

UNAPPROVED MINUTES OF
March 22, 2024

The Moody County Commissioners met in regular session in the Farmers Room of the Courthouse on Friday, March 22, 2024 at 9:00 AM, with the following members present: Chair Bruning, Dan Miles, Dave Reker, Jerry Doyle, and Randy Hemmer, with Tawny Heinemann, Auditor as Clerk of the Board. Also present Marty Skroch, Commission Assistant, Paul Lewis, States Attorney, and county residents Gwen Reker, Matt Doyle and Vernice Doyle.

Chair Bruning called the meeting to order. Motion by Doyle, seconded by Hemmer to approve the agenda. All voted "aye." Motion by Miles, seconded by Reker to approve the following consent agenda with all voting "aye":

Minutes: March 5, 2024

Andy Muller, Highway Superintendent presented an estimate on light up stop signs. Discussion was held on Kohlmeier Corner and Airway Station intersections. Troy Wellman, Sheriff was also present. Muller will check into potential grant funding for light up stop signs.

A roof replacement proposal from Dalsin Roof and Sheetmetal was presented to the Board. Motion by Miles, seconded by Reker to authorize Chair Bruning to sign the roof replacement proposal in the amount of \$46,763. All voted "aye".

Sheriff Wellman met with the Board to share information on the State Law Enforcement Memorial Program to be held at the Capital in Pierre, SD on Wednesday, May 8, 2024. Chief Deputy Ken Prorok will be honored, and the program is open to the public.

Chair Bruning shared her thoughts on limiting third party grants to unincorporated areas of Moody County. More discussed to take place April 2, 2024.

Marty Skroch, Commission Assistant met with the Board. Motion by Doyle, seconded by Miles to approve the travel request for Erica Rorvik, Librarian to attend the National Library Conference in Columbus, OH held April 1-6, 2024. All voted "aye." Motion by Miles, seconded by Reker to approve the On-Sale Liquor License renewal for the Flandreau Golf Club. All voted "aye". Motion by Reker, seconded by Doyle to approve the estimate from Midwest Alarms to repair two courthouse cameras for \$2,172.88. All voted "aye". Motion by Hemmer, seconded by Miles to allow the Happy Youngsters to do a Community Service Project at the Fairgrounds. All voted "aye". Motion by Reker, seconded by Hemmer to approve the minutes from March 8, 2024. All voted "aye".

The following reports were received and filed in the Auditor's Office: Sheriff Civil and Warrant Fees \$1364.39.

Motion by Doyle, seconded by Reker to approve the following claims and issue warrants, with all voting "aye":
General: A & B Business, supplies 118.69, Arley K. Fadness, publications 22.68, AutoValue, supplies 7.99, Avera Medical Center, supplies 38.53, Barnes & Noble, publications 376.34, Bluepeak, utilities 473.02, Brookings County Sheriff, jail housing/medical 16577.50, Bruning & Lewis Law Firm, St Atry 2nd Half 4045.80, CDW Government, capital asset 1168.05, Centurylink, utilities, 542.76, City of Winner, jail housing 567.00, Convergint Technologies, supplies 360.00, Culligan Water Conditioning, supplies 130.00, David Reker, comm reimbursement 28.00, Demco, supplies 159.77, Deya Thorin Spanish, interpreter 237.1, Infotech, data processing 3728.99, Inter-Lakes Community Action senior citizen rent 1076.42, Lake County Sheriff, jail housing 2650.00, Lewis Drug, jail medical 6.00, Madison Community Hospital, jail medical 17.32, Matheson Tri-Gas, supplies 176.57, Maynards, supplies 10.99, McLeod Printing, supplies 149.90, Midwest Alarm Company, supplies 377.50, Minnehaha County Jail, jail housing 1568.00, Nancy Nelson, abuse and neglect 304.75, Office Depot, supplies 150.22, Qualified Presort Service, supplies 2532.62, Ramkota Hotel, travel 114.00, Redwood toxicology, jail blood alcohol 856.00, River's Edge, gas/fuel 5033.00, SDACO, travel 600.00, Skroch Funeral Chapel, prof services 420.00, Sparkle Car wash 76.50, State Treasurer, mental illness state remit 60.00, Teesdale, abuse and neglect 2389.85, Trane U.S. Inc. supplies/improvements 1755.05, Verizon Wireless Service, service 50.00
Highway: A-1 Portable Toilets, supplies 215.00, Bluepeak, utilities 206.97, C&R Custom Repair, repairs 304.94, City of Colman, utilities 151.45, Equipment Blades, supplies 1465.50, Quality Oil, supplies 1218.43, River's Edge, supplies 2723.49, Wheelco, repairs 91.88.
Emergency Management: Bluepeak, utilities 27.12, River's Edge, gas 172.88.
Water Conservation Fund: East Dakota Water Development, Feb remit 1033.00.
State Remittance Fund: State Treasurer, remit 197692.99.
Law Library Fund: LoopUp, law library 26.62.
24/7 Sobriety Fund: Pharmchem, supplies 323.55.

