

SHANNON COUNTY MINUTES OF JANUARY 7, 2010.

The Shannon Board of County Commissioners met in regular session on January 7, 2011. Present: Lyla Hutchison, Deloris Hagman, Eugenio White Hawk, Bryan Kehn, and Sue Ganje, Auditor. Absent: Wendell Yellow Bull.

Meeting called to order at 11:00 a.m. and Pledge of Allegiance was given.

Motion by Kehn, seconded by Hagman to approve the agenda as written. With no further discussion and all voting yes, the motion carried.

Agenda was reviewed for conflicts and none were indicated.

The Oath of Office was taken by White Hawk and Kehn and placed on file.

Motion by Kehn, seconded by Hagman to nominate Hutchison as Chairman for 2011. Hagman asked for motions to cease and with no further discussion, Hutchison abstaining and all others voting yes, the motion carried.

Motion by Kehn, seconded by White Hawk to nominate Hagman as Vice-Chair for 2011. With no further discussion, Hagman abstaining and all others voting yes, the motion carried.

Discussion was held on the 2011 Fall River / Shannon County contract. Hutchison questioned whether Shannon County can fire any Fall River officials and State's Attorney Sword explained that only in instances of gross negligence could that be done and it would be after an investigation was conducted. Hutchison asked if records would be removed immediately if the contract was ever broken and Sword indicated that the records would be stored until the coordination of the turnover could be arranged.

Motion by Hagman, seconded by Kehn to ratify the motion made on 12-29-10 to approve the 2011 Fall River / Shannon County contract. With no further discussion and all voting yes, the motion carried.

Sword explained to the Board he was recommending they advertise for the Sheriff's position as they have historically advertised for the opening and he believed it to be prudent. Discussion was held on the advertising and hiring timeline as well as requiring a drug screen upon hire, which all Board members favored. Motion by Hagman, seconded by Kehn to ratify the motion made on 12-29-10 to approve the advertisement of the Sheriff's position and the continuation of the current Sheriff's appointment and salary with Daggett until the position is filled for 2011. With no further discussion and all voting yes, the motion carried.

Wendell Yellow Bull entered the meeting at 11:17 a.m.

Motion by Yellow Bull, seconded by Kehn to designate three feet of the bulletin board in the Courthouse Lobby for legal matters with information also going to the courthouses in Kyle and Pine Ridge. With no further discussion and all voting yes, the motion carried.

Motion by Yellow Bull, seconded by White Hawk to designate the following as locations for Chattel Mortgage Sales: courthouse steps in Hot Springs, Pine Ridge and Kyle. With no further discussion and all voting yes, the motion carried.

Motion by Yellow Bull, seconded by Hagman to designate Bank of the West, Wells Fargo Bank and First Interstate Bank as official depositories for Shannon County, with First Interstate as the active bank for 2011. With no further discussion and all voting yes, the motion carried.

Motion by Yellow Bull, seconded by White Hawk to set burial fees at actual costs, not to exceed \$3,000.00. Discussion was held that the Oglala Sioux Tribe uses the county rate to establish the Tribal burial rate. With no further discussion and all voting yes, the motion carried.

Motion by Yellow Bull, seconded by Hagman to set the cost of prisoner care at \$63.00 per day. With no further discussion and all voting yes, the motion carried.

Motion by Yellow Bull, seconded by Hagman to not rehire any employee for a period of one year, if that employee has resigned and withdrawn their Retirement Funds. With no further discussion and all voting yes, the motion carried.

Motion by Yellow Bull, seconded by Kehn to set Commission meetings at Noon on the first Friday of each month. With no further discussion and all voting yes, the motion carried.

Motion by Hagman, seconded by White Hawk to appoint Wendell Yellow Bull as the Commission representative to the Extension Board. With no further discussion and all voting yes, the motion carried.

Motion by Yellow Bull, seconded by Hagman to appoint Kehn as the Commission representative to the Weed Board. With no further discussion and all voting yes, the motion carried.

Motion by Yellow Bull, seconded by White Hawk to approve travel of the County Commissioners and Officials to attend Black Hills Association, Spring Workshop, Convention and Legislative meetings and to obtain travel approval for all other meetings. With no further discussion and all voting yes, the motion carried.

Motion by Hagman, seconded by White Hawk to approve the following Resolution. With no further discussion and all voting yes, the motion carried.

