

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF FALL RIVER)

IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

In the Matter of the
FALL RIVER COUNTY BOARD OF
MENTAL ILLNESS

**ORDER APPOINTING CHAIRPERSON OF FALL
RIVER COUNTY BOARD OF MENTAL HEALTH**

This matter having come before the Court this 2ND day of SEPTEMBER, 2021, and the Court being aware of the need to appoint a new Chairperson to the Fall River County Board of Mental Illness, and WILLIAM HUSTEAD having participated in a training and certification program for mental health boards, now therefore

IT IS HEREBY ORDERED THAT WILLIAM HUSTEAD of Hot Springs South Dakota, being a member of the Bar, is hereby appointed as Chairperson of the Fall River County Board of Mental Illness, unless or until relieved by this Court, all pursuant to South Dakota law.

Dated this 2nd day of September, 2021.

BY THE COURT:


CRAIG A. PFEIFLE, PRESIDING ~~Circuit~~
COURT JUDGE-SEVENTH CIRCUIT

/s/ Tammy Graben
by: JSCU10203 Clerk/Deputy



STATE OF SOUTH DAKOTA)
) SS
COUNTY OF FALL RIVER)

IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

In the Matter of the
FALL RIVER COUNTY BOARD OF
MENTAL ILLNESS

**ORDER APPOINTING VICE CHAIRPERSON OF
FALL RIVER COUNTY BOARD OF MENTAL
HEALTH**

This matter having come before the Court this 2ND day of SEPTEMBER, 2021, and the Court being aware of the need to appoint a new Vice Chairperson to the Fall River County Board of Mental Illness, and GARLAND GOFF having participated in a training and certification program for mental health boards, now therefore

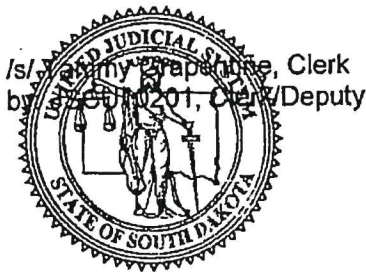
IT IS HEREBY ORDERED THAT GARLAND GOFF of Custer, South Dakota, being a member of the Bar, is hereby appointed as Vice Chairperson of the Fall River County Board of Mental Illness, unless or until relieved by this Court, all pursuant to South Dakota law.

Dated this 2nd day of September, 2021.

BY THE COURT:



CRAIG A. PFEIFLE, PRESIDING CIRCUIT
COURT JUDGE-SEVENTH CIRCUIT



STATE OF SOUTH DAKOTA)
)
COUNTY OF FALL RIVER) SS

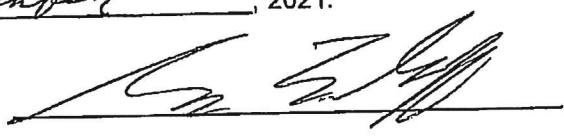
IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

In the Matter of the
FALL RIVER COUNTY BOARD OF
MENTAL ILLNESS

OATH OF OFFICE

I, GARLAND GOFF, Vice Chairperson of the Fall River County Board of Mental Illness, do hereby swear and affirm that I will support the Constitutions of the United States and the State of South Dakota and that I will faithfully discharge my official duties according to law as Vice Chairperson of the Fall River County Mental Health Board.

Dated this 10th day of September, 2021.



STATE OF SOUT DAKOTA)
)
COUNTY OF CUSTER)

On this the 10th day of September, 2021, before me, the undersigned officer, personally appeared GARLAND GOFF, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



Notary Public - South Dakota
My Commission Expires: 4-11-2023



STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

COUNTY OF FALL RIVER)

SS

SEVENTH JUDICIAL CIRCUIT

In the Matter of the
FALL RIVER COUNTY BOARD OF
MENTAL ILLNESS

OATH OF OFFICE

I, WILLIAM HUSTEAD, Chairperson of the Fall River County Board of Mental Illness, do hereby swear and affirm that I will support the Constitutions of the United States and the State of South Dakota and that I will faithfully discharge my official duties according to law as Chairperson of the Fall River County Mental Health Board.

Dated this 10 day of September, 2021.

William A. Hustead

STATE OF SOUT DAKOTA)

COUNTY OF FALL RIVER)

On this the 10th day of September, 2021, before me, the undersigned officer, personally appeared WILLIAM HUSTEAD, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



Deb A. Voss

Notary Public – South Dakota

My Commission Expires: 4-11-2023

[EXT] ARPA Advisory Assessment

Kristie Jacobsen <kris@sdcountrycommissioners.org>

Mon 10/4/2021 11:36 AM

To: Urban, Susan <Susan.Urban@state.sd.us>; Barker, Phyllis <Phyllis.Barker@state.sd.us>; bdesersa@trippcounty.us <bdesersa@trippcounty.us>; Bennett Auditor <bcauditor@gwtc.net>; Bon Homme Auditor <auditor@bonhommecountysd.org>; Brookings Deputy <jbeller@brookingscountysd.gov>; Brookings Finance <lschultz@brookingscountysd.gov>; Brule Auditor <brulaud@midstatesd.net>; Buffalo County Auditor <buffalo.aud@midstatesd.net>; Jensen, Elaine <Elaine.Jensen@state.sd.us>; Campbell Auditor <campbellcommission@yahoo.com>; Carri Crum (Carri.Crum@claycountysd.org) <Carri.Crum@claycountysd.org>; Cathy McNickle <Cathy.McNickle@browncounty.sd.gov>; clonge@charlesmixcounty.org <clonge@charlesmixcounty.org>; Cindy Longbrake - Ziebach County <ziebachauditor@lakotanetwork.com>; Tarbox, Christine <Christine.Tarbox@state.sd.us>; Codington Auditor <cbrugman@codington.org>; Corson Auditor <corsonauditor@sdplains.com>; Custer Auditor <dmclaughlin@custercountysd.com>; Davison Auditor <auditor@davisoncounty.org>
Cc: Aaron Eberle (auditor.assistant@frcounty.org) <auditor.assistant@frcounty.org>; Bruce Outka <boutka@lawrence.sd.us>; Carol Muller <cmuller@minnehahacounty.org>; Craig Dewey <cdewey@minnehahacounty.org>; Davison County - Tonya Meany <hr@davisoncounty.org>; Erica Coughlin <Erica.Coughlin@browncounty.sd.gov>; Gary Vetter <gary@co.yankton.sd.us>; Holli Hennies <hollih@co.pennington.sd.us>; Jerry Derr <jderr@meadecounty.org>; Kevin.Hipple <Kevin.Hipple@co.hughes.sd.us>; Shelli Gust - Lake County (shelligust@lake.sd.gov) <shelligust@lake.sd.gov>; Tawny Heinemann <tawnyh@moodycounty.net>

📎 1 attachments (121 KB)

County invoice.pdf;

Greetings,

As was announced during the 2021 Annual County Convention, the SD Assoc of County Commissioners has engaged with Eide Bailly to provide consulting services regarding the use of the American Rescue Plan Act (ARPA) funds. We believe that the cost of this service is covered under allowable ARPA regulations.

