

7/29/2014

THE MINNEHAHA COUNTY COMMISSION CONVENE AT 9:00 A.M. July 29, 2014 pursuant to adjournment on July 22, 2014. Commissioners present were: Barth, Beninga, Heiberger, Kelly, and Pekas. Also present were Cindy Jepsen, Commission Recorder, and Kersten Kappmeyer, Chief Civil Deputy State's Attorney.

Chairman Heiberger called the meeting to order.

MOTION by Pekas, seconded by Barth, to approve the agenda. 5 ayes.

MOTION by Beninga, seconded by Barth, to approve the July 22, 2014 Commission Minutes. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Barth, seconded by Beninga, to approve the following bills in the amount of \$590,781.41. 5 ayes.

| | | | | | |
|-----------------------|---------------|-----------|-----------------------|---------------|-----------|
| A & B Business Equip | Lease-Rental | 228.34 | A To Z World Languag | Interpreters | 420.00 |
| A+ Partners Db | Automotive/Sm | 110.00 | Allied Oil & Tire Co | Automotive/Sm | 89.36 |
| Allied Oil & Tire Co | Truck Repair/ | 1,516.78 | Amer Assn State/Loca | Memberships | 115.00 |
| Anderson Publication | Publishing Fe | 948.02 | Anderson, Kent | Program Activ | 25.00 |
| Arena Motel | Motels | 199.00 | Armor Correctional H | Detox | 70,285.57 |
| Automatic Building C | Maintenance C | 71.00 | Avera Mckennan Hospi | Other Profess | 1,458.33 |
| Avera Medical Group- | Physicians | 178.44 | Avera Radiology | Other Profess | 9.71 |
| Baldwin Supply Co | Building Repa | 1,758.00 | Boetel, Kerry | Program Activ | 50.00 |
| Boldt, Bradley D | Welfare Rent | 425.00 | Brady, Amanda | Program Activ | 25.00 |
| Brown & Saenger | Overtime | 290.61 | Brown & Saenger | Uniform Allow | 80.00 |
| Bruce, Julieann | Program Activ | 150.00 | Bureau Of Informatio | Telephone | 76.00 |
| Butler Machinery Com | Heavy Eq. Rep | 5,471.28 | Buxton, Brett | Welfare Rent | 700.00 |
| Campbell Supply Co I | Bridge Repair | 12.45 | Campbell Supply Co I | Sign Supply/I | 12.45 |
| Carlson, Scott B Att | Attorney Fees | 4,761.80 | Carper, Nichole A | Attorney Fees | 41.75 |
| Cartridge World | Data Processi | 1,527.83 | CBM Managed Services | Board Of Pris | 19,809.50 |
| Centurylink (Qwest) | Detox | 25.68 | Centurylink (Qwest) | Telephone | 1,135.27 |
| Climate Systems, Inc | Building Repa | 1,878.00 | Cole Papers, Inc. | Janitorial/Ch | 129.24 |
| Communication Svcs F | Interpreters | 75.00 | Concrete Materials | Road Maint. & | 64,938.90 |
| Construction Product | Bridge Repair | 1,648.88 | Counseling Resources | Attorney Fees | 2,475.00 |
| Country View Mhc | Welfare Rent | 680.00 | Dakota Alignment & F | Truck Repair/ | 184.44 |
