

SHANNON COUNTY MINUTES OF AUGUST 6th, 2010.

The Board of County Commissioners of Shannon County met in regular session on August 6th, 2010. Present Connie Whirlwind Horse, Lyla Hutchison, Deloris Hagman, Francis Pumpkin Seed, Wendell Yellow Bull, Sue Ganje, County Auditor and Julie Graham, Clerk. Absent none.

The meeting was called to order at 11:25 a.m.

The agenda was reviewed and Motion by Yellow Bull, seconded by Pumpkin Seed to move the Special Attorney Contract to the beginning. All voting yes, the motion carried.

Pumpkin Seed asked to remove the agenda item referring to the restaurant bill in White Clay, NE as this was his personal bill not the County's.

Motion by Yellow Bull to remove the billing. Discussion was held on whether Lintt would be attending and Board will then deal with issue. Motion died for lack of a second.

Motion by Hutchison, seconded by Hagman to approve the minutes of July 2nd, 2010. All voting yes, the motion carried.

Motion by Hutchison, seconded by Pumpkin Seed to approve the Auditor's Account with the County Treasurer as follows. 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 July, 2010.

TOTAL AMT OF DEPOSIT IN BANK OF THE WEST-----\$ 4,046.78 ___
 TOTAL AMT OF DEPOSIT IN WELLS FARGO BANK-----\$ 1,391.35 ___
 TOTAL AMT OF DEPOSIT IN FIRST INTERSTATE BANKHS\$ 6,854.25 ___
 TOTAL AMOUNT OF ACTUAL CASH-----\$ 1,975.81 ___
 TOTAL AMT OF CHECKS IN TREASURER'S POSSESSION NOT
 EXCEEDING THREE DAYS-----\$ 3,184.67 ___
 MONEY MARKET SAVINGS: BANK OF THE WEST-----\$ 2,267.51 ___
 WELLS FARGO BANK---- \$ 1,140.11 ___
 FIRST INTERSTATE BANK-HS\$312,710.09 ___

CERTIFICATES OF DEPOSIT-FIRST INTERSTATE BANK-HS\$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	PARTON, JOY---\$32.00-LIC
BLETHEN, RENE-----\$48.25-LIC	POURIER, JOEL-\$349.00
BROKEN NOSE, LEROY-----\$44.50-LIC	RED CLOUD, JOHN-\$45.90
BURGESS, JEANNE-----\$45.00	ROSS, WILLIAM---\$53.00
EAGLE BULL, ANNETTE M--\$43.00-LIC	FINGER,LEONARD\$376.47LIC
GARNETT, AQUALYNE-----\$64.00	Lone Elk,Kendra\$71.90LIC
GOINGS, TANYA L-----\$71.00	One Feather,Delmar\$40.00
JANIS, JENNIFER-----\$90.50 LIC	
LITTLE HAWK, JOLENE----\$32.40-LIC	

LONE HILL, TRINA-----\$20.70-LIC
MCGAA, JUSTIN-----\$71.90-LIC
MESTETH, PERRY-----\$63.00
MORRISON, NADINE-----\$15.00
OLD HORSE, JOHN-----\$15.00

TOTAL \$585,453.09

DATED THIS 30TH DAY OF JULY, 2010

/S/Sue Ganje

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.

Motion by Yellow Bull, seconded by Hutchison to have Archie Hopkins, Veterans Service Officer, submit monthly reports. All voting yes, the motion carried.

Motion by Hagman, seconded by Hutchison to approve Veterans Service Officer to attend Annual Veterans Benefits School, August 30th to September 1st, 2010 in Pierre. All voting yes, the motion carried.

Motion by Pumpkin Seed, seconded by Yellow Bull to move supplement/contingency transfer hearing to 3:15 p.m. All voting yes, the motion carried.

A listing of potential hospital claims against the County were reviewed.

Frank Maynard, Emergency Management, met with the Board to discuss a letter received by FEMA advising that there will be funds to raise road surfaces that the highway department could receive.

Maynard also advised that Homeland Security will not reimburse for Commissioners that did not attend the workshop. The Auditor will receipt in \$250.00 from Lyla Hutchison, one of the Commissioners who was unable to attend. Yellow Bull spoke about a letter received addressing assistance by Fall River County, rather than the Southwest District (Fall River/Shannon Counties).

Yellow Bull passed out a contract and asked for a conference call with Attorney Steven Sandven to discuss a proposed Special Attorney Contract. States Attorney Sword asked about the contract and Yellow Bull spoke of information that has not been produced to assist Shannon County's Commissioners goal to move Shannon County offices to Shannon County, including land maps. Steven Sandven will do administrative work for the County.

