

**August 27, 2024**

**CALL TO ORDER**

Chairperson Reider called the regular meeting of the Davison County Board of Commissioners to order at 9:00 a.m. Members of the Board present were Claggett, Nebelsick, Blaalid, Reider. Absent Kiner. Also present was Chief Deputy Auditor Matthews.

**PLEDGE**

The Pledge of Allegiance was led by Chairperson Reider.

**APPROVE AGENDA**

Motion by Chris, second by Claggett to approve the agenda as amended for the August 27, 2024, meeting. All members present voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Nebelsick, second by Claggett to approve the minutes of the August 20, 2024, meeting. All members present voted aye. Motion carried.

**PUBLIC INPUT**

Chet Ellsworth from Rapid City appeared before to discuss a public records request that was submitted requesting all emails to and from members of the Davison County Insurance Committee from April 5, 2024, to August 6, 2024. Mr. Ellsworth stated he was denied that request, stating that emails dealing with litigation were denied as it relates to attorney client privilege, and was asked to clarify the subject matter that he was requesting. Mr. Ellsworth stated he is trying to find out where the idea for the proposed ordinance came from.

Commissioner Nebelsick inquired as to what Mr. Ellsworth was trying to achieve, and that he trusts the legal advice they have been given as to how to proceed, and that the commission does not have a subversion plan.

**MEDICAL PROVIDER DISCUSSION**

Sheriff Harr appeared before the Board to discuss options for plans for the medical care of inmates at the Davison County Jail. The Board requested Sheriff Harr follow up with Dr. Douglas Holum with the questions that were presented, primarily what the plan would be if Dr. Holum was sick or away.

**SHERIFF OFFICE UPDATE**

Sheriff Harr gave an update to the Board. Harr stated he was contacted by a citizen interested in providing a donation to cover some of the costs of the hiring of the new School Resource Deputy. Harr also gave an update on the status of the Sheriff's Office vehicles and the purchase options for the 2025 budget year.

**FIRST READING OF COUNTY ORDINANCE #082724-01 AN ORDINANCE COMBINING THE OFFICES OF COUNTY AUDITOR & COUNTY TREASURER AND PUBLIC HEARING**

At 9:30 a.m. motion by Claggett, second by Blaalid to hold the first reading and public hearing on the following county ordinance. All members present voted aye. Motion carried.

**DAVISON COUNTY, SOUTH DAKOTA, ORDINANCE #082724-01**

**AN ORDINANCE COMBINING THE OFFICES  
OF  
COUNTY AUDITOR & COUNTY TREASURER**

**WHEREAS**, SDCL 7-7-1.2 provides

The board of county commissioners may, by ordinance, combine two or more county offices and that one person shall be elected to, and perform the duties of, the combined offices; and

**WHEREAS**, SDCL 7-7-1.3 provides, *inter alia*,

...[I]f the offices are combined pursuant to §7-7-1.2, an officer shall be nominated and elected at the next general election to the combined office in the same manner provided by law for the election of other county officers...; and

**WHEREAS**, SDCL 7-7-1 provides, *inter alia*,

The terms of all such [county] officers shall be four years, or until their successors have been duly elected and qualified. Nevertheless, the term of any county office, combined with another pursuant to § 7-7-1.2 or 7-7-1.3, shall expire on the first Monday of January following the ordinance authorizing the combination; and

**WHEREAS**, the time for nominating petitions, primary elections, and other procedures under SDCL Chapter 12-6 relating to the 2024 general election of county officers has long passed rendering it impossible for any candidate for a newly combined office to appear on the November 4, 2024, general election ballot; and

**WHEREAS**, the next general election at which a person could be elected to the combined offices will occur on November 3, 2026; and

**WHEREAS**, SDCL 7-7-1.10 provides

If the offices are combined pursuant to § 7-7-1.2 and a vacancy occurs in one of the combined offices, the county commission shall appoint the remaining officer to hold the newly combined position until an officer can be nominated and elected;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Davison County, South Dakota:

§1. Establishment. Pursuant to SDCL 7-7-1.2 the offices of Davison County Auditor and Davison County Treasurer will be combined into a single public office and one person will be elected to, and will perform the duties of, the combined offices.