| Dakota Contracting C | Contracted Co | 80,205.12 | Davidson Co(SD)Sherif | Attorney Fees | 25.00 |
| Decastro Law Office, | Attorney Fees | 5,729.40 | Dedula, Carla F | Court Reporte | 1,478.20 |
| Dennis Supply Co. - | Small Tools, | 44.31 | Desaulniers, Kristi | Program Activ | 50.00 |
| Dey Appliance | Building Repa | 24.32 | Disburg, Julia | Business Trav | 28.86 |
| Duffy, Ryan | Child Defense | 2,475.00 | Dumke, Travis | Program Activ | 100.00 |
| Dynamic Services Llc | Welfare Rent | 500.00 | Eggebraaten, Kim | Program Activ | 75.00 |
| Eh Hospitality Llc | Co. Welfare - | 200.00 | Eh Hospitality Llc | Motels | 2,375.00 |
| Electric Supply Co., | Communication | 884.32 | Erpenbach, John E | Bd Evaluation | 450.00 |
| Etterman Enterprises | Small Tools, | 49.61 | Express Copy & Print | Program Activ | 1,080.00 |
| Flannery, Lisa | Program Activ | 25.00 | Fleetpride / Holt, I | Heavy Eq. Rep | 878.56 |
| Fleetpride / Holt, I | Parts Invento | 131.36 | Fleetpride / Holt, I | Truck Repair/ | 45.90 |
| Fonder, Roger M Db | Automotive/Sm | 38.90 | Frantzen, Paige | Depositions | 151.20 |
| Friends Of SDPB | Program Activ | 900.00 | Garbang, Kun | Interpreters | 50.00 |
| Gunner, Andrea | Court Reporte | 15.20 | Guzman, Sandra V. | Interpreters | 75.00 |
| H & R Roofing Of Sd, | Building Repa | 755.00 | Haber, John Db | Welfare Rent | 312.50 |
| Harmelink, Fox & Ravn | Attorney Fees | 597.50 | Healthport | Attorney Fees | 114.67 |
| Hellman, Joshua | Business Trav | 1,559.01 | Heritage Apartments | Welfare Rent | 248.00 |
| Heritage Funeral Hom | Burials | 2,250.00 | Himler, Thomas C Phd | Child Defense | 370.00 |
| Hoekstra, Denise A. | Court Reporte | 547.40 | Hoffman, Katelynn | Attorney Fees | 314.10 |
| Hohn, Rodney L | Uniform Allow | 96.00 | Home Federal Savings | Welfare Rent | 445.08 |
| Hoskins, William J | Program Activ | 25.00 | Hov Services Inc | Microfilming | 220.05 |
| Howalt-McDowell Insu | Notary Exp | 50.00 | Huber, Melissa | Program Activ | 25.00 |
| Hy-Vee Accounts Rece | Program Activ | 43.86 | I State Truck Center | Parts Invento | 18.93 |
| Infrastructure Desig | Architects & | 18,789.06 | Infrastructure Mgmt | Architects & | 24,178.62 |
| Interstate Office Pr | Office Suppli | 147.50 | Intoximeters, Inc. | Testing Suppl | 189.55 |
| JCL Solutions-Janito | HHS Custodial | 709.76 | Johnson Controls, In | Heat,Vent & A | 594.31 |
| Johnson, Richard L | Attorney Fees | 478.50 | Kauffman, David W. P | Psych Evals | 3,185.00 |
| Kennedy, Renee S | Court Reporte | 78.20 | Keystone Treatment C | Attorney Fees | 65.00 |