SHANNON COUNTY RESOLUTION #2011-01

WHEREAS, pursuant to SDCL 12-15-11, the Board of County Commissioners at their first meeting shall set a fee for Election Board and the mileage rate;

NOW THEREFORE BE IT RESOLVED, that the Shannon County Board of Commissioners have set the fee for attendance of Election School at \$25.00; and

BE IT FURTHER RESOLVED, that the Shannon Board of County Commissioners set the hourly rate for election boards and absentee boards at \$7.25 per hour and the mileage at thirty seven cents per mile for the delivery and return of election supplies. The Provisional Board will receive a set fee of \$20.00.

Dated this 7th day of January, 2011.

/S/Lyla Hutchison

Lyla Hutchison, Chairman

Shannon County Board of Commissioners

ATTEST:

/S/Sue Ganje

Sue Ganje, Shannon County Auditor

The designation of the legal newspaper was discussed at 11:30 a.m. Jackie Giago and staff met with the Board to present information, confirmation of legal requirements and distribution facts for the Native Sun News. Connie Smith met with the Board to present like information for the Lakota Country Times. Discussion was held on the original appointment of the Native Sun News in 2010 and their lack of legal status at that time. Giago stated she believed the Native Sun offered the same coverage as the Lakota Country Times while Smith promoted their award-winning website.

Motion by Hagman, seconded by Kehn to set the Lakota Country Times as the official newspaper for the County for 2011. With Yellow Bull and White Hawk voting no, Kehn and Hagman voting yes, and Hutchison voting yes to break the tie, the motion carried.

Motion by Kehn, seconded by Hagman to amend the motion to specify that both papers be utilized to advertise job openings. With no further discussion and all voting yes, the motion carried.

Motion by Yellow Bull, seconded by White Hawk to approve the following Resolution. With no further discussion and all voting yes, the motion carried.

SHANNON COUNTY RESOLUTION #2011-02

WHEREAS, the Division of Purchasing and Printing of the State of South Dakota has competitively bid state contracts for the purchase of necessary supplies, equipment and materials for state and local governments, and

WHEREAS, the Shannon County Board of Commissioners is authorized to purchase necessary supplies, equipment and materials for its use, and

NOW THEREFORE, BE IT RESOLVED, that the Board of Shannon County Commissioners enter into an agreement with the Division of Purchasing and Printing of the State of South Dakota to purchase equipment, supplies and materials.

Dated this 7th day of January, 2011.

/S/Lyla Hutchison
Lyla Hutchison, Chairman
Shannon County Board of Commissioners

ATTEST:
/S/Sue Ganje
Sue Ganje, Shannon County Auditor

Motion by Yellow Bull, seconded by Kehn to approve the following wages for 2011, listed in alphabetical order. With no further discussion and all voting yes, the motion carried.

Lori Bachand:	Yearly wage	\$15,500.00
Lynn Bettelyoun:	Yearly wage	\$32,774.87
Lynx Bettelyoun:	Hourly wage	\$13.11
Jim Daggett:	Yearly wage	\$37,131.50
Melody Engebretson:	Yearly wage	\$15,500.00
Susan Ganje:	Yearly wage	\$15,500.00
Terri Halls:	Yearly wage	\$13,500.00
David Hauck:	Hourly wage	\$15.00
Archie Hopkins:	Yearly wage	\$11,838.70
Michele Jensen:	Yearly wage	\$10,000.00
Randy Marks:	Hourly wage	\$9.00
Lora Michael:	Yearly wage	\$5,400.00
Kelli Rhoe:	Yearly wage	\$6,666.66
Brenda Seegrist:	Yearly wage	\$6,666.66
Patricia Seegrist:	Yearly wage	\$10,000.00
Roberta Strehlow:	Yearly wage	\$6,666.66
Jim Sword:	Yearly wage	\$15,000.00
Kathleen Timmins:	Yearly wage	\$5,400.00
David White Face:	Hourly wage	\$9.00
Leon Zimbleman:	Hourly wage	\$12.00

Motion by Hagman, seconded by Yellow Bull to approve the minutes of the December 29, 2010 meeting. With no further discussion and all voting yes, the motion carried.

Motion by Yellow Bull, seconded by White Hawk to set the Weed Board meeting fee at \$25.00 per meeting. With no further discussion and all voting yes, the motion carried.

Motion by Yellow Bull, seconded by White Hawk to set the Extension Board meeting fee at \$25.00 per meeting. With no further discussion and all voting yes, the motion carried.

Public comment was taken with MC Bauder voicing her appreciation to Fall River County officials for continuing with Shannon County. Jane Colhoff concurred, and reserved the right to speak later.

Highway Superintendent Lynn Bettelyoun met with the Board to update them on removing the tree line on Wounded Knee road and the good results realized with recent snows. Discussion was held on trees and bushes in the Right-of-Way, the manner in which they were removed and the disposition of the wood. Bettelyoun indicated the wood was to be piled and left for free. Hagman and Hutchison asked that landowners be notified when trimming is being done on their property.