As advertised, a public hearing was held at 10:00 AM on the CDBG (Community Development Block Grant) for the Boys and Girls Club Childcare Facility project.

Motion by Doyles, seconded by Miles to authorize Chair Bruning to sign the Code of Conduct for the CDBG application. All voted "aye". Motion by Reker, seconded by Miles to pass the following resolution for the CDBG application with all voting "aye":

Resolution #20240322201

Section 1 Overview

WHEREAS, Moody County makes a commitment to provide employees a safe working environment, to ensure that employees, equipment and operating practices comply with health and safety standards, and to maintain public confidence in the County and its employees. Since the County values each employee, the County offers employees assistance in dealing with alcohol and drug abuse problems.

Section 2 Policy

WHEREAS, Moody County requires all employees to report for work in a condition that allows them to perform their duties in a safe and efficient manner. Employees will not be permitted to work under the influence of alcohol or with prohibited drugs in their systems thereby affecting job performance.

Violation of any provision of this Ordinance will be considered just cause for disciplinary action up to and including discharge, even for a first offense. In addition, refusal to adhere to any part of the policy may be considered an act of insubordination and also may lead to disciplinary action up to and including discharge.

This Ordinance and related procedures may be modified by the County at any time in order to comply with any applicable federal, state or local laws or to better serve the needs of the County.

Section 3 Prohibited Drugs

Prohibited drugs are defined as illegal substances, including controlled substances as defined in the Controlled Substance Act (21 U.S.C. 8120 and the Code of Federal Regulations (21 C.F.R. 1308.11-1308.15) and prescription-controlled substances which have not been prescribed by a licensed physician or dentist for specific treatment purposes for the employee. Abuse of prescription or over-the-counter drugs will also be treated as a substance abuse problem under this Ordinance.

This Ordinance prohibits the illegal use, sale, transfer, distribution, possession, or unlawful manufacture of opioids, drugs, or other controlled substances while on the job or on County premises (including vehicles used for County business). These include but are not limited to: cocaine, fentanyl, heroin, LSD, marijuana (including edibles), MDMA (Ecstasy), methamphetamines, methadone, and prescription opioids. Any illegal substances found on such premises will be turned over to the state police and may lead to criminal prosecution.

Section 4 Alcohol

The use of alcohol on the job or on County premises is prohibited, unless such use is non-abusive and is part of an authorized official event held off County premises. The use of alcohol in vehicles used for County business is strictly prohibited.

Alcohol possession applies to all open or unsealed alcoholic beverage containers. Such containers are not allowed on the job or on County premises, unless their possession is part of an authorized official event. Possession of such containers in vehicles used for County business is never authorized.

Section 5 Reporting Violations

Employees must as a condition of employment, abide by the terms of this Ordinance and report any conviction to the County under a criminal drug statute for violations occurring on or off County premises when conducting County business. Report of a conviction must be made to the County within five (5) business days after the conviction. The County will then notify the appropriate contracting officer within ten (10) days after receiving notice from either the employee or from another source. (These requirements are mandated by the Drug-Free Workplace Act of 1988.)

An employee who is involved with off the job illegal drug activity may be considered in violation of this Ordinance. In determining whether disciplinary action will be imposed for this activity, the County will consider the circumstance of each incident, including but not limited to any adverse effect the employee's actions may have on its customers, other employees, the public, or the County's reputation and image.

Any questions regarding the reporting of violations should be directed to the Clerk.