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|----------------------|---------------|------------|----------------------|---------------|-----------|
| Kuepfer, Sandra B | Program Activ | 25.00 | L.G. Everist Inc | Bridge Repair | 1,494.27 |
| Lacroix, Heather | Attorney Fees | 227.94 | Larson, Jeff | Attorney Fees | 1,770.60 |
| Lassegaard, Samuel C | Welfare Rent | 775.00 | Laughlin, Nicole | Attorney Fees | 153.00 |
| Lewis Drug Stores | Pharmacies | 4,413.06 | Maintainer Custom Bo | Safety & Resc | 2,674.00 |
| Marco | Lease-Rental | 170.00 | Marco | Maintenance C | 135.19 |
| Masters, Jennifer | Program Activ | 25.00 | McManus, William (Pa | Attorney Fees | 1,039.12 |
| Menards - East | Park/Recreati | 23.98 | Microfilm Imaging Sy | Contract Serv | 2,764.13 |
| Microfilm Imaging Sy | Furniture & O | 33.36 | Microfilm Imaging Sy | Lease-Rental | 400.00 |
| Midwest Oil Company, | Parts Invento | 1,344.32 | Midwest Oil Company, | Small Tools, | 58.15 |
| Midwestern Mechanica | Plumbing & We | 140.00 | Minn Cnty So Petty C | Other Supplie | 119.70 |
| Myers & Billion LLP | Child Defense | 4,261.68 | Nearly Wild Band Llc | Program Activ | 300.00 |
| Nicholson, Tschetter | Attorney Fees | 885.93 | Nikolas, Jill | Program Activ | 25.00 |
| Northeast Investment | Welfare Rent | 1,195.00 | Office Depot, Inc. | Data Processi | 125.98 |
| Ohnstad, Gary A | Welfare Rent | 1,400.00 | Olson's Pest Technic | Other Profess | 67.75 |
| Palmer, Barbara | Bd Evaluation | 2,092.50 | Pharmchem Inc | Testing Suppl | 407.00 |
| Pheasantland Industr | Office Suppli | 50.00 | Pheasantland Industr | Parks/Recreat | 113.40 |
| Prahm Construction I | Contr Co | 122,333.15 | Presto-X-Company | Outside Repai | 59.57 |
| Property Records Ind | Memberships | 220.00 | Qualified Presort Se | Postage | 323.93 |
| R & S Sanitation Ser | Trash Removal | 281.25 | Redwood Court Ltd Pt | Welfare Rent | 650.00 |
| Rise, Kris | Program Activ | 50.00 | Risty, Julie | Education & T | 2,032.75 |
| Ronke & Feist Law Fi | Attorney Fees | 294.50 | Sachchidanand Hospit | Motels | 312.00 |
| Sam's Club - Members | Office Suppli | 64.05 | Sam's Club - Members | Other Profess | 1,068.98 |
| Sam's Club - Members | Other Supplie | 14.66 | Sam's Club - Members | Supplemental | 50.34 |
| Sanitation Products, | Heavy Eq. Rep | 2,783.75 | Satisfaction Plus In | Motels | 545.00 |
| SD Dept Of Revenue | Other Miscell | 14.00 | SD Secretary Of Stat | Notary Exp | 30.00 |
| Sehr, Francis J/Sehr | Welfare Rent | 450.00 | Servall Towel & Line | Janitorial/Ch | 2.50 |
| Servall Towel & Line | Program Activ | 79.14 | SF Specialty Hospita | Recruitment | 74.00 |
| Shepherd Reporting L | Court Reporte | 150.00 | Shreves, Brian | Attorney Fees | 241.80 |
| Simon, Anthony (OR) | Other Profess | 125.00 | Sioux Empire Fair As | Fairground Fa | 2,000.00 |
| Sioux Falls Humane S | Other Miscell | 3,467.36 | Sioux Falls Two Way | Heavy Eq. Rep | 145.88 |
| Sioux Falls Utilitie | Electricity | 10,846.80 | Sioux Falls Utilitie | Water - Sewer | 10,977.53 |
| Sioux Falls Utilitie | Welfare Utili | 129.00 | Skorczewski, Jena | Court Reporte | 1,144.40 |
| Solomon, Ghirmay | Interpreters | 50.00 | Southeastern Behavio | Other Miscell | 43,617.00 |
| Sturdevant's Auto Pa | Parts Invento | 73.66 | Swier Law Firm Prof | Attorney Fees | 1,713.90 |
| Szameit, Alexandra | Interpreters | 208.33 | Thomson Reuters - We | Books | 369.50 |
| Thomson Reuters - We | Subscriptions | 49.50 | Thorin, Deyanira T | Interpreters | 150.00 |
| Triangle Properties | Welfare Rent | 500.00 | True North Steel | Road Maint. & | 1,851.82 |
| Turning Leaf Llc | Welfare Rent | 500.00 | United Parcel Servic | Postage | 18.40 |
| Vanderpol-Bailey, Me | Attorney Fees | 1,138.60 | Variety Foods Llc | Other Profess | 218.20 |
| Vik, Darrell | Program Activ | 600.00 | Wal-Mart Pharmacy | Pharmacies | 164.27 |
| Wal-Mart Pharmacy | Pharmacies | 1,606.79 | Walgreen Co. | Pharmacies | 1,271.58 |
| Waltner, Kolbeck, Sc | Attorney Fees | 3,617.28 | Weerheim, Tom | Attorney Fees | 452.40 |
| West Twelfth Propert | Welfare Rent | 350.00 | Wolf, John | Welfare Rent | 500.00 |
| Xcel Energy, Inc. | Electricity | 9.00 | Xcel Energy, Inc. | Welfare Utili | 3,010.29 |
| Yankton County Sheri | Return Of Ser | 125.00 | Young, Lisa | Program Activ | 25.00 |
| Zamora, Julian | Welfare Rent | 410.00 | | | |