Motion by Hutchison, seconded by Hagman to deny contract with Steven Sandven as they were left out of the decision to seek an additional Attorney, and that Shannon County does not have the money to hire an Attorney at \$175.00/hour. Discussion was held on the lack of courtesy to States Attorney Jim Sword in seeking the additional legal assistance, open meeting issues, County Attorneys and the purpose for an additional Attorney, which would be to assist with policies, procedures, grants, etc. Jane Colhoff questioned the contract, which would give Yellow Bull authority when full commission approval could not be given between meetings, and objected to the contract. With Hutchison and Hagman voting aye, Yellow Bull opposed, and Pumpkin Seed and Whirlwind Horse abstaining, the motion failed.

Motion by Yellow Bull, seconded by Pumpkin Seed to table the issue of hiring Steven Sandven as Special Attorney until the next meeting on September 3rd. All voting yes, the motion carried.

A report from Lynn Bettelyoun, Highway, was received for review. Discussion was held on the condition of roads. Commissioners spoke to Bettelyoun by speaker phone and asked about current projects and how road work is done.

Virgil Rust asked about working when moisture is available and laying off at dry times. Highway Department works 40 hours per week, after 40 is overtime, which is not budgeted for.

Motion by Hutchison, seconded by Pumpkin Seed to approve private road contracts for David Pourier on R43W, T540N, Section 28, SE1/4, to blade road and build ditches, in the amount of \$94.00, paid; and on Norma Cummings on R43, TS38, Section 6, to blade road in the amount of \$271.00 which is paid. All voting yes, the motion carried.

Fuel quotes were presented as follows.

	<u>500 Gallons Unleaded Gas</u>	<u>1200 Gallons #2 Red Diesel.</u>
Westco	\$2.62 per gallon	\$2.437 per gallon
Nelson's Oil	\$2.74 per gallon	\$2.55 per gallon
Pine Ridge	No response	

Motion by Hagman, seconded by Hutchison to approve Westco for 500 gallons unleaded gas at \$2.62 per gallon and 1200 gallons #2 red diesel at \$2.437 per gallon. All voting yes, the motion carried.

Discussion was held on need to appoint a Voting Rights Coordinator, with Steve Hawk Sr. suggested.

Motion by Yellow Bull, seconded by Hutchison to appoint Steve Hawk as Voting Rights Chairman. All voting yes, the motion carried.

A phone bill was presented for the election. The phone had long calls in the amount of \$10.59. There were also charges at Sioux Nation. The charges at Sioux Nation were explained and the phone charges were unable to be explained. The office will remain rented as per the agreement.

Motion by Hagman, seconded by Pumpkin Seed to approve the following resolution. All voting yes, the motion carried.

SHANNON COUNTY RESOLUTION #2010-07
DISASTER DECLARATION FOR GRASSHOPPER INFESTATION
FOR SHANNON COUNTY.

WHEREAS, the vast majority of Shannon County is agricultural land comprised of grazing and crop production land; and

WHEREAS, the moisture and high foliage in 2009 and 2010 coupled with the recent moisture has created an environment conducive to extensive grasshopper reproduction; and

WHEREAS, the lack of adequate county resources to combat the huge grasshopper population, coupled with the countywide infestation is causing extensive damage to grazing land, hay population areas and crop production; and

NOW THEREFORE BE IT RESOLVED, the Board of County Commissioners of Shannon County, South Dakota declare that current overpopulation of grasshoppers has created a natural disaster within Shannon County, and

BE IT FURTHER RESOLVED, that the Shannon County Board of Commissioners for and on behalf of the citizens of Shannon County, request the Governor of the State of South Dakota petition the Secretary of Agriculture to declare Shannon County a disaster area.

BE IT FURTHER RESOLVED, that an Emergency exists in Shannon County and this Resolution shall be in effect from and after its publication and this action is necessary for the preservation of the public health and safety.

Motion passed and Resolution #2010-07 adopted this 6th, day of August, 2010.

/S/Connie Whirlwind Horse
Connie Whirlwind Horse, Chairwoman

/S/Lyla Hutchison
Lyla Hutchison, Vice-Chairman

/S/Wendell Yellow Bull
Wendell Yellow Bull, Member

/S/Deloris Hagman
Deloris Hagman, Member

/S/Francis Pumpkin Seed
Francis Pumpkin Seed, Member

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

Jane Colhoff spoke on the Sheriff appointment and objected to the action taken by the Board in the suspension of Sheriff Daggett. Petitions were presented to the Board for the reinstatement of Jim Daggett as Sheriff and Colhoff stated the legal reasons behind the petition. Present were numerous persons including McBauder, Larry Bauman, Bryan Kehn, Virgil Rust, Larry Kehn, Angel L. Bauman, Ken Orrock, Jim Daggett, Andrea Cook, Curtis Coomes, States Attorney Jim Sword, Deputy States Attorney Patrick Ginsbach and Emily Lefholz, Attorney Intern. Colhoff advised a lawsuit would be filed today if Daggett was not reinstated. Discussion was held on the cost of decals on the Sheriff vehicles, the South Dakota Law Enforcement Certification needed by acting Sheriff Star Comes Out, issues with Mike O'Bryan and Yellow Bull.