Section 6 Employee Rehabilitation

Health maintenance is primarily a personal responsibility and it is the individual's responsibility to correct unsatisfactory job performance or behavioral problems caused by alcohol or drug abuse. In an effort to assist employees, the County will provide various means for employees and their family members to remain aware of the dangers of substance abuse in the workplace and to overcome drug and alcohol related problems.

Employees with a personal, alcohol or drug related problem are encouraged to volunteer to participate in a approved rehabilitation program upon referral from the Employee and Family Assistance Program, before work performance becomes affected.

Participation in a rehabilitation program will not be considered a barrier to employment nor a cause for disciplinary action. Employees will not be disciplined merely because of participation in a rehabilitation program or excused from the disciplinary consequences of conduct which is in violation of this Ordinance or any other County policies or job requirements.

Any employee identified through a County investigation as having a substance abuse problem also may not avoid disciplinary action by requesting to participate in an approved rehabilitation program.

Circumstances in each case will be evaluated to determine the course of action to be taken (i.e., whether the employee will be offered the opportunity to participate in a rehabilitation program and/or will be subject to discipline.)

Section 7 Testing

Moody County will not ask employees to submit to random alcohol or drug tests.

Alcohol or drug tests may be required for employees in the following circumstances:

- 1) When unsatisfactory job performance or other employee behavior is reasonably indicative of substance abuse.

- 2) During and after participation in a drug or alcohol rehabilitation program for a reasonable period of time as determined by the County.
- 3) When required by law.

If a supervisor identifies an employee with a behavior pattern and/or job performance reasonably indicative of substance abuse, the supervisor (with the concurrence of the next level of supervision) may recommend that the employee have a fitness for duty examination by a physician designated by the County. The physician will determine whether a fitness for duty examination is necessary and whether alcohol or drug tests will be required.

Pre-employment drug testing is part of the pre-employment physical. The method of testing will be determined by the County. Applicants who test positive for prohibited drugs in their systems will not be offered employment. Any questions regarding reapplication opportunities should be directed to the Clerk.

Certification of Adoption

It is hereby certified that this Resolution Number 2024032201 was passed by the Board of Commissioner of Moody County at its legally convened meeting of March 22, 2024.

ATTEST: Tawny Heinemann
Moody County Auditor

Carla Bruning, Chair
Moody County Board of Commissioners

Motion by Miles, seconded by Doyle to pass the following resolution for the CDBG application, contingent on a satisfactory environmental assessment, with all voting "aye":

ENVIRONMENTAL CERTIFYING OFFICER

Resolution: 2024032202

WHEREAS, Moody County is a subgrantee of a Community Development Block Grant from the U.S. Department of Housing and Urban Development as administered by the State of South Dakota, and;

WHEREAS, Moody County is required to designate an environmental certifying officer for the purpose of signing required environmental documents pertaining to this grant,

NOW THEREFORE, BE IT RESOLVED, that Carla Bruning, Chairperson for Moody County be hereby designated as Moody County's environmental certifying officer for the purpose of signing correspondence and other required documents and forms.

Dated this 22nd day of March, 2024.

ATTEST: Tawny Heinemann
Moody County Auditor

Carla Bruning, Chair
Moody County Board of Commissioners

Motion by Reker, seconded by Doyle to authorize Chair Bruning to sign the Equal Employment Opportunity Policy for the CDBG application. All voted "aye". Motion by Hemmer, seconded by Miles to authorize Chair Bruning to sign the Excessive Force Policy for the CDBG application. All voted "aye". Motion by Miles, seconded by Reker to authorize Chair Bruning to sign the following resolution for the CDBG application with all voting "aye":

Resolution: 2024032203

WHEREAS, it is the Board of Commissioners' firm belief that discrimination in housing not only threatens the rights and privileges of the citizens of Moody County but also menaces the institutions and foundations of free and democratic society; and,

WHEREAS, this body desires to give meaning to the guarantees of equal rights contained in the Constitution and laws of this State and the United States and to encourage and bring about mutual self-respect and understanding among all citizens and groups in the County; and,

WHEREAS, under the federal fair housing, (Title VIII of the Civil Rights Act of 1968), it is illegal to deny housing to any person because of race, color, religion, sex, or national origin; and,

THEREFORE, BE IT RESOLVED Moody County, South Dakota, makes a firm commitment to do all within its power to eliminate prejudice, intolerance, disorder, and discrimination in housing.