PERSONNEL

MOTION by Kelly, seconded by Barth, to approve the following personnel changes. 5 ayes.

1. To accept the resignation of Thaddeus Thomas as Air Guard Security Officer II for the Air Guard effective 8/1/14.
2. To transfer Jared Dahlen from Correctional Officer for the Jail to Air Guard Security Officer II (13/1) for the Air Guard at \$17.03/hour effective 7/7/14.
3. To accept the resignation of Brodie Waysman as Corrections System Operator for the Jail effective 7/24/14.
4. To accept the resignation of Justin Fritz as Correctional Officer for the Jail effective 8/1/14.

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5. To accept the resignation of Shelly Alves as Correctional Officer for the Jail effective 7/31/14.
6. To accept the resignation of Molly Quinn as Senior Deputy Public Defender for the Public Defender's Office effective 8/1/14.
7. To hire Christian Ruud as Deputy Public Defender (21/2) for the Public Defender's Office at \$2,073.60/bi-weekly effective 8/4/14.
8. To end the temporary, part-time employment of Kala Rebelein as Clerical Worker for the Highway effective 5/15/14.

Step Increases Due

1. Harley Marek – Civil Process Server – Sheriff's Office – 12/12 to 12/13 – 6/21/14 – \$21.80/hour
2. Heather Richarz – Correctional Officer – Jail – 13/9 to 13/10 – 6/23/14 – \$21.27/hour
3. Michael Walsh – Deputy Sheriff Sergeant – Sheriff's Office – 20/12 to 20/13 – 7/21/14 – \$32.37/hour
4. Steven Maciejewski – Deputy Sheriff – Sheriff's Office – 16/17 to 16/18 – 5/30/14 – \$30.06/hour
5. Joni Brunkow – Deputy Sheriff – Sheriff's Office – 16/9 to 16/10 – 6/8/14 – \$24.67/hour
6. Michelle Pliska – Juvenile Correctional Worker – Juvenile Detention Center – 9/7 to 9/8 – 7/24/14 – \$16.62/hour
7. Steven Ruitter – Juvenile Correctional Officer II – Juvenile Detention Center – 14/15 to 14/16 – 7/15/14 – \$25.92/hour
8. Tessica Severson – Administrative Assistant – Public Defender's Office – 12/4 to 12/5 – 7/25/14 – \$17.90/hour
9. Sarah Kerkvliet – Paralegal – Public Defender's Office – 16/2 to 16/3 – 7/16/14 – \$20.75/hour
10. Kenneth Jacobs – Senior Deputy Public Defender – Public Defender's Office – 22/3 to 22/4 – 8/3/14 – \$2,404.80/bi-weekly
11. Wendy Scholten – Victim Witness Assistant – State's Attorney's Office – 16/1 to 16/2 – 7/8/14 – \$20.25/hour
12. Scott Anderson – Planning Director – Planning – 24/11 to 24/12 – 7/2/14 – \$3,569.60/bi-weekly

NOTICE

A notice was received from Wilde Prairie Winery of their intent to conduct a fundraising raffle at their Annual Fall Festival of Artists benefiting the Edith Sanford Breast Foundation on September 12 & 13, 2014.

PUBLIC COMMENT

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Doug Barthel, Sioux Falls Police Chief, reported on the City's efforts in response to concerns expressed about recent activities in Van Eps Park. The City of Sioux Falls will be installing a fence between the park and the adjacent Minnehaha County employee parking lot. Also, the City of Sioux Falls is considering banning alcohol consumption in the park.

AGREEMENTS

Warden Jeff Gromer gave a briefing on the 2014-2015 jail housing contracts with surrounding counties. Under the terms of the contracts, the daily rate for housing inmates in other than a work-release setting is \$81.20. This is an increase of \$1.00 per day from the previous contract. The daily rate for work release inmates will remain at \$35.00. The contracts will be valid from 7/1/14 to 6/30/15. MOTION by Beninga, seconded by Kelly, to approve the 2014 jail housing agreements with the counties of Aurora, Brookings, Deuel, Gregory, Hanson, Hutchinson, Hyde, Jerauld, Kingsbury, Lake, McCook, Miner, Moody, Pennington, Sanborn, and Turner. 5 ayes.