Yellow Bull spoke of the petitions received, and asked for petitions by other county residents on the Sheriff issue. The investigative report by the States Attorney's Office was discussed, and the Board heard from Ken Orrock, Attorney and Shannon County Deputy Sheriff on his work with Sheriff Daggett, and voiced concerns that the law does not support the action taken by the Board. Other residents voiced their concerns.

Motion by Pumpkin Seed to enter into executive session for legal purposes. Yellow Bull spoke on his experience as a Commissioner to date, and the trust and responsibility he has been given upon election, and hopes for a good decision with all issues looked at objectively, but wanting to receive more comments from the other side. After comments from other residents, Stanley Star Comes Out spoke on his own behalf, citing law enforcement experience of 23 years and areas of training. Pumpkin Seed withdrew his motion to enter executive session. Other discussion was held including Jim Doggett's hope for a fair decision.

Motion by Pumpkin Seed, seconded by Hutchison to enter into executive session for legal purposes, time being 2:22 p.m. All voting yes, the motion carried.

Came out at 3:41 p.m.

Motion by Yellow Bull, seconded by Pumpkin Seed that, after lengthy discussion, to approve staying status quo with the acting Sheriff until a Special Meeting is held in Pine Ridge on August 11th, 2010, at 10:00 p.m., at the Billy Mills Hall. Questions were asked by States Attorney on his role in this process. Daggett questioned if persons he has put in jail would be allowed to speak and the legalities of action were questioned. Daggett questioned what changed between the offering of the contract. Pumpkin Seed asked for time to review legal documents from the States Attorney and Daggett received confirmation that a decision would be made on August 6, 2010. Roll call vote: Yellow Bull—Yes; Pumpkin Seed—Yes, Whirlwind Horse—Yes, Hagman—No, Hutchison—No. Motion carried.

Petitions have been turned in to the Auditor for Home Rule change to be put on the November ballot. The correct number of signatures was received, so a Home Rule change to allow for the election of the Sheriff, rather than by appointment, will be on the November 2nd, 2010, General Ballot. This, if voted favorably, will allow for petitions to be taken out by Shannon County residents in the year 2014 for the position of Sheriff, to be sworn in the first meeting in January, 2015.

Attorney Steven Sandven ,presented the County with legal advice regarding County Government and Jim Sword, States Attorney questioned the advise. Jim Sword asked Sandven whether he also represented the ACLU or 4 Directions, both organizations are threatening to sue the County and Sanven refused to answer. The attorney contract will be put on the September 3rd, 2010 agenda.

Motion by Yellow Bull, seconded by Hutchison to approve the supplement hearing and contingency transfers as follows: All voting yes, the motion carried.

2010 Shannon County Contingency Transfers Hearing #1

August 7 2010

Acct #	Description	Amount
10100X4272215	Juvenile Care	\$200.00
10100x4229441	Mentally Handicap	\$3,975.62

TOTAL 4,175.62

Motion by Yellow Bull, seconded by Hutchison to approve the 2011 Provisional Budget. This will be published in full, and a hearing held on September 3rd, 2010. All voting yes, the motion carried.

Jane Colhoff reviewed bills for Sheriff's expenses and objected to 4 bills incurred.

Motion by Hutchison, seconded by Hagman to approve the bills. All voting yes, the motion carried.

GENERAL

COMM. SALARIES (5-COMM)	JULY SALARIES	\$ 525.00
AUDITOR'S OFFICE SALARIES	JULY SALARIES	3,361.03
TREASURER'S OFFICE SALARIES	JULY SALARIES	2,961.95
STATES ATTORNEY SALARY	JULY SALARY	901.25
DIR. OF EQUAL. OFFICE SALARIES	JULY SALARIES	1,575.68
REG. OF DEEDS OFFICE SALARIES	JULY SALARIES	1,738.69
VET'S SERVICE OFFICE SALARY	JULY SALARY	986.56