§2. Name of Combined Office. The combined office will be known as the Davison County Office of Finance.

§3. Name of Combined Officer. The elected official replacing the Davison County Auditor and the Davison County Treasurer and undertaking the combined duties of each formerly separate office as the Davison County Office of Finance will be known as the Davison County Finance Officer.

§4. Implementation.

- a. Pursuant to SDCL 7-7-1 the terms of the Davison County Treasurer and the Davison County Auditor, such offices having been hereby combined pursuant to § 7-7-1.2, will expire on January 6, 2025, such date being the first Monday of January following the adoption and effective date of this ordinance authorizing such combination;

- b. As a result of the statutory expiration of the terms of office of the prior office holders on January 6, 2025, and in order to provide for the orderly discharge of the duties of the combined offices, the Davison County Board of Commissioners will as soon as practicable on or after January 6, 2025, make appropriate appointment pursuant to SDCL 3-4-3 and SDCL 7-7-1.10;
- c. Following election on November 3, 2026, the newly elected and qualifying Davison County Finance Officer will assume office on the first Monday of January, 2027.

A Synopsis of the Public Hearing is below.

Chairperson Reider gave the First Reading of the Ordinance. Reider stated there has been discussion over the years to increase cohesion and teamwork and to be efficient and effective as the reasons to pursue this ordinance at this time.

Sonya VanErdewyk, Davison County Republican Party Vice-Chair spoke in opposition to the ordinance, VanErdewyk also presented and read a resolution passed by at the August 15<sup>th</sup>, 2024, Davison County Republican monthly meeting, the resolution resolved that the Davison County Republican Party opposes the creation of a County Finance office and supports maintaining the septation of the County Treasure and County Auditor offices. It also resolved the Davison County Republican Party expresses a request that the Davion County Board of Commissioners appoint a County Auditor forthwith.

Dwight Stadler, Davison County Resident spoke in opposition to. Mr. Stadler cited SDCL 3-4-3 and stated that the statute states that when there is a vacancy in a county office the County Commission shall fill the vacancy by appointment. Mr. Stadler stated a concern that the ordinance would be putting two full-time positions into one person, doubling the workload. He also cited a concern that the person that would be running elections for the county would be an unelected deputy of the combined office. Mr. Stadler referenced Commissioner Claggett's comments at the August 15<sup>th</sup> Davison County Commission meeting, and a phone call on August 16<sup>th</sup> when Claggett did not want to comment citing litigation. Mr. Stadler asked Commissioner Claggett to recuse himself.

Chet Ellsworth, Pennington County resident spoke in opposition. Mr. Ellsworth stated the Board has failed to state the necessity of ordinance. Mr. Ellsworth provided HB 1243, Procedures for Combining Offices, and HB 1315, an act to to permit alternative to labially insurance to cities, counties and school boards, both from the 1987 legislative session. Mr. Ellsworth stated that in HB 1243 voters could have brought fourth this by petition.

Larry Mathis, Davison County Republican Chair spoke in opposition. Mr. Mathis stated that while at Corn Palace Week GOP booth he spoke with several people and did not find one person favorable to the ordinance. Many people perceived at the County Commission seeking more power for themselves, taking away a check and balance, and taking away the vote of the people. Mr. Mathis stated this ordinance does not ask the people it tells the people how they are to be governed.

Mike Lindsay, Davison County resident spoke in opposition. Citing he agreed with Mr. Mathis and others, Mr. Lindsay stated that there is not enough proof there is a need.