Full Interim Final Rule: <https://home.treasury.gov/system/files/136/FRF-Interim-Final-Rule.pdf>

Page 141: (7) Nonprofits. Assistance to nonprofit organizations, including loans, grants, in-kind assistance, technical assistance or other services, that responds to the negative economic impacts of the COVID-19 public health emergency;

In an effort to keep costs down – we are asking those participating counties to submit your questions to your Planning District. Planning Districts will be the gathering point to categorize and collate APRA questions to submit to Eide Bailly, who will then provide responses back to the Planning Districts in a timely manner. District will then disseminate answers back to the participating county.

Eide Bailly's function is advisory in nature to provide guidance when spending ARPA dollars.

An invoice is attached for counties planning to join this program. Once county participation is confirmed – questions may be submitted to your Planning District.

Please direct any questions regarding the attached invoice to this office.

Kris Jacobsen

Executive Director
211 E Prospect Avenue
Pierre, SD 57501
Office: (605) 224-4554

Black Hills National Forest beginning the process of revising its Forest Plan



The Forest Plan is the primary guide for forest officials to manage the land.(Nick Nelson)
By [Nick Nelson](#)

Published: Oct. 15, 2021 at 5:04 PM MDT

CUSTER, S.D. (KOTA) - It's been more than 20 years since the Forest Plan for the Black Hills National Forest saw revisions. Officials are saying the time has come for more changes.

The Black Hills National Forest is beginning the process of revising its Land and Resource Management Plan. The Forest Plan, as its also known, is the primary guide for forest officials to manage the land.

Jeff Tomac, Black Hills National Forest Supervisor said that the revision will take several years to complete, and will take into consideration all current aspects of the forest.

“They range anywhere from the soil, air, water quality, natural resources, areas of importance to Native American tribes in the Black Hills, as well as many uses of the Black Hills,” Tomac said. “Whether it’s the recreation component, or timber, or livestock grazing, the many, many uses of the Black Hills National Forest.”

The first step in the plan modification is to identify new trends in the landscape that calls for closer attention.

Tomac said that one of those trends is the Mountain Pine Beetle infestation, which he says has raised serious questions about timber production in the Black Hills.

“The Mountain Pine Beetle will be taken into account as we move forward on what is sustainable. The Black Hills National Forest’s timber sustainability will be an issue as we move forward.”

He adds that once the process is underway, public input will be essential in making modifications to the plan. He says several public meetings are to be during the revision.

The last time the Forest Plan was amended was in 2006.

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DUSTY JOHNSON
SOUTH DAKOTA
1714 LONGWORTH BUILDING
WASHINGTON, DC 20515
(202) 225-2801
(855) 225-2801
EMAIL VIA WEBSITE:
dustyjohnson.house.gov



COMMITTEE ON AGRICULTURE
COMMITTEE ON TRANSPORTATION &
INFRASTRUCTURE

Congress of the United States House of Representatives

October 15, 2021

Joe Falkenburg
906 N River St
Hot Springs, SD 57747-1309

Dear Joe,

Thank you for contacting me about the bipartisan infrastructure package. I have not yet had the opportunity to vote on this legislation.

Unlike the \$3.5 trillion reconciliation package that has also been called “human infrastructure”, I appreciate that this package is focused on hard infrastructure like roads, bridges, rail, and broadband. As a member of the Transportation and Infrastructure Committee, a committee known for its bipartisanship, I was hopeful that we could address our nation’s transportation needs in a thoughtful and cooperative manner, but unfortunately, Democrat leadership decided to pair this package with the \$3.5 trillion spending package and is attempting to raise the debt limit in order to push both of these packages through.

We cannot spend money we do not have, and the \$1.2 trillion infrastructure package simply does not contain the funds necessary to pay for infrastructure in the short or long term. We need a bipartisan solution that provides stability and addresses long-term solvency of the highway trust fund, rather than passing a bill we cannot pay for.

That said, I know how important it is to ensure that South Dakota has the funds necessary to support and improve traditional infrastructure. As I have said all along, I am supportive of an appropriately sized, fiscally responsible infrastructure package. That is why I am an original cosponsor of the Starter Act 2.0, a long-term surface transportation reauthorization bill that authorizes over \$400 billion over five years.

While investment in our nation’s infrastructure is needed, our country is nearly \$29 trillion in debt. We need to get serious about controlling our spending and balancing our budget instead of pushing out-of-control spending packages at the expense of the American taxpayer.

Thanks again for reaching out.

Sincerely,

A handwritten signature in blue ink that reads "Dusty Johnson".

Dusty Johnson
Member of Congress



*Emergency Management
Fall River County*

Franklin W. Maynard CEM CFM
906 N. River St.
Hot Springs, SD 57747

605 745-7562 605 890-7245 em@frcounty.org



Date: October 21, 2021

Subj: Commission Update

1. **LEMPG 3rd Qtr. Reimbursement:** I received notice that Fall River County will be receiving \$9,310.35 for the 2021 3rd Qtr.
2. **Planning Information Exchange:** I attended the webinar “Addressing Urban Heat at Regional and Local Scales” on October 15th. The webinar provides 1 CEC for my Certified Floodplain Manager certification.
3. **ASFPM:** I attended the webinar “Risk Rating 2.0: What Floodplain Managers need to know” on October 18th. The webinar provides 1.5 CEC for my Certified Floodplain Manager certification.
4. **HAZ MAT Plan Update:** I completed the paperwork for the grant (\$5,000) to do the 5 year update on the Hazardous Materials Plan. The Black Hills Council of Government will be contracted to do the update.

5. **Fires & Incidents:**
 1. 10/6/2021: Sig. 1: Hwy 71: Hot Springs Fire, Hot Springs Ambulance, Fall River Sheriff’s Office.
 2. 10/8/2021: Smoke Call Battle Mtn Area: Hot Springs Fire: Nothing Found
 3. 10/11/2021: Smoke Call Minnekahta Valley: Dust from the Gravel Pit.


Franklin W. Maynard, CEM, CFM
Emergency Manager
Fall River County
906 N. River Street
Hot Springs, SD 57747

Haul Route Agreement

THIS HAUL ROUTE AGREEMENT made and entered into this _____ day of _____, 2021, by and between Fall River County, (“County”), and Fall River Solar, LLC (“Fall River Solar”).

WHEREAS, Fall River Solar plans to use County Roads in conjunction with the construction of its solar power electrical generation facility project, including but not limited to movement of equipment, supplies and/or materials over County Roads; and

WHEREAS, Fall River Solar’s proposed solar power electrical generation facility project is located in an unorganized Township, and the County is responsible for constructing, altering, improving, and maintaining the roads; and

WHEREAS, the County anticipates that as a result of Fall River Solar’s use of the roads, accelerated deterioration may occur. Thus, repairs or improvements may be required which would result in additional maintenance and repair expense for the County as a result of Fall River Solar’s activities; and

WHEREAS, in the spirit of good neighborly relations and as an offer of good faith Fall River Solar deems it appropriate that a Haul Route Agreement be completed addressing the hauling operations by Fall River Solar in the County.

NOW, THEREFORE, in consideration of the terms, conditions, and covenants contained herein, it is mutually agreed as follows:

1. PURPOSE:

This Haul Route Agreement shall establish and govern Fall River Solar’s responsibilities resulting from the use of any Haul Road by Fall River Solar, its affiliates, employees, contractors and authorized designees, during Fall River Solar’s pre-construction activities and during construction of the solar power electrical generation facility.