Warden Jeff Gromer presented the 2014 jail housing contract with Lincoln County that guarantees 12 beds will be available each day. Lincoln County will pay an annual sum of \$349,042.20, paid in quarterly installments of \$87,260.55. If more than 12 beds are needed, they will pay \$79.69 per day for each additional bed. The contract will be valid from 7/01/14 thru 6/30/15. MOTION by Pekas, seconded by Beninga to approve the 2014 jail housing agreements with Lincoln County. 5 ayes.

BRIEFING

Scott Wick, Sioux Empire Fairgrounds Manager, thanked the commission for their continued support, and gave a briefing on events planned for the 75th Annual Sioux Empire Fair at the W. H. Lyon Fairgrounds. The Sioux Empire Fair will run from August 1st thru August 10th.

AGREEMENT

Robert Litz, Auditor, gave a briefing on an agreement with Election Systems & Software, LLC, (ES&S) to produce ballots and provide programming services for the Auto-Mark machines and ballot tabulation machines. The estimated cost for having ES&S produce the ballots is close to what it costs the County to produce the ballots. The estimated cost for ES&S programming services for the 2014 General Election is \$5,388.10. Mr. Litz stated he believes this expense can be covered in the Election budget. The agreement is in effect for a three year period. MOTION by Beninga, seconded by Pekas, to authorize the Chairman to sign the Election Services Agreement between Minnehaha County and Election Systems & Software, LLC. 5 ayes.

BRIEFING

DJ Buthe, Highway Superintendent, gave a briefing on the South Dakota Department of Transportation (SDDOT) and the Federal Emergency Management Agency (FEMA) response to a disaster declaration by Governor Dugaard and Presidential declaration by President Obama for the June flooding. Minnehaha County anticipates receiving 100% reimbursement for eligible work on the Federal Aid System and 75-85% reimbursement for work that falls within the FEMA reimbursement guidelines. To date nearly \$200,000 has been expended due to the disaster. The Highway Department is currently negotiating with an engineering consultant to assist with the disaster response administration, engineering, and construction management of the remaining work. The Highway Department is sending

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out a request for quotations to re-do the grading on La Mesa. The work is scheduled to be completed before school starts. Lynn DeYoung, Emergency Management Director, stated he will be working with the County and Townships on the FEMA documentation process.

GRANT

Ken, McFarland, Commission Administrative Officer, gave a briefing on the FFY2012/2013 Juvenile Accountability Block Grant (JABG) Sub-grant Notice of Award in the amount of \$45,122 (\$40,610 Federal). The funds will support the services of the Lutheran Social Services Middle School Diversion Officer. This is the final year this grant will be available. MOTION by Pekas, seconded by Kelly, to authorize the Chairman to sign the JABG SUBGRANT Notice of Award, Special Conditions, Assurances, & Certifications RFP# FFY2012/2013-JABG-01. 5 ayes.

PROVISIONAL BUDGET

Ken McFarland, Commission Administrative Officer, presented the FY2015 Provisional Budget in the amount of \$72,141,845. This is an increase from the FY2014 Final Budget of \$68,791,522. The provisional budget is supported by revenues that include a sluggish 2.4% growth in property taxes due to new construction within the county and a 1.4% CPI adjustment allowed by the property tax limitation statutes in total county property taxes collected. The budget is also supported by modest increases in the bank franchise tax, recording fees, vehicle registration fees, and spending \$1.4 million in accumulated cash in the Highway Fund for additional road and bridge projects in 2015. The Provisional Budget includes one new court records officer position in the jail. The Provisional Budget also reflects the implementation of a modification in the county's pay plan for full and part-time employees along with normal step increases of approximately 2.5% in accordance with the parameters of the county's pay plan. The Provisional Budget keeps the county operations on par with the 2014 budget with little to no growth to fund any requests for new positions, equipment, or programs. A public hearing on the proposed budget will be held during the Minnehaha County Commission meeting at 9:15 a.m., Tuesday, September 2, 2014. MOTION by Pekas, seconded by Barth, to approve the FY2015 Provisional Budget. 5 ayes. (The Provisional Budget and Adoption Resolution MC14-38 will be published in the County's legal newspapers with these minutes).

