVC, HILLYARD/SIOUX FALLS 876.38 SUP, CODY HOFF
 25.00 CELL, HOFMEISTER JONES FUNERAL HOME 3952.00 SVC, LLOYD HOWELL 105.60
 JURY, HUMAN SERVICE AGENCY 29853.50 SVC, ZACHARY HUNKE 19.00 SVC, CODY
 HUSMANN 68.20 JURY, HYVEE #1871 ACCTS RECEIVABLE 26.34 SVC, I STATE TRUCK
 CENTERS 499.00 SUPPLIES, INTERLAKES COMMUNITY ACTION 1736.17 SVC, JEFFERSON
 PARTNERS LP 127.96 TRAV, WADE JORDAN 25.00 CELL, JOURNAL TECHNOLOGIES, INC
 15298.18 SVC, JURGENS PRINTING 751.00 SUP, JUSTIN'S LAWN & TREE SERVICE 1003.00
 REPAIRS/MAINT., MITCHELL KALLHOFF 25.00 CELL, ERIK KOSAK 25.00 CELL, KARI
 KRAAYENBRINK 65.04 REIMB, DALTON KRUEGER 51.40 JURY, JOSEPH LAFRAMBOISE
 25.00 CELL, LANGUAGE LINE SERVICES INC 100.95 SVC, LINH LE 59.80 JURY, JODI
 LOEHRER 70.70 TRAV, MAAG PROPERTIES, LLC 1375.00 RENT, MAC'S, INC 15.68 SUP, MAC'S
 HARDWARE 25.07 SUPPLIES, MACKSTEEL WAREHOUSE, INC. 306.55 SUPPLIES, MASTERS
 TELECOM LLC 355.64 UTIL, MCKESSON MEDICAL SURGICAL 275.93 SUP, MCLEOD'S
 PRINTING & OFFICE SUP 281.81 SUP, MENARDS 617.84 SUP, MENARDS 531.01 SUPPLIES,
 MIDWEST PIPE LINING 17585.00 REPAIRS/MAINT., KLAYTON MILLER 25.00 CELL, STEVE
 MOLENGRAAF 28.00 TRAV, DANIEL MORTENSON 122.40 JURY, MULTI BUSINESS
 SOLUTIONS INC 5500.00 SVC, MUNICIPAL UTILITIES 15835.31 UTIL, MUNICIPAL UTILITIES
 1393.76 UTILITIES, YESIKA G MUNOZ 507.20 SVC, MUTH ELECTRIC 2199.65 MAINT, NAPA
 CENTRAL 438.27 UTILITIES, NATIONAL SHERIFFS MEMBERSHIP 250.00 DUES, NELSON &
 ERICSSON LAW OFFICE 6762.00 SVC, SHAWN NILLS 40.00 CELL, NORTHERN TRUCK 344.40
 REPAIRS/MAINT., OFFICE PEEPS, INC. 6676.70 SUP, OTIS ELEVATOR COMPANY 2463.24
 MAINT, OTTERTAIL POWER CO, 48.15 UTILITIES, OVERHEAD DOOR CO 285.71 MAINT,
 THOMAS PAULI 40.00 CELL, MICHELLE PEDERSON 40.00 CELL, PENNINGTON COUNTY
 JAIL 387.11 TRAV, PHEASANTLAND INDUSTRIES 1099.39 EQUIP, PITNEY BOWES 450.74 SUP,
 PRAIRIE LAKES HEALTH CARE CENT 9178.70 SVC, PRINT 'EM NOW 190.50 SUP,
 PRODUCTION MONKEYS 15000.00 SVC, RC FIRST AID 120.00 SUPPLIES, REDWOOD
 TOXICOLOGY LABORATORY 1993.44 SUP, COLITA REMMERS 51.40 JURY, TIFFANY
 RHODES 10.00 SVC, PATRICIA ROTH 51.40 JURY, HAROLD ROUNDS 25.00 CELL, WAYNE
 SCHLAHT 105.60 JURY, SD ATTORNEY GENERAL'S OFFICE 2466.00 SVC, SD DEPARTMENT
 OF HEALTH 1785.00 SVC, S.D. FEDERAL PROPERTY 166.50 SVC, SD STATE TREASURER
 501809.19 DECEMBER REMITTANCE, SDACO 634.00 PMT, SDEMA 100.00 TRAV, SDN
 COMMUNICATIONS 1026.00 UTIL, MELISSA SEARS 40.00 CELL, HEIDI SELCHERT 40.00
 CELL, SHARP AUTOMOTIVE 53.45 REPAIRS/MAINT., SIGN PRO 216.00 SUPPLIES, ANGELA
 SIMON 105.60 JURY, SIOUX RURAL WATER SYSTEM 64.55 UTILITIES, SIOUX VALLEY COOP
 4399.81 SUP, SIOUX VALLEY COOP 1400.65 SUPPLIES, LAW OFFICE OF ALEXANDER SOCIA
 11639.10 SVC, LYNN SOLBERG 40.00 CELL, TOWN OF SOUTH SHORE 96.00 UTILITIES, STEVE