2. DEFINITIONS:

The following definitions and terms shall apply to this Agreement:

a. Additional Maintenance. “Additional Maintenance” means grading, reshaping, repair, and/or modification(s) that must be performed on County Roads in excess of the usual, customary routine maintenance operations performed by the County including applying additional gravel, as a consequence of construction of the solar power electrical generation facility, and its appurtenances.

b. County Road(s). “County Road” means a street, road, or other public way, including shoulders, designated for the purpose of vehicular traffic and included in the County road system.

c. Haul Road. “Haul Road” means any County road and associated bridges and, cattle guard/auto gates, used for transporting equipment, supplies and/or materials employed in or related to the construction of the solar power electrical generation facility.

d. Haul Route. “Haul Route” means the system of Haul Roads to be employed at the discretion of Fall River Solar for transportation of equipment, supplies, and/or materials employed in or related to the construction of the solar power electrical generation facility.

e. Improvements. “Improvements” mean roadway improvements, roads, and approaches used to accommodate transport vehicles on those roads designated as a Haul Road.

3. GENERAL AGREEMENT AS TO ROAD USE:

a. Fall River Solar understands and agrees that, although the Haul Roads covered by this Agreement are County and are subject to normal traffic use, Fall River Solar, by virtue of its use of the County Roads as Haul Routes, assumes responsibility for Additional Maintenance on such roads as a consequence of Fall River Solar’s use thereof. Under no circumstances will Fall River Solar be responsible or liable for any accident, injury, tort, or be liable to any third party solely by virtue of this Agreement. Furthermore, no third party beneficiary may claim or assert any benefit or right, either directly or indirectly, by or through this Agreement. Except to the extent specifically provided herein, the County agree that this Agreement does not alter or shift to Fall River Solar the legal responsibilities of the County, including the responsibility for ensuring the safety of County Roads.

b. Fall River Solar reserves the right to retain at its own expense an independent third-party consultant to conduct a pre-construction assessment of the County Roads to determine their suitability as a potential Haul Road. If Fall River Solar selects a third-party consultant, County representatives will be asked to participate in the assessment. At a minimum, if retained, the consultant will conduct the following (hereafter “Pre-Construction Assessment”):

- (i) Video the roads to document pre-construction conditions;
- (ii) Document gravel depth at both the shoulders and center of the road at random intervals between 300-500 yards apart;
- (iii) Document gravel quality including average size at random intervals along the Haul Road;
- (iv) Document cross slope or crown on the Haul Roads;
- (v) Measure and document road width from shoulder top to shoulder top at random intervals;
- (vi) Document weight restrictions;
- (vii) Document pavement thickness;
- (viii) Photograph or otherwise record existing pavement faults, distresses or fatigue;
- (ix) All documentation will include GPS coordinates.

c. Fall River Solar thereafter will advise the County (i) the road(s) Fall River Solar will designate as a Haul Road, and (ii) Improvements be required for Fall River Solar to undertake to utilize a County Road as a Haul Road, if any. Fall River Solar shall avoid using any roads is has not designated as a Haul Road to transport equipment, supplies and/or materials in connection with the construction of the solar power electrical generation facility and related improvements, however when conditions are such that the Haul Road is unsuitable, impassible, inexpedient, or impracticable, Fall River Solar reserves the right to use other such County roads as required to access the solar power electrical generation facility.

d. During Fall River Solar's use of the County Roads, Fall River Solar will maintain each such road so that it is usable by the general public for travel that is not related to solar power electrical generation facility construction. This includes replacing gravel where it is worn, repairing blow-outs, and using appropriate dust control measures.

e. In places where Fall River Solar elects to provide additional turning radius to a County Road, Fall River Solar agrees that the road surface will be completed with a minimum of four inches of gravel, or such lesser amount as is reasonably acceptable to the County Highway Superintendent, and to extend and maintain all affected culverts.

f. In places where Fall River Solar chooses to build an approach to a County Road, the approach must be at least 30-feet long, it must be graveled with a minimum of four inches of gravel, or such lesser amount as is reasonably acceptable to the County Highway Superintendent, it must include a culvert of sufficient length at least 18 inches in diameter, and the approach must have sufficient turning radius.

g. Fall River Solar shall not stage equipment on the Haul Roads in a manner that significantly impedes or inhibits emergency vehicles, local traffic during normal work commuting times, or school buses during normal travel times.

h. If the County Highway Superintendent determines that use of a given Haul Road likely will result in a diversion of normal local traffic to other County Roads, he shall notify Fall River Solar, identify the affected roads, and Fall River Solar shall be afforded at least forty-eight hours to inspect and document the condition of the subject roads. If Fall River Solar and the County, both acting in good faith, agree those roads have experienced or are likely to experience more than normal deterioration as a consequence of the diversion, Fall River Solar will repair the damage caused by the diverted traffic to a condition reasonably acceptable to the County Highway Superintendent.

i. If Fall River Solar fails to abide by the terms of this Agreement, the County may prohibit Fall River Solar's continued use of any Haul Road. Fall River Solar shall cure any breach of this Agreement within four days after receiving notice of breach, and shall suspend all hauling or other use on that Haul Road which requires repairs until such time as Fall River Solar repairs that Haul Road. Fall River Solar shall make best efforts to suspend operations and use on any Haul Road as required by the County in the event of adverse conditions, such as frost out,

excessive rain, or a soaker rain, that would in the County's determination result in undue damage to the roadway.

j. Fall River Solar shall provide the County Highway Superintendent the Haul Roads to be used during solar power electrical generation facility construction, which shall be indicated on a map which shall be appended to this Agreement.

k. All gravel used by Fall River Solar on County Roads must be approved by the County Highway Superintendent, whose approval will not be unreasonably withheld. Gravel must meet County specifications.

l. Once Fall River Solar has ceased using the Haul Roads for the purposes stated herein, Fall River Solar shall notify the County Highway Superintendent, and the County Highway Superintendent within 10 days thereafter, shall notify Fall River Solar of any Additional Maintenance that they assert Fall River Solar should perform. If the Haul Roads are damaged because of Fall River Solar's use thereof, Fall River Solar shall restore the Haul Roads to at least as good a condition as documented by the Pre-Construction Assessment.

m. The County hereby agrees to Fall River Solar's use of the Haul Roads covered by this Agreement subject to the conditions contained herein. Prior to use of a Haul Road, Fall River Solar shall make any required Improvements necessary for Fall River Solar's use. If Fall River Solar elects to have any of the work contemplated herein performed by contractors, Fall River Solar shall ensure that those contractors comply with Fall River Solar's obligations under, and the requirements of, this Agreement. This Agreement shall not serve to relieve any operator of a Fall River Solar vehicle from complying with applicable speed limits, weight restrictions, or other applicable law.

n. Any Improvements to the Haul Roads necessitated by Fall River Solar's operations and agreed upon by the Parties pursuant to Section 3(b) above, shall be considered incidental to the hauling performed, and shall be made at Fall River Solar's sole expense unless otherwise authorized in addendum to this Agreement.

o. After construction is completed, the County may elect to retain additions to County Roads to provide turning radius, approaches, or other improvements that Fall River Solar makes to the Haul Roads. The County agree to indemnify Fall River Solar and hold it harmless for any claim related to the approach, addition, or road improvement.

