SHANNON COUNTY MINUTES OF SEPTEMBER 6, 2013

The Shannon Board of County Commissioners met in regular session on September 6, 2013. Present: Lyla Hutchison, Bryan Kehn, Eugenio White Hawk and Sue Ganje, Auditor. Absent: Anna Diaz and Wendell Yellow Bull.

The Pledge of Allegiance was given and the meeting called to order at 12:23 PM by Vice-chairman Kehn. The agenda was reviewed for conflicts; none were indicated. Motion by Hutchison, seconded by White Hawk, to approve the agenda as written. With no further discussion and all voting yes, the motion carried.

Wendell Yellow Bull joined the meeting at 12:23 PM and chaired the remainder of the meeting.

Motion by Kehn, seconded by Hutchison, to approve the Auditor’s Account with the Treasurer. With no further discussion and 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 31st day of August, 2013.

TOTAL AMT OF DEPOSIT IN WELLS FARGO BANK - $1,313.77
TOTAL AMT OF DEPOSIT IN FIRST INTERSTATE BANK, HS - $13,393.00
TOTAL AMOUNT OF ACTUAL CASH - $4,442.53
TOTAL AMT OF CHECKS IN TREASURER’S POSSESSION NOT EXCEEDING THREE DAYS - $1,211.50
MONEY MARKET SAVINGS: WELLS FARGO BANK - $1,141.77
FIRST INTERSTATE BANK, Hot Springs - $253,759.78
CERTIFICATES OF DEPOSIT - FIRST INTERSTATE BANK, Hot Springs - $250,000.00

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, LIC
BLETHEN, RENE - $48.25, LIC
BURGESS, JEANNE - $45.00, LIC
CEDAR FACE, GAIL - $32.38, LIC
GARNETT, AQUALYNE - $64.00, LIC
GOINGS, TANYA L. - $71.00, LIC
JANIS, JENNIFER - $90.50, LIC
LITTLE HAWK, JOLENE - $32.40, LIC
LONE HILL, TRINA - $20.70, LIC
MCDONALD, JOHN - $983.97, LIC
MESTETH, PERRY - $63.00, LIC
MORRISON, NADINE - $15.00, LIC
OLD HORSE, JOHN - $15.00, LIC
PARTON, JOY - $32.00, LIC
POURIER, JOEL - $349.00, LIC
RED CLOUD, JOHN - $45.90, LIC
ROSS, WILLIAM - $53.00, LIC
STANDS, SHARON - $47.80, LIC

TOTAL - $527,561.25

DATED THIS 31st DAY OF AUGUST, 2013
/S/Sue Ganje, Auditor
SUE GANJE, COUNTY AUDITOR OF SHANNON COUNTY

The report of VSO Archie Hopkins was reviewed. Motion by Kehn, seconded by White Hawk, to accept and place on file Hopkins’ August report. With no further discussion and all voting yes, the
Motion by Kehn, seconded by Hutchison, to approve an increase to $12.00 per hour for Rodney Rouillard, 520 hours, effective 8-5-13. With no further discussion and all voting yes, the motion carried.

Anna Diaz joined the meeting at 12:29 PM.

Motion by Kehn, seconded by Diaz, to approve travel for Melody Engebretson, Michele Jensen, Lori Bachand and White Hawk to attend the Fall Convention in Spearfish on September 16-18, 2013. With no further discussion and all voting yes, the motion carried.

The Board reviewed a Wellmark proposal to extend the health insurance plan. Motion by Hutchison, seconded by Kehn, to approve extending the Wellmark health insurance plan until November 30, 2014. With no further discussion and all voting yes, the motion carried.

Motion by White Hawk, seconded by Kehn, to approve the bills as follows and a previously tabled $2,813.02 bill for Clinical Lab. With no further discussion and all voting yes, the motion carried.

