

**OGLALA LAKOTA COUNTY APPROVED MINUTES OF JUNE 16, 2021**

The Oglala Lakota Board of County Commissioners met in regular session on June 16, 2021. Present: Art Hopkins, Wendell Yellow Bull (via phone), Anna Takes the Shield (DuBray) (via phone) and Aaron Eberle, Auditor’s Administrative Assistant. Ramon Bear Runner and Eugenio White Hawk were not present.

The Pledge of Allegiance was given, and meeting was called to order at 1:43 p.m. by Chairwoman Takes the Shield (DuBray). The agenda was reviewed for conflicts. ALL MOTIONS RECORDED IN THESE MINUTES WERE PASSED BY ROLL CALL AND UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

Motion made by Yellow Bull, seconded by Hopkins, to approve the agenda as written.

Motion made by Yellow Bull, seconded by Hopkins, to approve the June 3, 2021 special meeting minutes.

The second reading of Ordinance 2021-01, a temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses was held as advertised. Motion made by Yellow Bull, seconded by Hopkins to approve the following ordinance:

|                 |                |
|-----------------|----------------|
| 1st Reading:    | <u>6/9/21</u>  |
| 2nd Reading:    | <u>6/16/21</u> |
| Date Adopted:   | <u>6/16/21</u> |
| Date Published: | <u>6/24/21</u> |
| Effective Date: | <u>6/16/21</u> |

**ORDINANCE 2021-01**

**A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES**

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

WHEREAS, Oglala Lakota County, SD (“County”), makes a preliminary finding that the County’s current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later

than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

WHEREAS, the County makes a preliminary finding that the County needs further study of the relationship of medical cannabis establishments to the County Comprehensive Plan and Zoning Ordinance. The public interest requires that the County study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments;

WHEREAS, the County makes a preliminary finding that it would be inappropriate for the County to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health's promulgation of regulations governing the same;

WHEREAS, the County hereby exercises its authority under SDCL 11-2-10 and SDCL 7-18A-8, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the County;

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the County's Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

WHEREAS, the County finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the County finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the county government and its existing public institutions;

WHEREAS, our State's Attorney has reviewed and approved this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY Oglala Lakota County, SD:

*Section 1. Temporary Ordinance – Application for Local Permit/License*

A medical cannabis establishment desiring to operate in the County shall be required to apply for a permit and/or license from the County. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 30-20G-72. Any application received prior to such regulations being promulgated shall be denied.

*Section 2. Immediate Effect.*

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the county government and its existing public institutions pursuant to SDCL 11-2-10 and SDCL 7-18A-8.

/s/Anna Takes the Shield (DuBray), Chairwoman  
Oglala Lakota Board of County Commissioners

ATTEST:

/s/Sue Ganje, Auditor

Oglala Lakota County Auditor's Office

Motion made by Yellow Bull, seconded by Hopkins, to approve the bills, as follows:

**GENERAL FUND**

|                           |                                 |            |
|---------------------------|---------------------------------|------------|
| AMAZON CAPITAL SERVICES   | SUPPLY                          | \$133.90   |
| CENTURY BUSINESS          | COPIER LEASE/METER              | \$179.94   |
| GOLDEN WEST               | LOCAL PHONE/EMAIL/LONG DISTANCE | \$196.00   |
| HOPKINS, ARTHUR L         | MILEAGE                         | \$95.76    |
| JANIS, BOBBIE             | REIMBURSEMENTS                  | \$186.17   |
| MASTEL, BRUCE             | WEB HOST/UPDATE/SERVER          | \$35.00    |
| MICROFILM IMAGING SYSTEMS | SCANNING EQUIPMENT LEASE        | \$17.50    |
| QUADIENT FINANCE USA, INC | POSTAGE                         | \$268.57   |
| SDAAO                     | ASSESSOR CLASS                  | \$360.00   |
| YELLOW BULL, WENDELL      | MILEAGE                         | \$53.76    |
|                           | TOTAL FOR GENERAL FUND          | \$1,526.60 |

**COUNTY ROAD & BRIDGE**

|                         |  |            |
|-------------------------|--|------------|
| AMAZON CAPITAL SERVICES | SUPPLY                                 | \$187.28   |
| PACIFIC STEEL & SIDING  | SUPPLY                                 | \$260.01   |
|                         | TOTAL FOR COUNTY ROAD & BRIDGE         | \$447.29   |
|                         | TOTAL PAID BETWEEN 6/10/21 AND 6/16/21 | \$1,973.89 |

No public comment was given. Motion made by Bear Runner, seconded by Hopkins, to adjourn at 1:57 p.m.

/s/ Anna Takes the Shield (DuBray)

Anna Takes the Shield (DuBray), Chairwoman  
Board of Oglala Lakota County Commissioners

ATTEST:

/s/Aaron Eberle

Aaron Eberle, Oglala Lakota County Administrative Assistant