Patrick Clark, Davison County resident and former CFO at Avera Queen of Peace spoke in favor of the ordinance. Mr. Clark stated that he believed that this opportunity could save ½ full-time employee, and that one medium sided department can be better than two small departments.

Robert Morano, Davison County resident, stated he has worked in accounting for 20 years for international companies and spoke in opposition. Mr. Morano stated his concerns with removing the separation of duties and that the savings in an employee is debatable. Mr. Morano also stated that if passed it increases the possibility of fraud.

Steve Sibson, Davison County resident, stated that he is a retired CPA of 36 years and spoke in opposition. Mr. Sibson stated that in business you typically do not combine accounts payable and cash flow operations, let alone in government. Mr. Sibson cited recent examples of fraud at state entities including the Dept. of Social Services. Mr. Sibson cited a concern about governments getting rid of elected positions for a system of appointed bureaucrats. Citing this ordinance eliminates two elected offices and replaces them with one. Mr. Sibson also referenced SDCL 3-4-3 Section 4 as it relates to the vacancy in the Auditor's Office, stating that the vacancy already exists prior to the ordinance so SDCL 7-7-1.10 should not apply.

Robert Morano expressed an interest that if moved to a second reading that the meeting be held in evening hours that more people would be able to attend.

Mel Olson, Davison County resident and former Legislator spoke stating he believed this ordinance would be best decided by a vote of the people, and that there is a point to be made for the Auditor's office watching the Treasurer's Office. Mr. Olsen also spoke regarding how "shall" and "may" are interpreted in law. Mr. Olson stated that in his opinion "shall" can be interpreted if an action is taken that it must be taken in a particular manner.

Ben Krohmer, Davison County resident and District 20 House Member, spoke in opposition. Mr. Krohmer stated the theory of saving money is well intention. Mr. Krohmer stated that in a small county where there is not a lot of work that could be possible but that in his discussion around the state it does not make sense for a medium-sized county. Mr. Krohmer stated that only three of the sixty-six Counties in the State have done so and 95 ½ % have not. Mr. Krohmer also stated that he believed this ordinance would require the hire of additional employees, not less. Also, that even if this were a good idea the timing is not appropriate, and the officer should be elected by the voters.

Doug Schley, Davison County resident, spoke in opposition to the ordinance. Mr. Schley stated that he believe in the separation of the two offices.

Terry Sabers, Davison County resident and former CFO of Muth Electric spoke in support of the ordinance. Mr. Sabers stated he has 50 years of accounting experience. Mr. Sabers stated that the checks and balances would still be in place and that advances in technology has increased efficiencies, and that this has been done successfully in other counties.

Brenda Bode, Davison County resident and former Davison County Commissioner, spoke in favor of the ordinance. Mrs. Bode stated she researched the other counties that have a County Finance Officer, Brookings, Hughes and Perkins Counties to evaluate the efficiencies. Mrs. Bode stated minimal savings in those counties, but cited it created a more flexibility in staff to serve the public.

Mike Lindsay spoke again to state he does so in his own capacity and that in the company he worked for previously that changes and reduction in staff was done not to the benefit of the stockholders but to make a CEO look Good

Mary Freeman, a Davison County resident, spoke in opposition stating from her experience with both offices that they run well, and that all this Ordinance would do is create a tier of government to oversee those now. Ms. Freeman stated there are other ways to save money and that both current offices have great leaders now.

Sonya VanErdewyk spoke again to state that she believes that one person can do the jobs of both Auditor and Treasurer.

James Matthews, Chief Deputy Auditor spoke in opposition. Mr. Matthews stated that his concern with combining the offices is the lack of separation that would occur. Mr. Matthews stated the overlap between the two is important, that the Auditor's office conducts an Audit of the Treasurers accounts and balances every month, and the importance of the separation to prevent fraud. Matthews stated he does not expect a cost savings with the combination, citing an increased salary for the County Finance officer and additional hires needed to complete the tasks that are currently

assigned to the Treasurer's and Auditor's offices. Matthews cited a concern that the board is ignoring SDCL 3-4-3 and cited that he believes the board does need to appoint an Auditor to fulfill the statutory requirement.