STAHLKE 25.00 CELL, STAR LAUNDRY 198.66 SUPPLIES, STREICHER'S 886.00 SUP, SCOTT SWANSON 25.00 CELL, ANN TAECKER 105.60 JURY, TD SYNEX CAPITAL 35746.33 MAINT, TECHNIQUES INC 253.02 MAINT, TEESDALE LAW OFFICE, PLLC 315.00 SVC, KEVIN THEISEN 57.00 JURY, THOMSON REUTERS-WEST 922.92 DUES, CNH INDUSTRIAL ACCOUNTS 8.88 REPAIRS/MAINT., DOUGLAS D. TORSTENSON 25.00 CELL, JAMES TORSTENSON 20.00 CELL, TRAV'S OUTFITTER INC 149.99 SUP, TRITECH SOFTWARE SYSTEMS 44861.03 MAINT, TWOTREES TECHNOLOGIES 10253.99 SUP, TWOTREES TECHNOLOGIES 44.00 SUPPLIES, VERIZON WIRELESS 3165.06 UTIL, VERIZON WIRELESS 1249.58 UTIL, VERIZON 40.01 UTILITIES, RELIABANK VISA 386.50 SUP, RELIABANK VISA 4324.92 TRAV, RELIABANK VISA 267.87 SUP, RELIABANK VISA 3059.76 EQUIP, RELIABANK VISA 2122.75 SUP, RELIABANK VISA 23.99 SUP, RELIABANK VISA 681.58 SUP, RELIABANK VISA 846.87 SUP, MARLONIE VOGELSANG 25.00 CELL, KELLI WANNA 51.40 JURY, WATERTOWN FORD 352.58 MAINT, WATERTOWN PUBLIC OPINION 51.40 PUB, ISAAC WESELOH 105.60 JURY, WESTERN STATES SHERIFFS ASSOCI 100.00 SVC, FLEETPRIDE, INC. 895.80 REPAIRS/MAINT., WINDOW PROS 18.92 MAINT, WW TIRE SERVICE INC 1146.31 MAINT, SUSAN ZIRBEL 64.00 JURY,

Motion by McElhany, second by Gabel, to approve the following new jail claim; all voted aye; motion carried. – Watertown Municipal Utilities - \$543.92

Motion by Johnson, second by McElhany, to approve a claim in the amount of \$38,347.46 payable to the City of Watertown for November 2025, 911 surcharge collections, Gabel, Johnson, Schweer and McElhany; voted aye; VanDusen was recused; motion carried.

OPEN

Commissioner Comments - Commissioner McElhany noted that Commissioner Schweer and himself met with some of the Correctional Officer Union employees about when the change over to TCP takes place and that he also attended a TCP meeting with other county department heads, elected and staff.

ADJOURNMENT

Upon conclusion of all business to come before the Board, a motion was made by Johnson, second by Schweer to adjourn at 10:12 a.m., all voted aye; motion carried.

ATTEST:

Brenda Hanten
Coddington County Auditor

Coddington 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 \$ _____

LETTER OF AGREEMENT

FIRST DISTRICT ASSOCIATION
OF LOCAL GOVERNMENTS
POB 1207
WATERTOWN, SD 57201
605 882-5115

CODINGTON COUNTY
14 1ST AVE SE
WATERTOWN, SD 57201

Referred to as District

Referred to as COUNTY

The COUNTY hereby enters into an agreement with the District

I. THE DISTRICT

- A. This agreement shall commence on or about January 1, 2026 and end on or about December 31, 2026.
- B. The District agrees to perform work activities as described in "First District Association of Local Governments Proposed Scope of Work for Codington County Director of Equalization Parcel Update Needs".