RESOLUTIONS

Ken McFarland, Commission Administrative Officer, gave a briefing on Legislative priorities identified by the Commission to be forwarded to the South Dakota Association of County Commissioners Resolutions Committee prior to the state convention in September. The following resolutions were considered: A resolution to repeal the property tax limitation statutes for Counties; a resolution to allow for a one-time adjustment to County Mill Levies; Resolution to amend the Property Tax Limitation from 3% or Less to 3% or Greater; a resolution to provide for an increase in the sales tax on alcoholic beverages; a resolution to provide for the redistribution of the tax on alcoholic beverages; a resolution to establish responsibility for costs of prosecution and defense for persons charged with crimes in State Correctional Facilities; a resolution to allow Counties to exempt County portion of property taxes from Municipal Tax Increment Financing Districts (TIFS); and a resolution to allow Counties to receive allocation from increases in Municipal Sales Tax. Commissioner Beninga asked Kyle Helseth, Director of Equalization, to report on agriculture land values and on mill levies in the other counties in the state. Mr. Helseth reported that Minnehaha County has met its maximum valuation for agriculture properties,

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and also reported that there is a strong push within the SD Legislature to go to a productivity valuation on agriculture land. Mr. Helseth stated that the mill levies throughout the state are varied.

MOTION by Barth, seconded by Pekas to approve Resolution MC14-39, Resolution MC14-40, and Resolution MC14-41. 5 ayes.

RESOLUTION MC 14-39
Amend the Property Tax Limitation of 3 Percent or the CPI
Whichever is Greater

WHEREAS, SDCL 10-13-35 limits South Dakota counties ability to raise property taxes year to year to 3 percent or the rate of the Consumer Price Index (CPI), whichever is less, and

WHEREAS, no limit exists on the increased expenses South Dakota counties face from one year to the next, and

WHEREAS, expenses for many counties, particularly in the area of law enforcement, often grow by more than three percent every year, now

THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners SDACC Resolutions Committee that the South Dakota Association of County Commissioners be urged to support legislation that would amend SDCL 10-13-35 by striking less and inserting greater.

Dated this 29th Day of July, 2014

APPROVED BY THE COMMISSION:
Cindy Heiberger
Chairman

ATTEST: Bob Litz, Auditor
Cynthia Jepsen
Deputy Auditor

Support Criteria

Justification for the Resolution: Counties have extremely limited abilities to increase revenues to meet existing demands beyond the yearly 3% or CPI adjustment. No limit exists on the increase in expenses counties may face from one year to the next.

Counties Affected by the Resolution: All Counties.

Impact of Resolution: Counties would have a greater ability to adjust tax revenues to match expenses.

RESOLUTION MC14-40
TO PROVIDE FOR A TEN PERCENT INCREASE IN THE SALES TAX ON ALCOHOLIC
BEVERAGES WITH A DISTRIBUTION OF THE INCREASE SPLIT BETWEEN THE STATE AND
COUNTIES

WHEREAS, county government, by statute must provide law enforcement, prosecution and defense, courts, jails, detoxification programs and other related services, and

WHEREAS, surveys conducted by Sheriffs throughout the state of South Dakota indicate that up to 80% of the inmates in jails and in the court system are there because of alcohol and drug related abuse problems, and

WHEREAS, under the current distribution formula for liquor taxes, the counties receive no revenue from the taxing of liquor but bear an un-proportionate share of the expenses associated with the abuse of alcohol, now

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THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners that the South Dakota Association of County Commissioners be urged to support legislation that would increase the sales tax on the sale of alcoholic beverages by ten percent, to be collected at the local level, with said increase split between the state and counties. The county portion of the increase will be allocated based on valuation and population, to provide added funding for county law enforcement needs.