Terry Sabers spoke again to state that he believes there is an opportunity here and if the States' Attorney says it's ok the Board must proceed with the ordinance.

Donna Deinert, Davison County resident, spoke in opposition. Mrs. Deinert stated that she believes the Board is overstepping their power. Also, she believes you need to elect the people in charge. She also stated that the Board is taking advantage of people that are not aware of what is happening, and that that it is likely that this ordinance is referred.

## **CLOSE PUBLIC HEARING**

Motion by Claggett, second by Nebelsick to close the Public Hearing on County Ordinance #082724-01. All members present voted aye. Motion carried.

## **BOARD DISCUSSION**

Chairperson Reider stated that in the Ordinance the County Finance Officer will be an elected position. Reider also stated that the Board in the past has created and eliminated positions. Reider stated the State may have financial fraud problems, but counties have more requirements on them that you don't hear about counties having financial misgivings.

Commissioner Claggett stated he liked some of the comments from the public and wants to be in public view. Claggett stated he strives for Davison County to be the best not mediocre. Claggett stated that he wished voting on some of these offices be different as this has been discussed at SDACC meetings.

Chairperson Reider stated that he believes checks and balances will be maintained.

Commissioner Nebelsick stated that this ordinance comes at a terrible time and does not believe that he can support this at this time. Also, it will be important that Commissioner Kiner be able to have a voice as well.

Commissioner Blaaid stated that he believes the time is now to pursue this change. Also stated that if someone is going to commit fraud, they will commit fraud. And believes there will be checks and balances will still be in place.

## **SET DATE AND TIME OF SECOND READING OF COUNTY ORDINANCE #082724-01 AN ORDINANCE COMBINING THE OFFICES OF COUNTY AUDITOR & COUNTY TREASURER**

Motion by Blaaid, second by Claggett to set September 10, 2024, 11:00 a.m., in the Commission Chambers located at 1420 North Main St., Mitchell, SD, for the 2<sup>nd</sup> reading of County Ordinance #082724-01 An Ordinance Combining the Offices of County Auditor & County Treasurer. A roll call vote was taken as follows. Claggett- aye, Nebelsick -aye, Blaaid -aye, Reider – aye. Kiner – Absent. Motion carried.

## **EMPLOYEE STATUS CHANGES**

Motion by Blaaid, second by Nebelsick to approve the status change of Corrections Officer Gretchen Edwards from part-time to full-time at a rate of \$21.33 with a \$.50 increase after a successful completion of a six-month introductory period, effective August 31, 2024. All members present voted aye. Motion carried.

Motion by Nebelsick, second by Claggett to accept the resignation of Chief Deputy Auditor James Matthews, effective September 2<sup>nd</sup> at 11:59 p.m. All members present voted aye. Motion carried.

## **ACCEPT SAFETY AWARD**

HR Director Wingert brought to the board acknowledgement that Davison County will receive the Gold Safety & Loss award from Safety Benefits to be presented at the Fall Conference in Rapid City on September 18, 2024.

## **APPROVE TIMESHEETS**

Motion by Nebelsick, second by Bhaalid to Claggett to authorize chairperson to sign department head timesheets as supervisor. All members present voted aye. Motion carried.

## **APPROVE BILLS**

Motion by Nebelsick, second by Claggett to approve the following bills for payment. All members present voted aye. Motion carried.