II. THE COUNTY

- A. The COUNTY will make payment of seven thousand dollars (\$7,000) for work activities as identified in the proposed scope of work.
- B. Total agreement amount (not to exceed) seven thousand dollars (\$7,000).



12/31/25

District Signature

Date

Date

**LETTER OF AGREEMENT
BETWEEN
CODINGTON COUNTY
AND
FIRST DISTRICT ASSOCIATION OF LOCAL GOVERNMENTS**

This agreement is hereby entered into between the First District Association of Local Governments, hereinafter referred to as "District" and Codington County, hereinafter referred to as "County."

I. PURPOSE/PROJECT DESCRIPTION

- A. Provide services in the development and hosting of a Geographic Information System (GIS) website.
- B. The project will consist of:
 - 1. Annual access cost for Internet services.
 - 2. ArcGIS Server Maintenance – The annual cost paid to ESRI for Technical Assistance and updates to the ArcGIS Server software. The County will remit its proportion of the annual cost of ArcGIS Server Maintenance, beginning in 2006. The cost will be shared between the City of Watertown, Watertown Development Company, the Watertown Municipal Utilities, and Codington County.
 - 3. Setup and operation - First District will set up, customize and maintain the website.
- C. Term of Contract: January 1, 2026 to December 31, 2026.
- D. Total Cost of Project: Not to exceed \$4,000.

II. DISTRICT RESPONSIBILITIES

The District shall:

- A. Develop and maintain a Geographic Information System (GIS) website which will contain a variety of GIS databases regarding the City of Watertown and Codington County.

Codington County

Highway Dept

ITEM TO BE DECLARED SURPLUS

Portable Wire Welder to be declared Surplus

1993 Lincoln WM-250

To be sold on Purple Wave



Codington County
South Dakota

and any person that has made a written request for such determinations. If the commission finds a violation of this chapter, the commission shall issue a public reprimand to the offending official or governmental entity. However, no violation found by the commission may be subsequently prosecuted by the state's attorney or the attorney general. All findings and public censures of the commission shall be public records pursuant to § 1-27-1. Sections 1-25-6 to 1-25-9, inclusive, are not subject to the provisions of chapter 1-26.

1-25-8. OMC Members. The South Dakota Open Meeting Commission is comprised of five state's attorneys or deputy state's attorneys appointed by the attorney general. Each commissioner serves at the pleasure of the attorney general. The members of the commission shall choose a chair of the commission annually by majority vote.

1-25-12. DEFINITIONS. Terms used in the open meetings laws mean:

(1) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference or electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform, provided the term does not include communications solely to schedule a meeting or confirm attendance availability for a future meeting;

(2) "Political subdivision," any association, authority, board, municipality, commission, committee, council, county, school district, task force, town, township, or other local governmental entity, which is created by statute, ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived from state law;

(3) "Public body," any political subdivision or the state;

(4) "State," each agency, board, commission, or department of the State of South Dakota, not including the Legislature; and

(5) "Teleconference," an exchange of information by any audio, video, or electronic medium, including the internet.

1-25-13. ANNUAL REVIEW OF OPEN MEETING LAWS. Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must annually review the following, during an official meeting of the agency or subdivision:

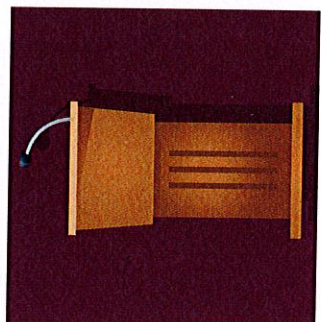
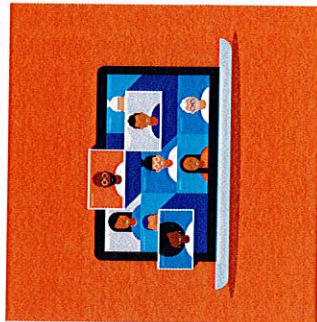
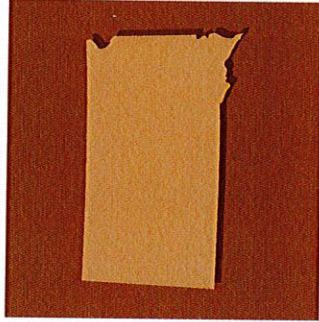
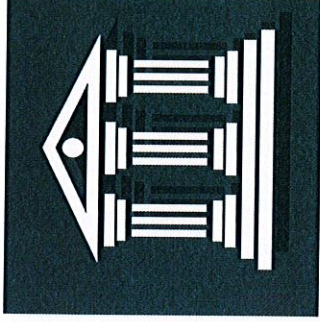
- (1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and
- (2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

The agency or subdivision must include in the minutes of the official meeting an acknowledgement that the review was completed.