**GENERAL FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioners August Salaries</td>
<td>$484.84</td>
</tr>
<tr>
<td>Auditor's Office August Salaries</td>
<td>$2,440.37</td>
</tr>
<tr>
<td>Treasurer's Office August Salaries</td>
<td>$2,978.51</td>
</tr>
<tr>
<td>State's Attorney Office August Salaries</td>
<td>$1,136.94</td>
</tr>
<tr>
<td>Director Of Equalization August Salaries</td>
<td>$1,064.13</td>
</tr>
<tr>
<td>Register Of Deeds August Salaries</td>
<td>$1,559.73</td>
</tr>
<tr>
<td>Veterans Services August Salaries</td>
<td>$798.82</td>
</tr>
<tr>
<td>Sheriff's Office August Salaries</td>
<td>$2,348.97</td>
</tr>
<tr>
<td>Coroner August Salaries</td>
<td>$536.56</td>
</tr>
<tr>
<td>American Family Assurance Ins</td>
<td>$41.50</td>
</tr>
<tr>
<td>Andersen, Norma MI</td>
<td>$15.00</td>
</tr>
<tr>
<td>AT&amp;T Mobility Cell Phone</td>
<td>$148.39</td>
</tr>
<tr>
<td>AT&amp;T Teleconference Telephone</td>
<td>$34.73</td>
</tr>
<tr>
<td>Audra Malcomb Consulting MI</td>
<td>$492.15</td>
</tr>
<tr>
<td>Cody, Denise MI</td>
<td>$45.00</td>
</tr>
<tr>
<td>Dale's Tire &amp; Retreading Car Maint</td>
<td>$840.00</td>
</tr>
<tr>
<td>Diaz, Anna Travel</td>
<td>$39.96</td>
</tr>
<tr>
<td>Ekeren, Marv MI</td>
<td>$30.00</td>
</tr>
<tr>
<td>Cardmember Service Gas</td>
<td>$1,804.91</td>
</tr>
<tr>
<td>Harmelink, Law Office MI</td>
<td>$106.28</td>
</tr>
<tr>
<td>Kehn, Bryan Travel</td>
<td>$66.60</td>
</tr>
<tr>
<td>Lewis &amp; Clark BHS MI</td>
<td>$171.00</td>
</tr>
<tr>
<td>Lewno, Lucy MI</td>
<td>$594.84</td>
</tr>
<tr>
<td>Nettinga, Joan Supply</td>
<td>$29.64</td>
</tr>
<tr>
<td>Pennington County Auditor MI</td>
<td>$109.00</td>
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<tr>
<td>Pennington Co States Atty MI</td>
<td>$215.00</td>
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</tbody>
</table>
US Postal Service Rent $80.00
Quill Corporation Supply $90.48
SD Department Of Revenue Inmate $35.00
SD Counties Registration $660.00
Shannon County Sheriff Petty Cash $66.20
Shepherd Reporting LLC MI $30.00
Swanda, Karen MI $30.00
Verizon Wireless Vic Adv $30.77
White Hawk, Eugenio Travel $69.56
Yankton County Treasurer MI $106.25
Yellow Bull, Wendell Travel $47.36
Hutchison, Lyla Travel $59.20

**General Fund Total** $19,437.69

**Road & Bridge**
Road & Bridge August Salaries $7,663.84
and additional overtime of $30.00
A & B Welding Repair $41.54
AT&T Mobility Cell Phone $86.79
Bennett County Booster Publishing $36.90
Edgemont Herald Tribune Publishing $26.62
Ferguson, Buzzy Gravel $383.76
Great Plains Communication Telephone $178.99
Pine Valley Eco Products Supply $942.34
Husker Auto Parts Supply $65.99
John Deere Financial Repair $1,740.20
MCI Comm Service Telephone $46.73
Todd County Tribune Publishing $73.80

**Road & Bridge Total** $11,317.50

**Grand Total** $30,755.19

A hearing on supplements and contingency transfers was held as advertised. Motion by Kehn, seconded by White Hawk, to approve supplements and contingency transfers as follows. With no further discussion and all voting yes, the motion carried.