## **GENERAL FUND:**

**COMM:** Publishing/Column Software PBC-1,400.43,; **AUD:** Trvl & Conf/First Bankcard-1,059.65; **TREAS:** Passport Postage/First Bankcard-157.60, Supplies/First Dakota Nat'l Bank-5.00, First Bankcard-517.02, State MV Supplies/First Bankcard-517.02, Trvl & Conf/Tonya Ford-94.32; **ST ATTY:** Diversion Service & Fees/Erik Bringswhite-909.76; **CRT APPTED ATTY:** Crt Appted Atty/Steven R Smith Law Office-2,203.76, Pub Def Contract/Alvine Law Firm LLP-16,634.90, Douglas Papendick-16,634.90; **PUB SFTY BLDG:** Repairs/Menards-346.99, Minor Equip/Menards-299.99; **CRTHOUSE:** Supplies/Jones Supplies-117.44, Menards-52.69, Minor Equip/Menards-76.97; **DOE:** Supplies/McLeod's Printing-110.88, Trvl & Conf/Quality Inn-218.00; **ROD:** Supplies/Al's Engraving-8.95; **CO COORD:** IT Contract/Transcendent Technologies-28,133.00, Copy Machine Maint/Access Systems-73.63; **SHERIFF:** Tires/TMA-633.55, Ofc Supplies/A & B Business Solutions-80.86, Minor Equip/Sonnel Technologies LLC-628.30; **JAIL:** Bldg Maint/American Garage Door-663.27, Ofc Supplies/Innovative Office-103.82, Jail Supplies/Jones Supplies-702.19, Laundry Supplies/Jones Supplies-647.86, Vestis-244.20, Oth Co Jail Bd/Mellette County-71.00, Training/Emergency Education Assn-975.00, NESD Family Violence Conf-125.00, Contracts/Ofc Advantage-67.74, Medical Waste Transport-381.42; **WELFARE:** Rent/Costello Property Mgmt.-400.00, Transients/First Bankcard-80.65, Utilities/City of Mitchell-257.45; **CADC:** Stepping Stones/CADC Stepping Stones-2,000.00; **MENT HAND:** Dakota Mental Health/Dakota Counseling Inst-2,250.00; **WEED:** Utilities/City of Mitchell-121.88, Verizon Wireless-42.68; **P&Z:** Publishing/Column Software PBC-51.98; **HIWAY:** Repairs & Maint/H&R Salvage LLC-200.00, Utilities/City of Mitchell-69.43, Northwestern Energy-683.66, Verizon Wireless-85.36, Bridge Repair/Mitchell Iron & Supply-501.56, Mitchell Quarry-171.90; **EMG MGMT:** Emg Accuml/Verizon Wireless-177.87; **M&P:** M&P Supplies/Tobin's Transfer Inc-125.00, US Records Midwest-6,803.00; **911:** Communications/City of Mitchell Police Dept-17,103.55,; **BID DEP:** Fair Dmg DepRachel Gerlach-250.00.

## **INTO EXECUTIVE SESSION**

At 11:02 a.m., at the Request of VSO Thomas, motion by Bhaalid, second by Claggett to move into executive session to discuss personnel pursuant to SDCL 1-25-2. All members present voted aye. Motion carried.

## **OUT OF EXECUTIVE SESSION**

At 11:18 a.m. motion by Bhaalid, second by Nebelsick to move out of executive session. All members present voted aye. Motion carried.

**APPROVE WAGE INCREASES**

Motion by Bhaalid, second by Claggett to increase the wage of Veteran Service Officer TJ Thomas by \$1.75 per hour to \$28.00, Veterans Service Officer Courtney Ditter by \$1.75 per hour to \$26.43, Veterans Service Officer Timothy Storly by \$1.75 per hour to \$25.35, effective August 31, 2024. All members present voted aye. Motion carried.

**ADJOURN**

At 11:20 a.m., Chairperson Reider adjourned the meeting and set the next regular Board of Commissioners meeting for September 3, 2024, at 9:00 a.m.

**ATTEST:**

\_\_\_\_\_  
Billy Lurken, Deputy Auditor  
For:  
James Matthews, Chief Deputy Auditor

\_\_\_\_\_  
Randy Reider, Chairperson

Publish Once  
Approximate Cost