1-27-1-16. MEETING PACKETS AND MATERIALS. If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed material relating to an agenda item of the meeting is prepared or distributed by or at the direction of the governing body or any of its employees and the printed material is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body's website or made available at the official business office of the governing body at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body's website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. However, the provisions of this section do not apply to any printed material or record that is specifically exempt from disclosure under the provisions of this chapter or to any printed material or record regarding the agenda item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to printed material, records, or exhibits involving contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1-17. DRAFT MINUTES. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1-18. WORKING GROUP REPORTS. Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body.



Conducting the Public's Business in Public

A guide to South Dakota's Open Meetings Laws
(Revised 2025)

Prepared by:
S.D. Attorney General's Office
in partnership with the
S.D. NewsMedia Association

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Q: WHAT ARE SOUTH DAKOTA'S OPEN MEETINGS LAWS?

A: South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government. SDCL Ch. 1-25 requires that official meetings of public bodies must be public and advance notice is to be given of such meetings. The statutes define an "official meeting" as one where a quorum of the public body is present and at which official business or public policy of the body is discussed or decided. Openness in government is encouraged.

Q: WHO DOES THE OPEN MEETINGS LAWS APPLY TO?

A: The open meetings laws apply to all public bodies of the state and its political subdivisions. SDCL 1-25-1, 1-25-12(3). This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(2). Although no court decisions have been issued on the subject, this probably does not include bodies that serve only in an advisory capacity. The State Constitution allows the Legislature and the Unified Judicial System to create rules regarding their own separate functions.

Q: ARE TELECONFERENCES CONSIDERED PUBLIC MEETINGS?

A: Yes. The open meetings laws allow closed meetings, including executive or teleconference – defined as an exchange of information by audio, video, or electronic means (including the internet) – if a place is provided for the public to participate. SDCL 1-25-1.5, 1-25-12(5). In addition, for teleconferences where

less than a quorum of the public body is present at the location open to the public, arrangements must also be made for the public to listen by telephone or internet (except for portions of meetings properly closed for executive sessions). SDCL 1-25-1.6. The media and public must be notified of teleconference meetings under the same notice requirements as any other meeting.

Q: HOW ARE THE PUBLIC AND MEDIA NOTIFIED WHEN PUBLIC BUSINESS IS BEING DISCUSSED?

A: SDCL 1-25-1.1 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-1.3) prominently post a notice and copy of the proposed agenda at the political subdivision's principal office. At a minimum, the proposed agenda must include the date, time, and location of the meeting and must be visible, readable, and accessible to the public for 24 continuous hours immediately preceding the meeting. Also, if the political subdivision has its own website, the notice must be posted on the website upon dissemination of the notice. For special or rescheduled meetings, political subdivisions must comply with the regular meeting notice requirements as much as circumstances permit. The notice must be delivered in person, by mail, by email, or by telephone to all local news media who have asked to be notified. It is good practice for local media to renew requests for notification of special or rescheduled meetings at least annually.

SDCL 1-25-1.3 varies slightly from SDCL 1-25-1.1 and requires the State and its agencies, boards, commissions, or departments to give notice by posting a proposed agenda at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday). The State is also required to give notice of a public meeting by posting its proposed agenda on <http://boardsandcommissions.sd.gov>.

1-25-2. EXECUTIVE SESSION. Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;

(2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:

(a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;

(b) Emergency management or response;

(c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

(d) Cyber security plans, computer, communications network schema, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations;

(g) Any blueprint, building plan, or

infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and

(h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting

is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a class 2 misdemeanor.

1-25-6. DUTY OF STATE'S ATTORNEY. If a complaint alleging a violation of chapter 1-25 is made pursuant to § 23A-2.1, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's attorney shall send a copy of the complaint and any investigation file to the attorney general. The attorney general shall use the information for statistical purposes and may publish abstracts of such information, including the name of the government body involved for purposes of public education; or

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action.