BE IT FURTHER RESOLVED that the Fair Housing and Equal Opportunity logo will be displayed at the County office and on all official correspondence.

BE IT FURTHER RESOLVED that the following procedures will be used to accomplish the purpose of the resolution:

1. The Board of Commissioners shall inform all County employees of the County's commitment to equal housing.
2. The Board of Commissioners shall direct all employees to forward immediately to the Chairperson any

reports they receive of housing discrimination.

3. The Chairperson shall forward such complaints to the South Dakota Division of Human Rights within 10 days of receipt of said complaint.

ATTEST: Tawny Heinemann
Moody County Auditor

Carla Bruning, Chair
Moody County Board of Commissioners

Motion by Doyle, seconded by Hemmer to pass the following resolution for the CDBG application with all voting "aye":

Authorizing Governmental Resolution 2024032204

PROJECT CERTIFYING OFFICER

WHEREAS, Moody County is a subgrantee of a Community Development Block Grant from the U.S. Department of Housing and Urban Development as administered by the State of South Dakota, and;

WHEREAS, Moody County is required to designate a certifying officer for the purpose of signing required documents pertaining to this grant;

NOW THEREFORE, BE IT RESOLVED, the Chairperson for the Moody County be hereby designated as the county's official for the purpose of signing Grant Agreements and pay requests.

AND BE IT FURTHER RESOLVED, that the Board President for the Boys and Girls Club be hereby designated as the certifying officer for the purpose of signing correspondence, contracts, and other required documents.

Dated this 22nd day of March, 2024.

ATTEST: Tawny Heinemann
Moody County Auditor

Carla Bruning, Chair
Moody County Board of Commissioners

Motion by Doyle, seconded by Hemmer to authorize Chair Bruning to sign the Certification regarding restrictions on lobbying for the CDBG application. All voted "aye". Motion by Miles, seconded by Reker to authorize Chair Bruning to sign the FFATA Certification for the CDBG application. All voted "aye". Motion by Reker, seconded by Miles to authorize Chair Bruning to sign the CDBG program assurances certification for the CDBG application. All voted "aye". Motion by Hemmer, seconded by Doyle to authorize Chair Bruning to sign the four-factor analysis completion and findings certification for the CDBG application. All voted "aye". Motion by Miles, seconded by Reker to authorize Chair Bruning to sign the Agreement for Administrative Assistance for the CDBG application. All voted "aye". Motion by Hemmer, seconded by Doyle to authorize Chair Bruning to sign the letter to the State Historic Preservation Officer the CDBG application. All voted "aye". Motion by Miles, seconded by Hemmer to authorize Chair Bruning to sign the Community Development Block Grant agreement between Moody County and Boys and Girls Club of the Northern Plains, Inc. All voted "aye". Motion by Hemmer, seconded by Doyle to authorize Chair Bruning to sign the Community Development Block Grant application for the proposed childcare facility located in Flandreau, SD on behalf of the Boys and Girls Club. All voted "aye". Motion by Hemmer, seconded by Doyle to authorize Chair Bruning to sign for the CDBG application disclosure. All voted "aye".

Motion by Reker, seconded by Hemmer to adjourn to conduct business as the Joint Board of Commissioners and Planning at 10:37 AM. All voted "aye". Motion by Miles, seconded by Reker to approve the minutes from March 5, 2024. All voted "aye". Alicia Deschepper, Zoning Administrator presented a plat to the Board. Motion by Miles, seconded by Reker to approve the following plat resolution with all voting "aye":

COUNTY COMMISSION

"BE IT RESOLVED by the County Commission of Moody County, South Dakota, that TRACT 2A OF BENSON'S ADDITION IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 105 NORTH, RANGE 48 WEST OF THE 5TH PRINCIPAL MERIDIAN, MOODY COUNTY, SOUTH DAKOTA.

I hereby certify that the above is a correct copy of the resolution duly passed by the County Commission, at a meeting held on the date adopted.

Adopted this 22nd day of March, 2024.

Tawny Heinemann
Auditor
Moody County, South Dakota

Motion by Doyle, seconded by Miles to resume regular session at 10:40 AM. All voted "aye".

Motion by Miles, seconded by Doyle to adjourn the meeting at 10:40 AM. All voted "aye".

ATTEST: Tawny Heinemann
Moody County Auditor

Carla Bruning, Chair
Moody County Board of Commissioners