

SHANNON COUNTY MINUTES OF SEPTEMBER 10, 2010

The Shannon Board of County Commissioners met in special session on September 10th, 2010. Present Connie Whirlwind Horse, Lyla Hutchison, Deloris Hagman, Sue Ganje, County Auditor and Julie Graham, Elections Clerk. Absent Francis Pumpkin Seed and Wendell Yellow Bull.

The meeting was called to order at 11:12 a.m., with the Pledge of Allegiance being given.

The agenda was reviewed for conflicts, which there were none.

Motion by Hagman, seconded by Hutchison to approve the agenda as written. All voting yes, the motion carried.

Wendell Yellow Bull present, time being 11:13 a.m.

The 2011 Budget was discussed, along with questions of billing IHS for tribal mentally ill hearing costs; taxes, deeded property and the need for more taxable land, or a payment in lieu of tax to compensate for non taxable lands. Fourteen percent of the County is taxable, while eighty six percent of the County is non-taxable. A PILT payment for nontaxable lands would allow the Commission to make decisions on creating County Offices in Shannon County.

Motion by Hagman, seconded by Hutchison to approve the 2011 Annual Budget. With no further discussion and all voting yes, the motion carried.

Public Comment was opened. Jane Colhoff reserved the right to speak while discussing other issues. Bryan Kehn, Commissioner elect, questioned PILT and impact aid payments. The County currently receives PILT money for the bombing range in the north part of the County.

Discussion on Early Voting in Shannon County was held and a welcome was given to Chris Nelson, South Dakota Secretary of State. Connie Whirlwind Horse spoke that at a meeting with Oglala Sioux Tribal President Two Bulls, it was agreed to ask for early voting for 3 weeks in October, 3 times a week, in Pine Ridge. Nelson presented a list of the 13 responsibilities of an Auditor in performing Elections, and that it is a 365 day a year job. Hagman and Hutchison hope for a continuation of contract services from Fall River County.

Jim Sword, State's Attorney, spoke of occurring constraints, including the Memorandum of Understanding with the US Department of Justice, and the Unorganized Counties Act. It would take a vote of the people to change the current Home Rule. Nelson's mission is make sure any transitions are made smoothly, without an interruption in the Election cycle. It was discussed that pre-clearance by the US DOJ would not be needed if Shannon County changes its contract to another County.

State's Attorney Sword questioned if Nelson would conduct the Election if the current issues between Fall River Officials and Shannon County are not resolved. Nelson is the Chief of Elections in the State of SD, but he has no legal authority to run an Election, and Hagman questioned accepting money from the Four Directions group.

After reviewing the Election budget, Hutchison advised that the Election budget was 86% spent, leaving approximately \$5,000 for the November Election. There was \$32,000 budgeted for Elections this year. Approximately \$3800.00 a month is budgeted for Auditor services, and that that would be available for the months of October, November and December for another County Auditor to administer the General Election. When the Auditor was questioned on why the budget was overspent, she advised that it went back to the hiring of 17 – 23 persons to run the Lakota Elderly Assistance Program (the program is required by the MOA) for the June Primary, while Francis Pumpkin Seed was the Coordinator. Pumpkin Seed sought Tribal funds to pay for this, but no funds were available. Ganje estimated

approximately \$7,000 - \$7,500 was spent on unauthorized personnel and expenses. Ganje will work with Nelson on what expenses for the Primary Election could be reimbursed by HAVA (Help America Vote Act) funds, but Nelson advised he would only authorize reimbursement for the Lakota Coordinator, not the additional staff hired.

Nelson asked the Commission if they would also contact the other adjoining Counties, and asked for an answer by the Board by Monday, September 13th, 2010.

A break was taken at 12:21 p.m.

Meeting called back to order at 12:40 p.m.

Hutchison questioned Nelson if any other Counties held their elections by voting strictly by absentee ballots thru the mail. Colhoff questioned Early Voting requirements of the MOA. The MOA requires that if Early voting (absentee) is offered by satellite offices, it must comply with the requirements to translate into Lakota all notices for the radio and have translators available. Discussion was held on the lack of money to conduct the required General Election, and the possibility of creating a location to assist voters in applications for absentee ballots, and that the current election office in Pine Ridge could be used. Ganje suggested enlisting the CAP offices to assist in the application process, so people county-wide could access the request forms. It was asked if the County could provide postage for the ballots to be returned to the Auditor to eliminate voters needing to go to the post office, and discussion was held on the possibility of asking the Four Directions for monetary assistance as they had offered the County money to help with the cost of early voting sites.

Motion by Hagman, seconded by Hutchison to set up locations to assist voters with applications for Absentee (Early Voting), and that the Commissioners will work with Four Directions for monetary assistance to pay for postage for voters to return absentee ballots to the County Auditor. All voting yes, the motion carried.

Motion by Hutchison, seconded by Hagman to go into executive session for personnel, time being 1:19 p.m. All voting yes, the motion carried.

Came out to 2:10 p.m.

Discussion continued on the status of the County in reference to the 30 day Notice given by Fall River County Officials.

Motion by Hutchison, seconded by Hagman to go into executive session, time being 2:48 p.m., for personnel. All voting yes, the motion carried.

Came out at 3:35 p.m.

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

GENERAL

HAGMAN, DELORIS	TRAVEL	\$35.52
WHIRLWIND HORSE, CONNIE	TRAVEL	\$83.63
YELLOW BULL, WENDELL	TRAVEL	\$47.36
HUTCHISON, LYLA	TRAVEL	\$59.20

Connie Whirlwind Horse explained to the audience that at this time officials are at an impasse and we will have another meeting on September 24th, 2010 for a hopeful resolution of the situation, and to invite State and Federal representatives to assist the County in furthering the desire to create County Offices in Shannon County.

Motion by Hagman, seconded by Yellow Bull to adjourn meeting, time being 3:38 p.m.

**Connie Whirlwind Horse, Chairwoman
Board of County Commissioners
Shannon County**

ATTEST:

**Sue Ganje, County Auditor
Shannon County**