Dated this 29th Day of July, 2014

APPROVED BY
MINNEHAHA COUNTY COMMISSION
 Cindy Heiberger
 Chairman

ATTEST: Bob Litz, Auditor
 Cynthia Jepsen
 Deputy Auditor

SUPPORTING CRITERIA:

Justification for the resolution: Counties bear significant costs for the prosecution, defense and incarceration of persons with alcohol related offences.

Counties affected by the resolution: All counties would be affected by the proposed change in statute.

Impact of resolution: Provide counties additional revenue to help fund law enforcement and other costs incurred that are related to the use and abuse of alcohol.

RESOLUTION MC14-41
TO PROVIDE FOR THE REDISTRIBUTION
OF MONEY IN THE ALCOHOLIC BEVERAGE FUND

WHEREAS, county government, by statute must provide law enforcement, prosecution and defense, courts, jails, detoxification programs and other related services, and

WHEREAS, various surveys conducted by Sheriffs throughout the state of South Dakota indicate that up to 80% of the inmates in county jails and in the court system are there because of alcohol and drug related abuse problems, and

WHEREAS, there is precedence in that counties received a share of the liquor taxes collected by the Department of Revenue up until 1985, now

THEREFORE BE IT RESOLVED, that the South Dakota Association of County Commissioners be urged to support legislation that would enable counties to share in the distribution of funds from the alcoholic beverage fund collected by the South Dakota Department of Revenue.

BE IT FURTHER RESOLVED, that the Minnehaha County Commission urges the South Dakota Association of County Commissioners to support drafting legislation which would distribute thirty-seven and one-half percent of the revenue deposited into the alcoholic beverage fund to the counties.

Dated this 29th Day of July, 2014.

APPROVED BY THE COMMISSION:
 Cindy Heiberger
 Chairman

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ATTEST: Bob Litz, Auditor
Cynthia Jepsen
Deputy Auditor

SUPPORTING CRITERIA:

Justification for the resolution: Counties bear significant costs for the prosecution, defense and incarceration of persons with alcohol related offences.

Counties affected by the resolution: All counties would be affected by the proposed change in statute.

Impact of resolution: Provide counties additional revenue to help fund law enforcement and other costs incurred that are related to the use and abuse of alcohol.

MOTION by Pekas, seconded by Beninga to approve Resolution MC14-42. 5 ayes.

**RESOLUTION MC14-42
ESTABLISH RESPONSIBILITY FOR
THE COST OF PROSECUTION AND DEFENSE FOR
PERSONS CHARGED WITH CRIMES IN
STATE CORRECTIONAL FACILITIES**

WHEREAS, counties have no law enforcement jurisdiction within the confines of correctional facilities of the State of South Dakota; and

WHEREAS, persons may be charged with committing a new crime stemming from their incarceration in a state correctional facility; and

WHEREAS, presently, in the majority of these cases, charging and prosecution for these crimes are handled by the South Dakota Attorney General's Office and the responsibility for defense costs fall on the county where the correctional facility is located, now

THEREFORE BE IT RESOLVED, by the Minnehaha County Board of Commissioners, that the South Dakota Association of County Commissioners be urged to support legislation that would require the State of South Dakota to be responsible for all expenses associated with the cost of prosecution and defense of inmates charged with crimes stemming from their incarceration in state correctional facilities.

Dated this 29th Day of July 2014.

APPROVED BY THE COMMISSION:
Cindy Heiberger
Chairman

ATTEST: Bob Litz, Auditor
Cynthia Jepsen
Deputy Auditor

SUPPORTING CRITERIA:

Justification for the resolution: Counties exercise no law enforcement supervision in state correctional facilities.

Counties affected by the resolution: All counties would be affected by the proposed change in statute

Impact of resolution: Costs would be shifted to the State of South Dakota

MOTION by Pekas, seconded by Barth to approve Resolution MC14-43. 4 ayes, Kelly voted nay.