**SUPPLEMENTS**

<table>
<thead>
<tr>
<th>Mr #</th>
<th>Date</th>
<th>Amount</th>
<th>Dept</th>
<th>Grant</th>
</tr>
</thead>
<tbody>
<tr>
<td>15050</td>
<td>7/31/2012</td>
<td>$20,164.33</td>
<td>Annual Fire Payment</td>
<td>No</td>
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<tr>
<td>15050</td>
<td>8/12/2013</td>
<td>$5,643.42</td>
<td>M &amp; P</td>
<td>No</td>
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</table>

**CONTINGENCY TRANSFERS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prisoner Board</td>
<td>$1,932.00</td>
</tr>
<tr>
<td>Mentally Handicapped</td>
<td>$2,015.00</td>
</tr>
</tbody>
</table>
Mental Illness Board

$1,227.00
$3,947.00

Highway Superintendent Lynx Bettelyoun discussed updates and upcoming training. Motion by Diaz, seconded by Hutchison, to approve Karen Bush attending D-Ware training in Deadwood on October 16-17, 2013. With no further discussion and all voting yes, the motion carried.

Motion by Kehn, seconded by White Hawk, to approve private road contracts for William Farris in the amount of $42.00, Larry Kehn in the amount of $118.00 and Merlyn Jacobson in the amount of $204.00, of which all are paid. With no further discussion and all voting yes, the motion carried.

Fuel quotes were presented.

<table>
<thead>
<tr>
<th></th>
<th>500 gal. Unleaded</th>
<th>2,000 gal. Diesel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Westco</td>
<td>$3.505 / gal.</td>
<td>$3.442 / gal.</td>
</tr>
<tr>
<td>Nelson’s</td>
<td>no bid</td>
<td></td>
</tr>
<tr>
<td>Pine Ridge Oil</td>
<td>no bid</td>
<td></td>
</tr>
</tbody>
</table>

Motion by Kehn, seconded by Hutchison, to approve Westco’s bid of $3.505 per gallon for 500 gallons of unleaded and $3.442 for 2,000 gallons of diesel as the lone bids. With no further discussion and all voting yes, the motion carried.

Sealed bids for the motor grader were opened at 12:30 PM as advertised. Bids received by the deadline were $26,609.00 from Ray’s Used Equipment, Nocona, TX, and $34,528.00 from Butler Machinery, Rapid City. Motion by Kehn, seconded by White Hawk, to approve the sealed bid made by Butler Machinery in the amount of $34,528.00 for the surplus 1985 130G motor grader. With no further discussion and all voting yes, the motion carried.

Susie Hayes, Director of Equalization, presented a travel request. Motion by Hutchison, seconded by Kehn, to approve travel for Jacki Miller, Appraiser, to attend the annual assessor’s school held in Pierre on September 8-13, 2013, at a cost of $815.00. With no further discussion and all voting yes, the motion carried.

Frank Ecoffey met with the Board to request a tax exempt status for the Wounded Knee District Community Development Corporation, which is a 501-C3 organization, for a planned campground facility. The Board advised Ecoffey that a copy of their charter and 501-C3 exempt certificate are needed for the exemption and asked Hayes to confer with the State’s Attorney. The matter will be continued at the next meeting.

Frank Maynard, Emergency Management, presented the Hazard Mitigation Plan. Motion by White Hawk, seconded by Diaz, to approve the Professional Agreement for the Hazard Mitigation Plan between Shannon County and the Oglala Sioux Tribe. With no further discussion and all voting yes, the motion carried.

The 2014 Provisional Budget hearing was held as advertised. Motion by Kehn, seconded by Hutchison, to table approval of the provisional budget until a special meeting, to be held prior to the month’s end. With no further discussion and all voting yes, the motion carried and the matter tabled.
The Board reviewed a resolution regarding the lack of federal compensation for tribal trust lands and the constrictions it places on providing county services to residents. Motion by Hutchison, seconded by Kehn, to approve Resolution #2013-04 as follows and to send it to congressional delegates and the Governor, along with a cover letter. With no further discussion and all voting yes, the motion carried.