SHERIFF'S OFFICE SALARIES	JULY SALARIES	3,739.89
WEED SUPERVISOR SALARY	JULY SALARY	127.50
ELECTION SALARY	JULY SALARY	420.50
AMERICAN FAMILY ASSURANCE	AUGUST INSURANCE	24.60
DAGGETT, JIM	AUG/BLUE CROSS PREMIUM	385.65
FARRELL, FARRELL & GINSBACH	JUL/DEP/ST ATTY/CONTRACT	833.33
SOUTH DAKOTA RETIREMENT	JULY RETIREMENT	1,432.66
SD STATE TREASURER	SALES TAX	7.61
US POSTAL SERVICE	POSTAGE	295.76
WELLS FARGO BANK	JULY/W/H/SS/MDCR TAX	2,587.72
ALLTEL	TELEPHONE	127.44
CAROL BUTZMAN CONSULTING	MENTAL ILLNESS	445.92
CULLIGAN	SUPPLY	34.75
FALL RIVER COUNTY AUDITOR	DATA PROCESSING	6,500.00
CARDMEMBER SERVICE	MISC.	616.69
FORNEY'S STANDARD SERVICE	GAS	60.68
HAGMAN, DELORIS	TRAVEL	35.52
HAUCK, DAVID K.	TRAVEL	153.32
LAKOTA COUNTRY TIMES	PUBLISHING	331.16
LEWIS & CLARK BHS	MENTAL ILLNESS	142.00
LINEHAN, GENE	INMATE	30.00
NETTINGA, JOAN	SUPPLY	26.04
OGLALA SIOUX TRIBE	VSO RENT	100.00
OLSON AUTO	CAR MAINTENANCE	355.25
PENNINGTON COUNTY AUDITOR	MENTAL ILLNESS	165.00
PENNINGTON COUNTY JAIL	INMATE	63.00
POSTMASTER	BOX RENT	76.00
PUMPKIN SEED, FRANCIS	TRAVEL	66.60
QUILL CORPORATION	SUPPLY	80.94
RAPID LUBE	CAR MAINTENANCE	115.38
SD ASSN OF COUNTY COMM.	TRAVEL	480.00
SDVSOA	DUES	50.00
SIGN EXPRESS	CAR MAINTENANCE	115.38
STEELE COLLISION	CAR MAINTENANCE	165.00
VANWAY TROPHY & AWARD	SUPPLY	
46.67		
WHIRLWIND HORSE, CONNIE	TRAVEL	167.26
YANKTON COUNTY SHERIFF	MENTAL ILLNESS	27.00
YELLOW BULL, WENDELL	TRAVEL	47.36
HUTCHISON, LYLA	TRAVEL	59.20
<u>COUNTY ROAD AND BRIDGE</u>		
CRBR CONSTRUCTION SALARIES	JULY SALARIES	10,659.71
INCLUDING OVERTIME FOR		
LYNN BETTELYOUN	OVERTIME	787.00
LYNX BETTELYOUN	OVERTIME	19.67
DAVID WHITE FACE	OVERTIME	18.00
BLUE CROSS/BLUE SHIELD INSURANCE	JULY HEALTH INSURANCE	1,278.84
NEBRASKA CHILD SUPPORT	CHILD SUPPORT	245.00
LOUIE NOLLETT	JULY HWY COORD. WAGE	87.50
SOUTH DAKOTA RETIREMENT	JULY RETIREMENT	1,279.16

WELLS FARGO BANK	JULY/W/H/SS/MDCR TAX	2,422.92
A&B WELDING	SUPPLY	73.76
ALLTEL	TELEPHONE	83.25
BUTLER MACHINERY CO.	REPAIR	354.51
CULLIGAN	SUPPLY	35.75
FARM PLAN	MISC.	706.02
GENERAL STORE	6-30-#253679	9.63
GREAT PLAINS COMMUNICATION	TELEPHONE	161.10
GREAT WESTERN TIRE INC.	REPAIR	1,600.00
LACREEK ELECTRIC ASSOCIATION	UTILITY	235.51
MARTIN AUTO PARTS	SUPPLY	64.32
MCI COMM SERVICE	TELEPHONE	39.32
MENARDS	SUPPLY	101.50
PINE RIDGE AUTO PARTS	REPAIR	363.30
TRUE VALUE	REPAIR	29.98
VALLETTE, DAVID R.	REPAIR	12.30
WESTCO	FUEL	4,002.96

Motion by Yellow Bull, seconded by Hutchison to adjourn meeting, time being 4:26 p.m. All voting yes, the motion carried.

Connie Whirlwind Horse, Chairwoman
Board of County Commissioners
Shannon County

ATTEST:

Sue Ganje, County Auditor
Shannon County