Motion by Hagman, seconded by White Hawk to set February 4, 2011 as the date of the hearing on private road work at 11:45 a.m. With no further discussion and all voting yes, the motion carried.

State's Attorney Jim Sword met with the Board to explain the proposed agreement with the OST Department of Transportation for snow removal. The agreement calls for the Shannon County Highway Dept. to provide snow removal services in the Wakpamni housing area and Seymour Young Dog's road, except for paved roads in which motor vehicles are located, in exchange for the OST DOT providing snow removal on Steele Road #3, Slim Buttes Road #8 and Hagman Road #5. Motion by Hagman, seconded by Kehn to approve the snow removal agreement with the Oglala Sioux Tribe Transportation Department. With no further discussion and all voting yes, the motion carried.

John Rittberger, Rittberger Beef and Dairy, met with the Board to request a refund of 2009 taxes in the amount of \$5,010.85. Terri Halls, Director of Equalization, was present to explain the taxation, which was a result of his property being classified as Na-Z for 2009, as per 10-6-33.14, which was due to the amount of consideration listed on the Certificate of Value. Motion by Hagman, seconded by Kehn to approve the refund of \$5,010.85 in taxes to John Rittberger. With no further discussion and all voting yes, the motion carried.

A break was taken at 12:30 p.m.

The meeting resumed at 12:39 p.m.

Sheriff Jim Daggett met with the Board to give his monthly report which included seventeen livestock calls. Daggett indicated a meeting was in order for Commissioners, ranchers and OST Parks and Recreation and OST Public Safety Departments to be held at Prairie Winds to discuss the extensive amount of loose horses and resulting problems. Several commissioners spoke of the complexity of the issue with regard to working with OST officials, the BIA, fencing issues and concerns for public safety. Yellow Bull and Hagman will attend the meeting, with Kehn serving as an alternate. Daggett will notify the Board when the meeting is set.

Daggett requested approval from the Board to appoint five individuals as special Deputies. Yellow Bull asked if any tribal members would be appointed and Daggett asked for recommendations of such from Yellow Bull and White Hawk.

Motion by Hagman, seconded by Kehn to appoint Gene Linehan, Ken Orrock, Ned Westphal, Seth Thompson and Rick Wheeler as special Deputies. With no further discussion and all voting yes, the motion carried.

Allen Schaefer, Department of Legislative Auditor, met to give his exit conference for the 2008-2009 audit.

A request for back-pay for Harry Martinez was brought to the Board; no action was taken.

Motion by Yellow Bull, seconded by Hagman to approve the Auditor's Account with the Treasurer. All voting yes, the motion carried.

TO THE HONORABLE BOARD OF SHANNON COUNTY COMMISSIONERS

I Hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County on this 30th day of December, 2010.

TOTAL AMT OF DEPOSIT IN BANK OF THE WEST -	\$
<u>4,047.63</u>	
TOTAL AMT OF DEPOSIT IN WELLS FARGO BANK -	\$ <u>1,391.61</u>
TOTAL AMT OF DEPOSIT IN FIRST INTERSTATE BANK, HS -	\$ <u>8,322.35</u>
TOTAL AMOUNT OF ACTUAL CASH -	\$ <u>444.55</u>
TOTAL AMT OF CHECKS IN TREASURER'S POSSESSION NOT EXCEEDING THREE DAYS -	\$ <u>2,582.14</u>
MONEY MARKET SAVINGS: BANK OF THE WEST -	\$ <u>2,268.46</u>
WELLS FARGO BANK -	\$ <u>1,140.35</u>
FIRST INTERSTATE BANK, Hot Springs -	\$ <u>205,604.41</u>
CERTIFICATES OF DEPOSIT-FIRST INTERSTATE BANK, Hot Springs -	\$ <u>250,000.00</u>

Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:

Sheriff Change fund:	\$200.00		
Election Petty Cash:	\$15.00		
RETURNED CHECKS:			
BLACK FEATHER, DAVID -	\$75.00	LITTLE HAWK, JOLENE -	\$32.40, LIC
BLETHEN, RENE -	\$48.25, LIC	LONE HILL, TRINA -	\$20.70, LIC
BROKEN NOSE, LEROY -	\$44.50, LIC	MESTETH, PERRY -	\$63.00
BURGESS, JEANNE -	\$45.00	MORRISON, NADINE -	\$15.00
COTTIER, NICHLOS-	\$41.50, LIC	OLD HORSE, JOHN -	\$15.00
EAGLE BULL, ANNETTE M. -	\$43.00, LIC	ONE FEATHER, DELMAR -	\$40.00, LIC
FINGER, LEONARD -	\$376.47, LIC	PARTON, JOY -	\$32.00, LIC
GARNETT, AQUALYNE -	\$64.00	POURIER, JOEL -	\$349.00
GOINGS, TANYA L. -	\$71.00	RED CLOUD, JOHN -	\$45.90
JANIS, JENNIFER -	\$90.50	ROSS, WILLIAM -	\$53.00