4. GENERAL TERMS:

a. Fall River Solar shall comply with all Federal, State, and local laws and regulations.

b. If any portion of this Agreement is held invalid it shall have no effect upon the validity of the remaining portions of this Agreement.

c. The definitions in this Agreement shall control the meaning of terms used herein. Where no definition is expressly stated herein, a term shall have that meaning clearly indicated by, or reasonably implied from, the context in which such term is used.

d. All notices and oral or written communications relating to this agreement may be forwarded to:

Fall River County Highway Superintendent
Randy Seiler
PO Box 939
27518 Cascade Rd
Hot Springs, SD 57747
605-745-5137
frchwydept@gwtc.net

Fall River Solar, LLC
ATT: General Counsel
230 Park Avenue, Suite 1560
New York, New York 10169
Email: generalcounsel@greenbackercapital.com
Telephone # - 646 556 6611

IN WITNESS WHEREOF, the Parties hereto executed this Haul Route Agreement as of the first date hereinabove written.

Fall River Solar, LLC

Fall River County

Signed: _____
Name: _____
Title: _____
Signed: _____

Fall River County ADD ONs
for 2021 pay 2022

Parcel Number	Seller	Buyer	Legal	Comment	Sale Date	Class Code	F & T Value	Adj F & T Value	% Time Taxable	Pro-Rated ADD ON Value	Equalized Value
75290-01700-001-00	CITY OF HOT SPRINGS	OLSTAD, RICHARD D	FARGO & PRENTICE'S ADDN TO HOT SPRINGS: LOTS 1 THRU 5 INCL BLK 17 & 1/2 VACATED ALLEY ADJ TO LOTS	Property sold from Exempt to Taxable	4/12/2021	NA-D	\$ 19,000	\$ 19,000	75%	\$ 14,250	\$ 13,160
75290-01700-043-00	CITY OF HOT SPRINGS	OLSTAD, RICHARD D	FARGO & PRENTICE'S ADDN TO HOT SPRINGS: LOTS 43 & 44 BLK 17 & 1/2 VACATED ALLEY ADJ TO LOTS	Property sold from Exempt to Taxable	4/12/2021	NA-D	\$ 7,600	\$ 1,520	75%	\$ 1,140	\$ 1,060
75290-01700-045-00	CITY OF HOT SPRINGS	OLSTAD, RICHARD D	FARGO & PRENTICE'S ADDN TO HOT SPRINGS: LOTS 45,46,47 48 & 49, BLK 17 & 1/2 VACATED ALLEY ADJ TO LOTS	Property sold from Exempt to Taxable	4/12/2021	NA-D	\$ 27,000	\$ 27,000	75%	\$ 20,250	\$ 18,700
75290-01700-045-00	CITY OF HOT SPRINGS	OLSTAD, RICHARD D				NA-D1	\$ 96,930	\$ 47,240	75%	\$ 35,430	\$ 32,710
					TOTALS =		\$ 150,530	\$ 94,760		\$ 71,070	\$ 65,630

Date Received 9/17/21
Date Issued _____

License No. _____

Uniform Alcoholic Beverage License Application

A. Owner Name and Address

TTT Taverns LLC, 13393 Lake Vista Dr, Hot Springs
SD 57747

Owner's Telephone #: 605-484-2706

B. Business Name and Address

Pirates Pub and Convenience Store, 28298 Angostura Rd Hot
Springs SD 57747

Business Telephone #: 606-745-5055

Place of business is located in a municipality? Yes No
County: Fall River

Do you own or lease this property? Own Lease

Are real property taxes paid to date? Yes No

C. Indicate the class of license being applied for
(submit separate application for each class of license).

- Retail (on-sale) Liquor
- Retail (on-sale) Liquor - Restaurant
- Convention Center (on-sale) Liquor
- Package (off-sale) Liquor
- Retail (on-off sale) Wine and Cider
- Retail (on-off sale) Malt Beverage & SD Farm Wine
- Package Delivery
- Hunting Preserve
- Other _____

Is this license in active use? Yes No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses?
 Yes No **If Yes, please list on the back page.**

D. Legal description of licensed premise:

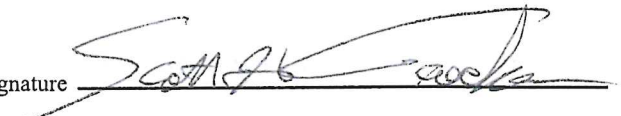
Angostua Highlands Subd lot 1 sections 35, twp 8, Rge 6
E, BHM, Fall River Co, SD

Have you ever been convicted of a felony? Yes No

E. State Sales Tax Number 1036-2458-ST

F. New license Transfer? (\$150) Re-issuance

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 09/17/2021 Print Name Scott H Taecker Signature 

H. APPROVAL OF LOCAL GOVERNING BODY – Notice of hearing was published on October 14, 2021 Public hearing on the application was held October 21, 2021, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held
Amount of fee collected with application \$ 1,900.00
Amount of fee retained \$ 1,900.00
Forwarded with application \$ 0

For Local Government Use

Transferred (State Use)

(Seal) _____
Mayor or Chairman

From: _____
Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY:
APPROVAL _____ REVIEW _____

If disapproved, endorse reason thereon and return to applicant

**Company supplement information
(For corporate/partnership/LP/LLC applicants)**

Name of corporation/partnership/LP LLC TTT Taverns LLC

Address of office and principal place of business of corporation/partnership/LP/LLC 13393 Lake Vista Dr., Hot Springs, SD 57

Are all managing officers of this corporation/partnership/LP/LLC of good moral character having never been convicted of a felony? Yes No

Name, title of office, occupation and address of each of the officers/owners of the corporation, partnership, LP or LLC:

Name	Office	Address	Occupation
Scott H Taecker	Managing Member	13393 Lake Vista Dr, Hot Springs, SD 57747	Business owner

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other alcoholic beverage license:

Name	Type of License, License Number, Financial Interest Held, and Address of Business Location

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc?

Scott H Taecker (Sole Member/Managing Member/Registered Agent) 13393 Lake Vista Dr., Hot Springs SD 57747

With signature the applicant agrees to the following:

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license than that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

Signature of Authorized Officer/Director/Partner

Date



9/17/2021

**NOTICE OF HEARING UPON APPLICATION FOR OFF-SALE LIQUOR LICENSE FEE AND
APPLICATION OUTSIDE OF MUNICIPALITIES**

NOTICE IS HEREBY GIVEN THAT the Fall River Board of County Commissioners in and for the County of Fall River, South Dakota, on the 21st day of October, 2021, at the hour of 9:30 a.m. will meet during regular session to consider the following application for Off-Sale Liquor License, located outside of municipalities, to operate within the County of Fall River, South Dakota, for the 2021 licensing period, which has been presented to the governing body and filed with the County Auditor's Office.

FOR LICENSE PERIOD CALENDAR YEAR 2021

TYPE OF LICENSE

APPLICATION:

TTT Taverns LLC

Pirates Pub

27679 Hwy 385

Hot Springs, SD 57747-9701

Retail (Off-Sale)

Liquor

NOTICE IS FURTHER GIVEN THAT any person, persons or their attorney may appear at said scheduled public hearing and present objections, if any objections there be.

Dated this 7th day of October 2021, at Hot Springs, South Dakota.