SHANNON COUNTY RESOLUTION #2013-04
TO SECURE FEDERAL FUNDING IN LIEU OF PROPERTY TAXES ON NATIVE AMERICAN TRUST LANDS

Whereas: Shannon County, South Dakota is the second poorest County in the United States; and
Whereas: Shannon County, South Dakota is in imminent danger of bankruptcy; and
Whereas: approximately eighty-six percent of Shannon County is Native American trust land, the largest percentage of any South Dakota County; and
Whereas: all Native American trust lands are held in trust for individual Native Americans by the federal government; and
Whereas: Native American trust land does not generate property taxes; and
Whereas: monies derived from property taxes are the main source of funding for county services to all residents of the county; and
Whereas: of the 1,342,080 acres in Shannon County, 187,891 acres, representing fourteen percent of the total lands, are subject to property tax; and
Whereas: of the 13,586 Shannon County residents, only 386 citizens are private landowners and pay local property taxes, which are currently taxed at the maximum allowable mill levy; and
Whereas: only 1,978 acres of the un-taxable acreage in Shannon County qualifies for PILT funds, providing $4,763.00 in 2013, a miniscule one-one-thousandth of a percent of the $401.7 million dollars distributed this year; and
Whereas: the Shannon County General Fund budget for 2013 is $383,080.00, which equals only $28.20 per Shannon County resident for the provision of services, compared to the range of $314.44 to $700.73 per person available to neighboring counties; and
Whereas: the 2012 annual real estate property taxes for Shannon County totaled $427,318.47, of which $205,235.18 was distributed to the school district, $1,542.08 to the City of Batesland and $220,541.21 was distributed to the County for the provision of county services; and
Whereas: due to budget restrictions, all non-essential expenses have been cut, including jail costs, court appointed attorney fees, judicial expenses, juvenile care, law library funding, indigent burials, county poor assistance, Extension services, Soil Conservation and weed control. Funding has been cut in every department except Elections, for which there are federally mandated obligations, and the Highway Department; and
Whereas: the property tax loss due from the 992,020 acres of trust lands in Shannon County, when figured at the most conservative property tax rate, is estimated at nearly $1.2 million dollars annually, which does not include any compensation for the 131,505 additional acres of National Park land; and
Whereas: Native American people who live on trust property in Shannon County are residents and citizens of the county. They live here, work here, send their children to school here, vote here, hold public offices here, recreate here and are part of the local community; and
Whereas: Native American people who live on trust land have the right to county public services the same as any other county citizen; and
Whereas: Shannon County is obligated to provide county services to all residents of the county including Native American people living on trust lands; and

Whereas: census figures indicate Native Americans comprise ninety-two percent of the population of Shannon County; and

Whereas: the federal government pays no compensation to Shannon County for public services rendered to Native American people; and

Whereas: a Supreme Court ruling in 1831 (Cherokee Nation versus Georgia) determined that the federal government is responsible for all Native American peoples wants and needs; and

Therefore, be it resolved: The Shannon County Board of Commissioners demand that the Congress of the United States live up to its obligation under the Supreme Court decision in Cherokee Nation versus Georgia, 1831, and provide funding adequate to fund the County services provided to Native American people living on trust lands in Shannon County, if not in a direct payment of property taxes (approximately $2 million annually), then in some form of Impact Aid to the County similar to Impact Aid for Schools.

Dated this 6th day of September, 2013.

/s/ Wendell Yellow Bull
Wendell Yellow Bull, Chairman

/s/ Lyla Hutchison
Lyla Hutchison

/s/ Bryan Kehn
Bryan Kehn

/s/ Anna Diaz
Anna Diaz

/s/ Eugenio White Hawk
Eugenio White Hawk

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

Motion by Kehn, seconded by Hutchison, to table a matter regarding vehicle taxes that was on the agenda at the request of John Black Feather, referring the matter to the State’s Attorney to assist him. With no further discussion and all voting yes, the motion carried and the item was tabled.

Sheriff Jim Daggett presented his monthly report and requested travel approval. Motion by Kehn, seconded by Diaz, to approve a travel request for Daggett to attend training on child abuse in Sioux Falls on October 4, 2013. With no further discussion and all voting yes, the motion carried.

A brief discussion was held on White Clay issues and horses. Motion by Hutchison, seconded by White Hawk, to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 2:38 PM.

ATTEST: /s/ Wendell Yellow Bull
Wendell Yellow Bull, Chairman

/s/ Sue Ganje
Sue Ganje, Shannon County Auditor