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RESOLUTION MC 14-43
A RESOLUTION PROVIDING FOR A COUNTY SHARE OF
SALES & USE TAX IMPOSED BY A MUNICIPALITY

WHEREAS, counties bear an inordinate burden for the costs of law enforcement, public safety, and welfare assistance that far exceeds the current ability to fund such responsibilities under the constraints of the property tax limitation statutes, and

WHEREAS, municipalities are the main population centers that contribute to these costs and burdens to counties and have revenue sources such as the sales and use tax authorized by SDCL 10-52-2 and the gross receipts tax authorized by SDCL 10-52A-2, now

THEREFORE BE IT RESOLVED, the Minnehaha County Board of Commissioners does hereby urge the South Dakota Association of County Commissioners to support legislation that would require the State of South Dakota to develop a formula for a phase-in plan, with a maximum percentage to be set by statute, for counties to receive a percentage of the municipal sales and use tax revenues as defined by SDCL 10-52-2 and gross receipts tax revenues as defined by SDCL 10-52A-2.

Dated this 29th Day of July, 2014

APPROVED BY THE COMMISSION:

Cindy Heiberger
Chairman

ATTEST: Bob Litz, Auditor
Cynthia Jepsen
Deputy Auditor

SUPPORTING CRITERIA:

Justification for the resolution: Counties have extremely limited abilities to increase revenues to meet existing demands beyond the yearly 3% or CPI adjustment. Cities are the main contributors to counties for the burdens of law enforcement, public safety, and welfare assistance.

Counties affected by the resolution: All counties.

Impact of resolution: Counties would have a greater ability to receive revenue to match expenses

MOTION by Barth, seconded by Pekas to approve Resolution MC14-44. 5 ayes.

RESOLUTION MC 14-44
TAX INCREMENT FINANCING APPROVAL AND USE

WHEREAS, SDCL Chapter 11-90 authorizes municipalities (including counties) to create tax increment districts to assist in funding the development or redevelopment of blighted areas or to significantly enhance the value of the property within the district, and

WHEREAS, in a tax increment district, the valuation of real property within the district on the date the district is formed is established as the "tax increment base", and

WHEREAS, any real property taxes paid to all taxing districts on increased property valuation above the tax increment base are paid to the municipality or county and placed in a special TIF fund so long as the tax increment district is in force, and

WHEREAS, payment of increased taxes on the increment value in a tax increment district to the municipality or county which created the district results in a lower amount of taxes being received by all taxing entities within the county which provide required services to the public resulting in only bare essentials and not being able to serve all the citizens equally as we are expected to do, and

NOW, THEREFORE BE IT RESOLVED, the Minnehaha County Board of Commissioners urges the South Dakota Association of County Commissioners to revise SDCL 11-9 be to state any governing body who creates a

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tax increment district is the only entity who supports the tax incremental district debt thru their own tax levy and the other entities are held harmless thus receiving their levied tax dollars on the increment value unless such other entity or entities agree to cooperate in the tax incremental district.

Dated this 29th Day of July, 2014

APPROVED BY THE COMMISSION:
Cindy Heiberger
Chairman

ATTEST: Bob Litz Auditor
Cynthia Jepsen
Deputy County Auditor

SUPPORTING CRITERIA:

Justification for the resolution: Counties have extremely limited abilities to increase revenues to meet existing demands beyond the yearly 3% or CPI adjustment. Minnehaha County currently loses \$300,000 in deferred property tax revenues for TIFs and that figure is expected to double in 2015.

Counties affected by the resolution: All counties.

Impact of resolution: Counties would have a greater ability to receive revenue to match expenses

LIAISON REPORTS

Commissioner Barth reported that a resolution was passed at the Planning Commission meeting on July 28th to have the Minnehaha County Commission request the South Dakota Department of Transportation conduct a traffic study on the road by the Renner corner. The public has expressed a concern about the speed of traffic on the road. Scott Anderson, Planning & Zoning Director, stated his department will be making a map of where they would like the speed study conducted.

Commissioner Kelly left the meeting.

NEW BUSINESS

Commissioners Barth and Heiberger encouraged people to attend the Sioux Empire Fair.

MOTION by Barth, seconded by Pekas, to go into executive session for personnel, contract negotiations, and litigation. 4 ayes.

The Commission adjourned until 9:00 a.m. on Tuesday, August 5, 2014.

APPROVED BY THE COMMISSION:

Chairman

ATTEST:

Deputy Auditor