/s/Sue Ganje
County Auditor
Fall River County

PETITION TO VACATION SECTION LINE RIGHT-OF-WAY

TO: FALL RIVER COUNTY COMMISSIONERS

WE, THE UNDERSIGNED qualified voters of Fall River County in the State of South Dakota, pursuant to SDCL 31-3-6, petition the Fall River County Commission to vacate the below listed section line highway, as a public interest that will be served by the proposed vacating of the section line highway:

1. The beginning course and termination of the section line highways to be vacated are as follows:

That portion of the section line highway between Sections 22 and 23 of Township 7 South, Range 5 East of the Black Hills Meridian, commencing on the area where the section line enters Tract D located in the SE1/4NE1/4 of Section 22 and Tract D of the SW1/4NW1/4 Section 23, both in Township 7 South, Range 5 East of the Black Hills Meridian, and then traveling in a southerly direction 286' to a point where the section line exits Tract D in the SE1/4NE1/4 of Section 22, and Tract D in the SW1/4NW1/4 of Section 23, both in Township 7 South, Range 5 East of the Black Hills Meridian, Fall River County, South Dakota, according to the Plat thereof recorded in Book VIII of Plats, page 62 in the office of the Fall River County Register of Deeds.

2. The land owners adjacent to the location of the section line highway are:

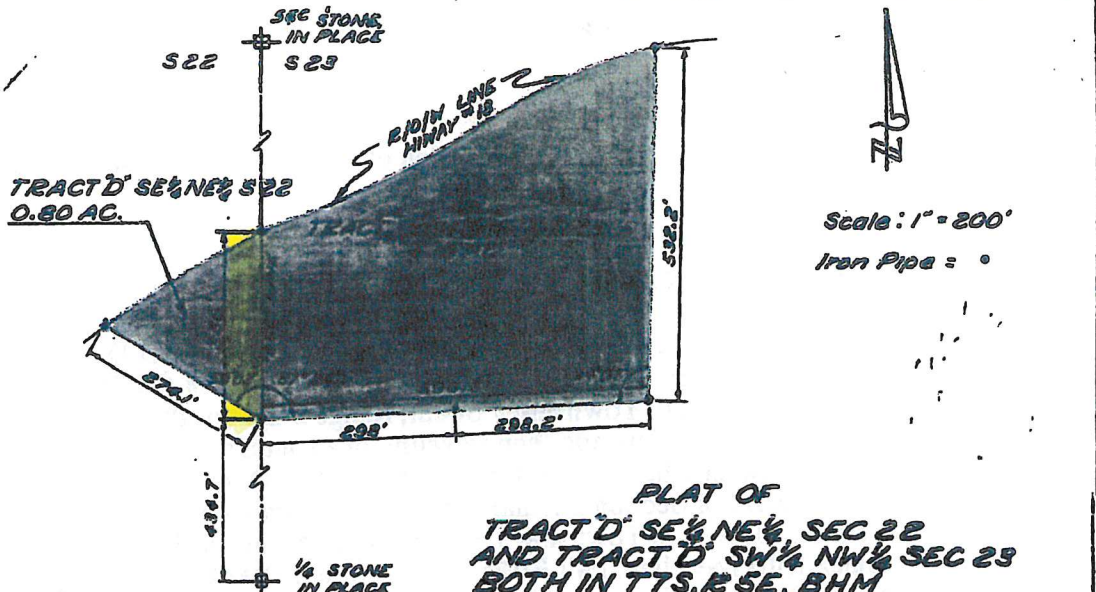
Estate of Derelle Wynia
12793 US Hwy 18
Hot Springs, South Dakota 57747

The State of South Dakota
500 E. Capitol Ave.
Pierre, SD 57501

Black Hills Hardscapes, Inc.
1205 Sheridan Street
Hot Springs, SD 57747

3. That the Petitioners seek to vacate the said street that has never been used as a street, nor is it needed for access and is undeveloped, and the section line travels through platted property, known as Tract D in the SE1/4NE1/4 of Section 22 and Tract D in the SW1/4NW1/4 of Section 23, both in Township 7 South, Range 5 East of the Black Hills Meridian, Fall River

WHEREFORE, your Petitioners pray that notice of the time and place when and where the Petition will be considered, be published one per week for two successive weeks in the Hot Springs Herald Star and at that hearing, that portion of the street as described in this Petition be vacated, subject to any Easements of record.



**PLAT OF
TRACT D' SE 1/4 NE 1/4 SEC 22
AND TRACT D' SW 1/4 NW 1/4 SEC 23
BOTH IN T7S, R 5E, BHM**

SURVEYOR'S CERTIFICATE

I, George G. Ross, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF THE OWNER, I HAVE SURVEYED AND PLATTED TRACT D' SE 1/4 NE 1/4 SEC. 22, AND TRACT D' SW 1/4 NW 1/4 SEC. 23, T7S, R5E, B.H.M. AS SHOWN HEREON, ALL DIMENSIONS SHOWN ARE TRUE AND CORRECT.

George G. Ross
REGISTERED LAND SURVEYOR

ACKNOWLEDGEMENT OF SURVEYOR

STATE OF SOUTH DAKOTA, COUNTY OF LAURENCE
BE IT REMEMBERED THAT ON THIS 24th DAY OF JANUARY, 1967, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED GEORGE G. ROSS KNOWN TO ME TO BE THE PERSON, DESCRIBED IN, AND WHO EXECUTED THE FOREGOING CERTIFICATE.
MY COMMISSION EXPIRES APRIL 25, 1969.

George P. Plysted
NOTARY PUBLIC

OWNER'S CERTIFICATE

I (WE), Paul A. Calhoun & Leslie T. Calhoun OWNERS OF TRACT "D" SE 1/4 NE 1/4 SEC. 22, TRACT "D" SW 1/4 NW 1/4 SEC. 23, T7S, R5E, B.H.M. DO HEREBY APPROVE THE SURVEY AND PLAT, WITNESS (OUR, MY) HAND THIS 24th DAY OF FEBRUARY, 1967.

OWNER Paul A. Calhoun
OWNER Leslie T. Calhoun
OWNER Paul A. Calhoun

ACKNOWLEDGMENT OF OWNERS

STATE OF INDIANA, COUNTY OF LAKE
DAY OF FEBRUARY, 1967, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED Paul Calhoun, Leslie T. Calhoun, KNOWN TO ME TO BE THE PERSON DESCRIBED IN, AND WHO EXECUTED THE FOREGOING OWNER'S CERTIFICATE.
MY COMMISSION EXPIRES 1-18-68.

Bette J. White
NOTARY PUBLIC

CERTIFICATE OF COUNTY TREASURER

STATE OF SOUTH DAKOTA, COUNTY OF FALL RIVER
I, William J. Peterson, COUNTY TREASURER OF FALL RIVER COUNTY, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON THE LANDS PLATTED ABOVE

AS SHOWN BY RECEIPTS BY MY OFFICE, HAVE BEEN PAID TO DATE.
DATE: Mar. 21, 1967

William J. Peterson
COUNTY TREASURER

OFFICE OF REGISTER OF DEEDS

STATE OF SOUTH DAKOTA, COUNTY OF FALL RIVER
FILED FOR RECORD THIS 22 DAY OF MARCH, 1967, AT 2:15 O'CLOCK P.M. AND RECORDED IN BOOK 200 OF PLATS ON PAGE 62 THEREIN.