TOTAL - \$477,581.72

DATED THIS 30th DAY OF DECEMBER, 2010

/S/Sue Ganje, Auditor

SUE GANJE, COUNTY AUDITOR OF SHANNON COUNTY.

THE ABOVE BALANCE REFLECTS COUNTY MONIES, MONIES HELD IN TRUST, AND MONIES COLLECTED FOR AND TO BE REMITTED TO OTHER ENTITIES: SCHOOLS, TOWNS AND STATE.

Discussion was held on setting a date to compile policies to create a Shannon County Policy Manual. Motion by Yellow Bull, seconded by White Hawk to set January 21, 2011 at 11:00 a.m. to work on the policy manual. With no further discussion and all voting yes, the motion carried.

Motion by Hagman, seconded by Yellow Bull to approve the bills as follows. With no further discussion and all voting yes, the motion carried.

GENERAL FUND

CLINICAL LABORATORY OF	AUTOPSY	\$	1,646.00
GOLDEN WEST	TELEPHONE	\$	273.71
HAGMAN, DELORIS	TRAVEL	\$	35.52
KEHN, BRYAN	TRAVEL	\$	66.60
LAKOTA COUNTRY TIMES	PUBLISHING	\$	400.20
PENNINGTON COUNTY AUDITOR	MI	\$	41.00
SD ASSN/ASSESSING OFFICER	DUES	\$	50.00
SHANNON CTY CONSERVATION	ALLOTMENT	\$	1,500.00
SHANNON COUNTY SHERIFF	PETTY CASH	\$	69.38
SIoux FUNERAL HOME	AUTOPSY- TRANSPORT	\$	358.00
STATE TREASURER	MI	\$	180.00
UNCLE MILT'S ALIGNMENT	CAR MAINT	\$	158.65
WHITE HAWK, EUGENIO	TRAVEL	\$	66.60
YANKTON COUNTY TREASURER	MI	\$	103.75

YELLOW BULL, WENDELL	TRAVEL	\$	47.36
HUTCHISON, LYLA	TRAVEL	\$	59.20
	GENERAL FUND TOTAL	\$	5,055.97

COUNTY ROAD & BRIDGE

A & B WELDING	REPAIR	\$	207.57
GENERAL STORE	REPAIR	\$	12.97
GOLDEN WEST	TELEPHONE	\$	2.94
HUSKER AUTO PARTS	REPAIR	\$	765.65
KRATOVIL'S TRUE VALUE	REPAIR	\$	19.09
SIOUX CITY FOUNDRY CO	REPAIR	\$	2,711.00
	ROAD & BRIDGE TOTAL	\$	3,719.22

	GRAND TOTAL	\$	8,775.19
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Motion by Yellow Bull, seconded by Hagman to approve the following Resolution. With no further discussion and all voting yes, the motion carried.

SHANNON COUNTY RESOLUTION #2011-03

WHEREAS, SDCL 7-16-3 authorizes the State's Attorney to appoint one deputy State's Attorney and authorizes the County Commissioners to authorize one or more additional deputy State's Attorneys; and

IT IS HEREBY resolved by the Shannon County Commissioners that the Commission hereby authorizes \$20,000.00 to the State's Attorney's office to contract for Deputy State's Attorney services, and it is

FURTHER RESOLVED, that the firm of Farrell, Farrell and Ginsbach, P.C., shall be retained for the Deputy State's Attorney contract, and it is

FURTHER RESOLVED, that Patrick Ginsbach, Jane Farrell and Courtney Stottler are appointed as Shannon County Deputy State's Attorneys, and it is

FURTHER RESOLVED, that the State's Attorney is authorized to hire the Victims Assistance Coordinators, subject to the latter approval of this Commission.

Dated this 7th day of January, 2011.

ATTEST:

Lyla Hutchison, Chairman
Shannon County Board of Commissioners

Sue Ganje, Shannon County Auditor

Motion by Yellow Bull, seconded by White Hawk to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 1:34 p.m.

ATTEST:

Lyla Hutchison, Chairman
Board of Shannon County Commissioners

Sue Ganje, Shannon County Auditor