1-25-6.1. DUTY OF STATES' ATTORNEY (COUNTY COMMISSION ISSUES). If a complaint alleges a violation of this chapter by a board of county commissioners, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. The attorney general shall use the information for statistical purposes and may publish abstracts of the information as provided by § 1-25-6;

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action; or

(4) Refer the complaint to another state's attorney or to the attorney general for action pursuant to § 1-25-6.

1-25-7. REFERRAL TO OMC. Upon receiving a referral from a state's attorney or the attorney general, the South Dakota Open Meetings Commission shall examine the complaint and investigatory file submitted by the state's attorney or the attorney general and shall also consider signed written submissions by the persons or entities that are directly involved. Based on the investigatory file submitted by the state's attorney or the attorney general and any written responses, the commission shall issue a written determination on whether the conduct violates this chapter, including a statement of the reasons therefor and findings of fact on each issue and conclusions of law necessary for the proposed decision. The final decision shall be made by a majority of the commission members, with each member's vote set forth in the written decision. The final decision shall be filed with the attorney general and shall be provided to the public entity and or public officer involved, the state's attorney,

PERTINENT S.D. OPEN MEETINGS STATUTES

(other specific provisions may apply depending on the public body involved)

1-25-1. OPEN MEETINGS. An official meeting of a public body is open to the public unless a specific law is cited by the public body to close the official meeting to the public.

It is not an official meeting of one public body if its members provide information or attend the official meeting of another public body for which the notice requirements of § 1-25-11 or 1-25-13 have been met. It is not an official meeting of a public body if its members attend a press conference called by a representative of the public body.

For any event hosted by a nongovernmental entity to which a quorum of the public body is invited and public policy may be discussed, but the public body does not control the agenda, the public body may post a public notice of a quorum, in lieu of an agenda. The notice of a quorum must meet the posting requirements of § 1-25-11 or 1-25-13 and must contain, at a minimum, the date, time, and location of the event.

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment, but not so limited as to provide for no public comment.

Public comment is not required at an official meeting held solely for the purpose of meeting in executive session, an inauguration, presentation of an annual report to the public body, or swearing in of a newly elected official, regardless of whether the activity takes place at the time and place usually reserved for an official meeting. If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meets solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation or conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

1-25-11. PUBLIC NOTICE OF POLITICAL SUBDIVISIONS. Each political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exists. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by

telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-13. PUBLIC NOTICE OF STATE. The state shall provide public notice of a meeting by posting a copy of the proposed agenda at the principal office of the board, commission, or department holding the meeting. The proposed agenda shall include the date, time, and location of the meeting, and be visible, readable, and accessible to the public. The agenda shall be posted at least seventy-two hours before the meeting is scheduled to start according to the agenda. The seventy-two hours does not include Saturday, Sunday, or legal holidays. The notice shall also be posted on a state website, designated by the commissioner of the Bureau of Finance and Management. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, the state shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-15. TELECONFERENCE MEETING.

Any official meeting may be conducted by teleconference. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote.

1-25-16. TELECONFERENCE PARTICIPATION.

At any official meeting conducted by teleconference, there shall be provided one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, that has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet. The requirement to provide one or more places for the public to listen to the teleconference does not apply to official meetings closed to the public pursuant to specific law.

Q: WHO ARE LOCAL NEWS MEDIA?

A: There is no definition of "local news media" in SDCL ch. 1-25. "News media" is defined in SDCL 13-1-57 generally as those personnel of a newspaper, periodical, news service, radio station, or television station regardless of the medium through which their content is delivered. The Attorney General is of the opinion that "local news media" is all news media – broadcast and print – that regularly carry news to the community.

Q: IS A PUBLIC COMMENT PERIOD REQUIRED AT PUBLIC MEETINGS?

A: Yes. Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. SDCL 1-25-4. Each public body has the discretion to limit public comment as to the time allowed for each topic commented on, and as to the total time allowed for public comment. Public comment is not required at meetings held solely for an executive session, inauguration, presentation of an annual report, or swearing in of elected officials.

Q: CAN PUBLIC MEETINGS BE RECORDED?

A: Yes. SDCL 1-25-11 requires public bodies to allow recording (audio or video) of their meetings if the recording is reasonable, obvious, and not disruptive. This requirement does not apply to those portions of a meeting confidential or closed to the public.

Q: WHEN CAN A MEETING BE CLOSED TO THE PUBLIC AND MEDIA?