**NOTICE OF HEARING FOR CONSIDERATION OF
VACATION OF PUBLIC RIGHT-OF-WAY**

NOTICE IS HEREBY GIVEN that the Fall River County Board of Commissioners, pursuant to the provisions of SDCL 31-3-6 and SDCL 31-3-7, will hold a public hearing at 9:35 a.m. on October 21, 2021, in the Fall River County Courthouse, second floor, courtroom, 906 N. River St., Hot Springs, South Dakota, to consider a Petition to vacate a public right-of-way, having been proposed to be vacated (1) That portion of the section line highway between Sections 22 and 23 of Township 7 South, Range 5 East of the Black Hills Meridian, commencing on the area where the section line enters Tract D located in the SE1/4NE1/4 of Section 22 and Tract D of the SW1/4NW1/4 Section 23, both in Township 7 South, Range 5 East of the Black Hills Meridian, and then traveling in a southerly direction 286' to a point where the section line exits Tract D in the SE1/4NE1/4 of Section 22, and Tract D in the SW1/4NW1/4 of Section 23, both in Township 7 South, Range 5 East of the Black Hills Meridian, Fall River County, South Dakota, according to the Plat thereof recorded in Book VIII of Plats, page 62 in the office of the Fall River County Register of Deeds. Interested persons may present oral testimony at the hearing. Written comments will be received at the Office of the County Auditor, 906 N. River St., Hot Springs, South Dakota, 57747, up until the date and time set for the public hearing.

Dated this 16th day of September, 2021.

Sue Ganje
County Auditor

Published twice at the total of approximate cost of \$_____.

DRAFT BILL 50

GRASSLAND TAX RELIEF BILL



Rep. Trish Ladner
District 30
Prime Sponsor - House



Senator Jessica Castleberry,
District 35
Prime Sponsor - Senate

QUESTION:

What would do if you got a notice that your taxes were going up 280% to 300%?

That is exactly what our Ranchers, both East and West River could be facing if the new soil reassessment is implemented.

- In 2016 The AG Task Force wrote a bill, SB 4 that addressed the ongoing tax problems that our ranchers were facing. It had wide bipartisan support from both the Senate and the House, however, it is my understanding that the task force was asked by The Department of Revenue (DOR) to table the bill. They believed that the new soil reassessment and tables would “fix” everything. Fast forward 6 years and the tax issues are still not “fixed.”
- We are introducing Draft Bill 50. It is a resurrected version of SB 4 and according to the Fall River County Assessor, Draft Bill 50 will correct up to 85% of the problems facing our ranchers!!

2022 South Dakota Legislature

Draft 50

Requested by: **Representative Ladner**

1 **An Act to provide for the assessment of certain agricultural land as noncropland.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3

4 **Section 1. That chapter 10-6 be amended with a NEW SECTION:**

5 Agricultural land seeded to perennial vegetation for at least twenty years and used
6 for animal grazing or left unharvested, or agricultural land that is native grassland, is
7 noncropland.

8 An owner of agricultural land may request the director to categorize the land as
9 noncropland before August first. The request must include all documentation necessary to
10 reasonably prove eligibility, including maps and acre totals, as further specified by rule
11 promulgated by the department pursuant to chapter 1-26. If the director determines that
12 the land meets the criteria provided by this section, the director shall assess the land as
13 noncropland and use the noncropland productivity dollars for the following assessment of
14 property on November first.

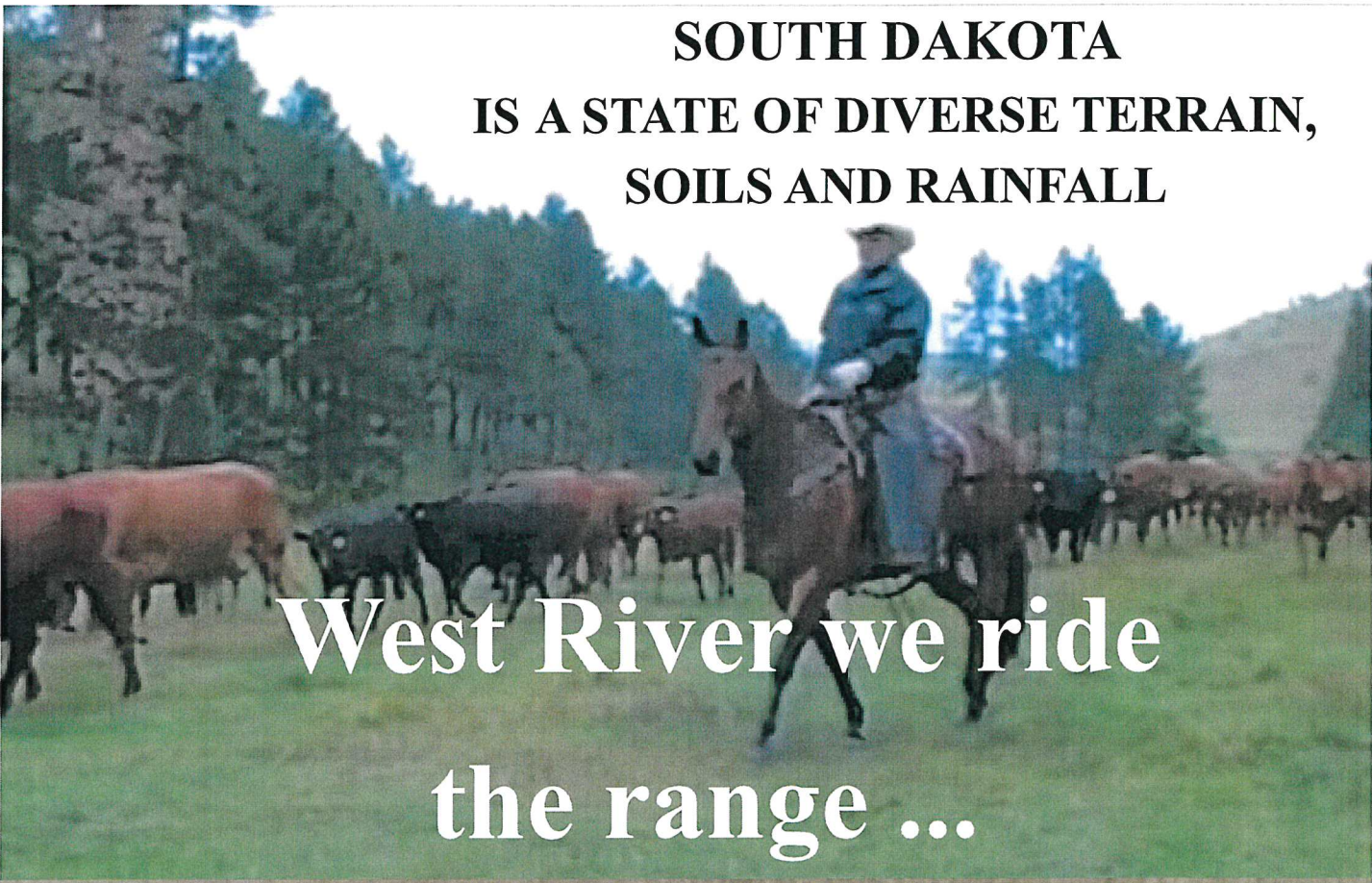
15

16 **Section 2. That chapter 10-6 be amended with a NEW SECTION:**

17 Any person who requested that land be categorized as noncropland pursuant to
18 section 1 of this Act and changes the use of the land to cropland or another use shall notify
19 the director by August first.