A: SDCL 1-25-2 allows a public body to close a meeting for the following purposes: 1) to discuss personnel issues pertaining to officers or employees; 2) consideration of the performance or discipline of a student, or the student's participation in interscholastic activities; 3) consulting with legal counsel, or reviewing communications from legal counsel about proposed or pending litigation or

contractual matters; 4) employee contract negotiations; 5) to discuss marketing or pricing strategies of a publicly-owned competitive business; or 6) to discuss information related to the protection of public or private property such as emergency management response plans or other public safety information. The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings. Federal law pertaining to students and medical records will also cause school districts and other entities to conduct executive sessions or conduct meetings to refrain from releasing confidential information. Meetings may also be closed by cities and counties for certain economic development matters. SDCL 9-34-19.

Note that SDCL 1-25-2 and SDCL 9-34-19 do not require meetings be closed in any of these circumstances.

Any official action based on discussions in executive session must, however, be made at an open meeting.

Q: WHAT IS THE PROPER PROCEDURE FOR EXECUTIVE SESSIONS?

A: Motions for executive sessions must refer to the specific state or federal law allowing for the executive session i.e. "pursuant to SDCL 1-25-2(3)." Also, best practice to avoid public confusion would be that public bodies explain the reason for going into executive session. For example, the motion might state "motion to go into executive session pursuant to SDCL 1-25-2(1) for the purposes of discussing a personnel matter," or "motion to go into executive session pursuant to SDCL 1-25-2(3) for the purposes of consulting with legal counsel."

Discussion in the executive session must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken.

Q: WHAT HAPPENS IF THE MEDIA OR PUBLIC IS IMPROPERLY EXCLUDED FROM A MEETING OR OTHER VIOLATIONS OF THE OPEN MEETING LAWS OCCUR?

A: Excluding the media or public from a meeting that has not been properly closed subjects the public body or the members involved to: (a) prosecution as a Class 2 misdemeanor punishable by a maximum sentence of 30 days in jail, a \$500 fine or both; or (b) a reprimand by the Open Meeting Commission ("OMC"). The same penalties apply if the agenda for the meeting is not properly posted, or other open meeting violations occur.

Also, action taken during any meeting that is not open or has not been properly noticed could, if challenged, be declared null and void.

Q: HOW ARE ISSUES REFERRED TO THE OPEN MEETINGS COMMISSION ("OMC")?

A: Persons alleging violations of the open meetings laws must make their complaints with law enforcement officials in the county where the offense occurred. After a signed and notarized complaint is made under oath, and any necessary investigation is conducted, the State's Attorney may: (a) prosecute the case as a misdemeanor; (b) find that the matter has no merits and file a report with the Attorney General for statistical purposes; or (c) forward the complaint to the OMC for a determination. The OMC is comprised of five State's Attorneys or Deputy State's Attorneys appointed by the Attorney General. The OMC examines whether a violation has occurred and makes written public findings explaining its reasons. If you have questions on the procedures or status of a pending case, you may contact the Attorney General's Office at 605-773-3215 to talk to an assistant for the OMC. Procedures for the OMC are posted on the website for the Office of Attorney General, <http://atg.sd.gov/>.

Q: WHAT DOES THE TERM "SOVEREIGN POWER" MEAN?

A: The open meetings laws do not define this term, but it generally means the power to levy taxes, impose penalties, make special assessments, create ordinances, abate nuisances, regulate the conduct of others, or perform other traditional government functions. The term may include the exercise of many other governmental functions. If an entity is unclear whether it is exercising "sovereign power" it should consult with legal counsel.

Q: MAY AGENDA ITEMS BE CONSIDERED IF THEY ARE ADDED LESS THAN 24 HOURS BEFORE A MEETING?

A: Proposed agendas for public meetings must be posted at least 24 hours in advance of the meeting. The purpose of providing advance notice of the topics to be discussed at a meeting is to provide information to interested members of the public concerning the governing body's anticipated business. Typically, the public body adopts the final agenda upon convening the meeting. At the time the final agenda is adopted, the governing body may add or delete agenda items and may also change the order of business. See *In re Yankton County Commission, Open Meetings Commission Decision # 20-03, December 31, 2020*. New items cannot be added after the agenda has been adopted by the governing body.

Public bodies are strongly encouraged to provide at least 24 hours' notice of all agenda items so as to be fair to the public and to avoid dispute.

For special or rescheduled meetings, public bodies are to comply to the extent circumstances permit. In other words, posting less than 24 hours in advance may be permissible in emergencies.