20 For land classified as noncropland as a result of misrepresentation of the use of the
21 land or because of a failure to provide notice of a change of use under this section, the
22 director shall assess a penalty equal to the difference in the tax amounts that would have
23 been assessed if the land were classified as cropland over the four prior tax years. The
24 assessment is a lien on the land pursuant to § 10-21-33.

**SOUTH DAKOTA
IS A STATE OF DIVERSE TERRAIN,
SOILS AND RAINFALL**



**West River we ride
the range ...**



**East River we ride a
John Deere!**

Soil, Terrain, and Rainfall differ between East and West River

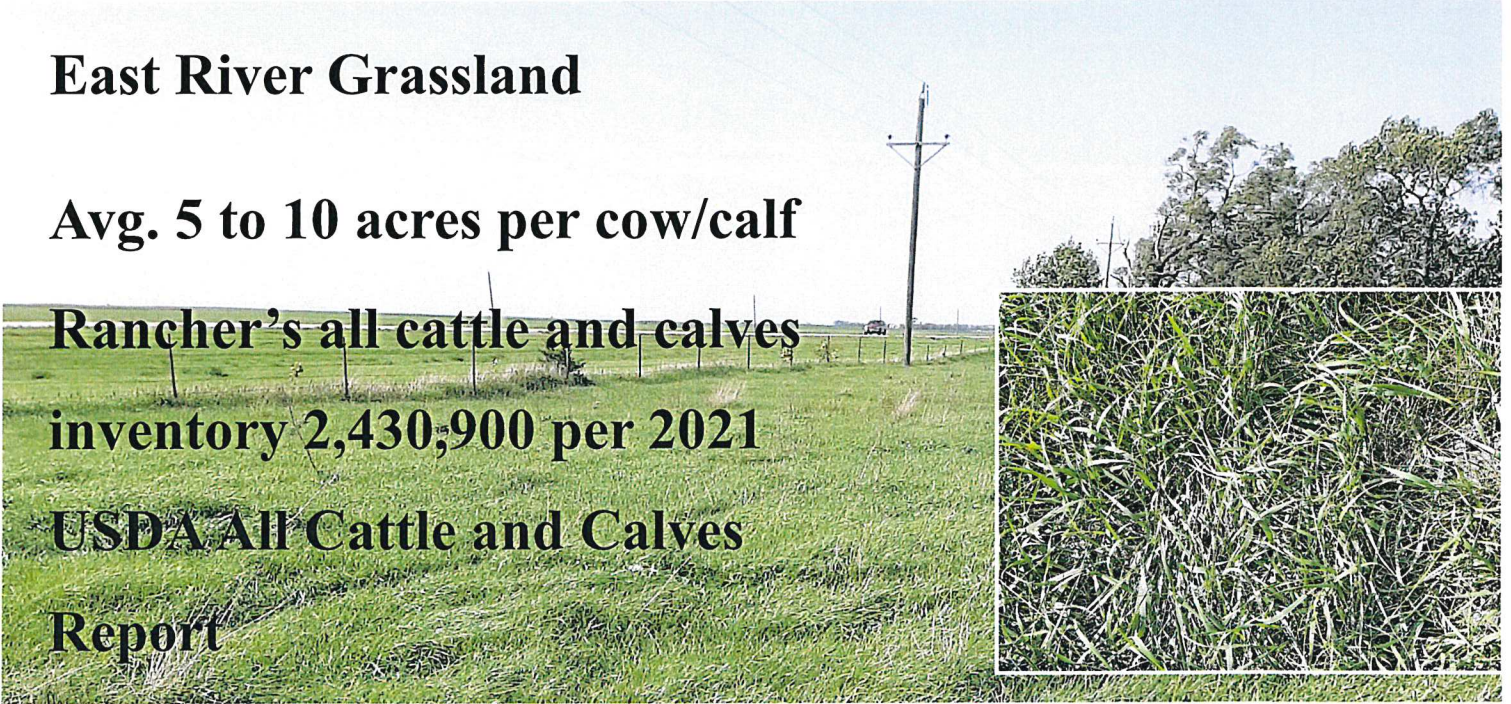
**These photos were taken 1 day apart.
Both regions are in a drought year**