Q: ARE EMAIL DISCUSSIONS "MEETINGS" FOR PURPOSES OF THE OPEN MEETINGS LAWS?

A: The definition of an "official meeting" in SDCL 1-25-12(f) specifically includes meetings conducted by "electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform[.]" A quorum of a public body that discusses official business of that body via electronic means is conducting an official meeting for purposes of the open meetings laws. Electronic communications made solely for scheduling purposes do not fall within the definition of an official meeting.

Q: WHAT RECORDS MUST BE AVAILABLE TO THE PUBLIC IN CONJUNCTION WITH PUBLIC MEETINGS?

A: SDCL 1-25-1.4 requires or departments to make public meeting materials available on <http://boardsandcommissions.sd.gov>. SDCL 1-27-116 requires that any other public body must post meeting materials on the public body's website or make those materials available to the public at least twenty-four hours prior to the hearing or when made available to the members of the public body, whichever is later. Finally, SDCL 1-27-117 requires that draft minutes of public meetings must be made available to the public at the principal place of business for the public body within 10 business days after the meeting (or any audio and visual recording must be made available on the website for the public body within five business days). These laws are in addition to any specific requirements for public bodies (i.e., publication requirements in state laws pertaining to cities, counties, or school districts). Enforcement of public records laws contained in SDCL Ch. 1-27 are handled by separate procedures found in SDCL 1-27-35, et. seq. rather than the open meeting procedures described above. Violations of SDCL 1-27-116 and 1-27-117 are also Class 2 misdemeanors.

Q: WHAT REQUIREMENTS APPLY TO TASK FORCES, COMMITTEES AND WORKING GROUPS?

A: Task forces and committees that exercise "sovereign power," and are created by statute, ordinance, or proclamation are required to comply with the open meetings laws. SDCL 1-25-12(f). Task forces, committees, and working groups that are not created by statute, ordinance, or proclamation, or are advisory only, may not be subject to the open meetings laws, but are encouraged to comply to the extent possible when public matters are discussed. Ultimately, if such advisory task forces, committees and working groups present any reports or recommendations to public bodies, the public bodies must wait until the next meeting (or later) before taking final action on the recommendations. SDCL 1-27-118.

Q: ARE PUBLIC BODIES REQUIRED TO REVIEW THE OPEN MEETINGS LAWS?

A: Public bodies must annually review an explanation of the open meetings laws provided by the Attorney General, along with any other material pertaining to the open meetings laws made available by the Attorney General. SDCL 1-25-13. Each public body must report in its minutes that the annual review of the open meetings laws was completed.



IRS sets 2026 business standard mileage rate at 72.5 cents per mile, up 2.5 cents

IR-2025-128, Dec. 29, 2025

WASHINGTON — The Internal Revenue Service today announced that the optional standard mileage rate for business use of automobiles will increase by 2.5 cents in 2026, while the mileage rate for vehicles used for medical purposes will decrease by half a cent, reflecting updated cost data and annual inflation adjustments.

Optional standard mileage rates are used to calculate the deductible costs of operating vehicles for business, charitable, and medical purposes. Additionally, the optional standard mileage rate may be used to calculate the deductible costs of operating vehicles for moving purposes for certain active-duty members of the Armed Forces, and now, under the One, Big, Beautiful Bill, certain members of the intelligence community.

Beginning Jan. 1, 2026, the standard mileage rates for the use of a car, van, pickup or panel truck will be:

- 72.5 cents per mile [driven for business use](#), up 2.5 cents from 2025.
- 20.5 cents per mile driven for medical purposes, down a half cent from 2025.
- 20.5 cents per mile driven for moving purposes for certain active-duty members of the Armed Forces (and now certain members of the intelligence community), reduced by a half cent from last year.
- 14 cents per mile driven in service of charitable organizations, equal to the rate in 2025.

The rates apply to fully-electric and hybrid automobiles, as well as gasoline and diesel-powered vehicles.

While the mileage rate for charitable use is set by statute, the mileage rate for business use is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes, meanwhile, is based on only the variable costs from the annual study.

Under the law, taxpayers cannot claim a miscellaneous itemized deduction for unreimbursed employee travel expenses, except for certain educator expenses. However, deductions for expenses that are deductible in determining adjusted gross income remain allowable, such as for certain members of a reserve component of the Armed Forces, certain state and local government officials, certain performing artists, and eligible educators. Alternatively, eligible educators may claim an itemized deduction for certain unreimbursed employee travel