East River Grassland

Avg. 5 to 10 acres per cow/calf

**Rancher's all cattle and calves
inventory 2,430,900 per 2021**

**USDA All Cattle and Calves
Report**

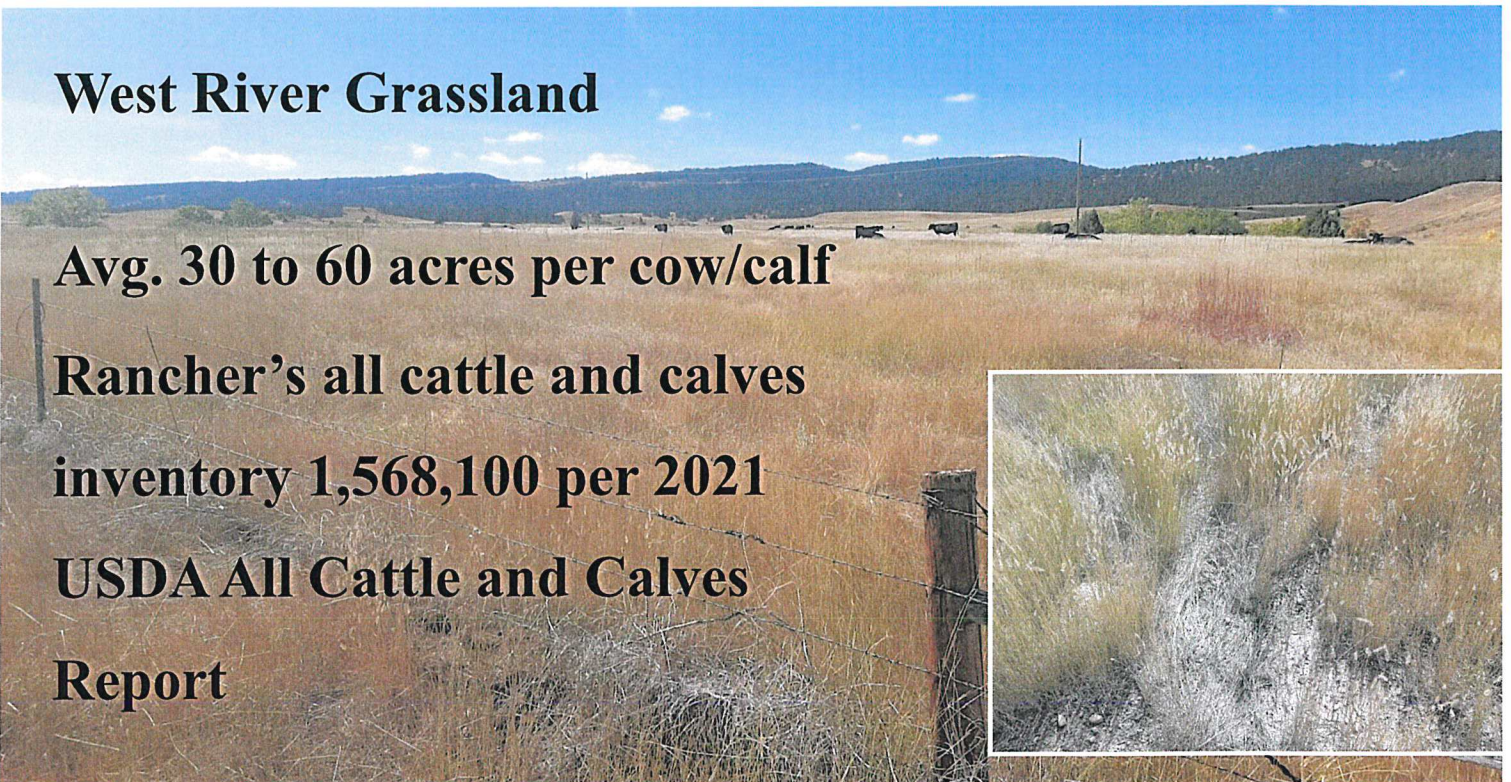


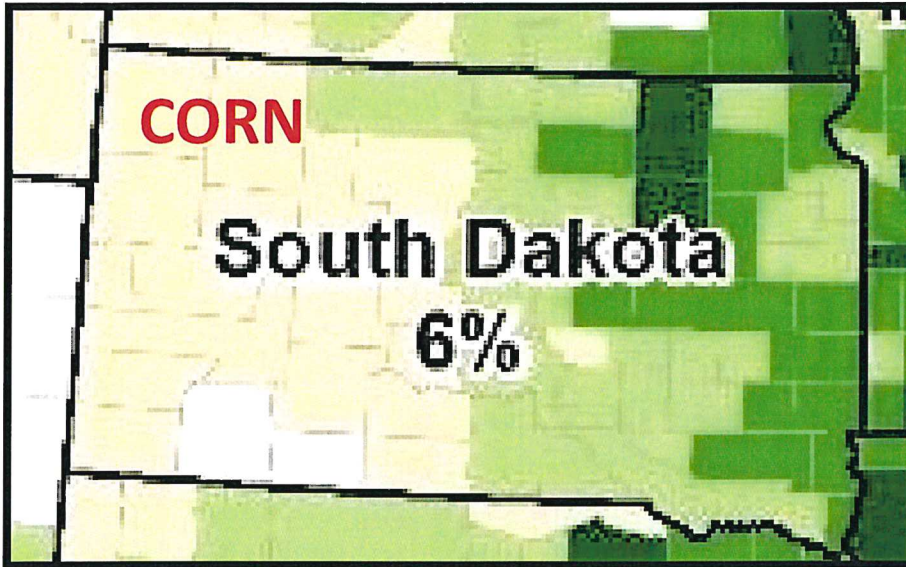
West River Grassland

Avg. 30 to 60 acres per cow/calf

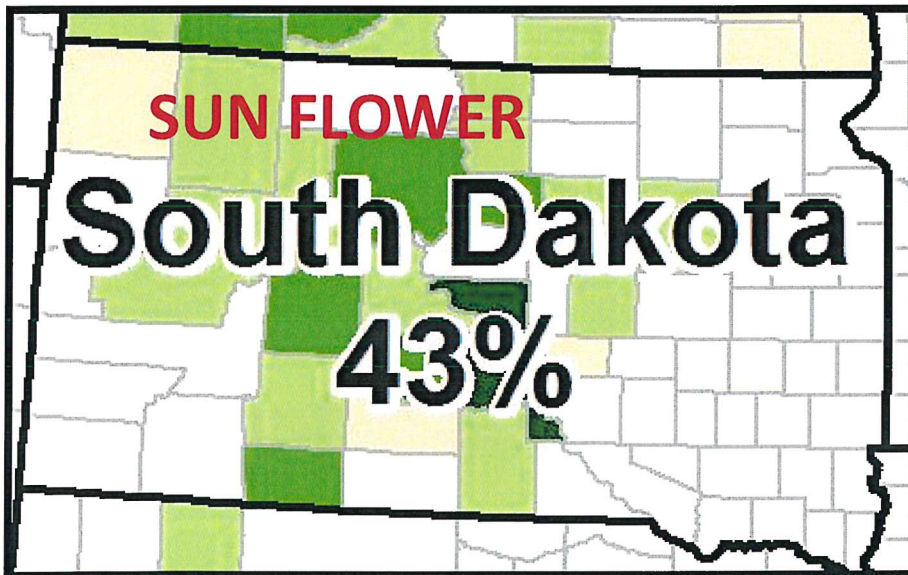
**Rancher's all cattle and calves
inventory 1,568,100 per 2021**

**USDA All Cattle and Calves
Report**

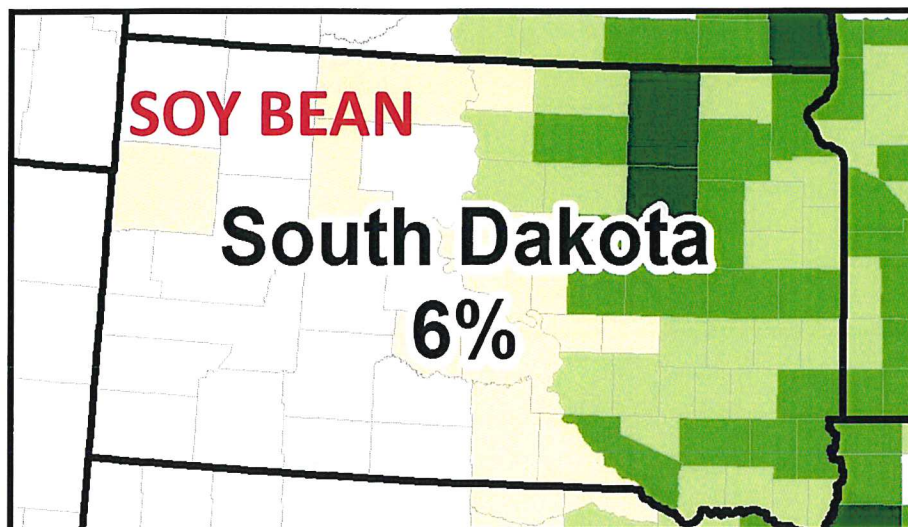




When you travel eastern South Dakota you notice the difference in land and crop production. It is significant! This is substantiated by the USDA - AG Maps for 2021.



When you look at the maps by crop, you see that there is very little land that is cropped in Western South Dakota.



This is a typical example of the West River terrain. It takes 30 to 60 acres to raise 1 cow/calf depending on the location, terrain and rainfall.

Rainfall has to be taken into consideration.



Vaughn Meyer Ranch is located in Harding/Perkins County

He has lived on the ranch for 50 years and 80% of his land has been designated as grassland for the past 30 years. If the new soil reassessment is implemented he could see a 60% increase in his land taxes.



The Johnson Ranch, Custer County

The Johnsons have been on their ranch for **40+ years**, and their grassland has **always been designated as grassland.**

Mr. Johnson stated that, “The percentage of increase in taxes at this time is impossible to calculate. Per our Equalization office, the information has not yet come from the DOR. We had a 20% +/- increase in average assessments on the past year for the 2021 tax year. **The highest Increase was 86% on one tract. Overall increase in evaluation was approx. \$210,000.** Custer County was penalized for the



Commission backing off the increases a year due to minimal notification from the County Equalization office on the new policy and procedure for questioning your evaluations. If I understand correctly, Custer County received a 125% 'factor' on the taxing of the property. So again, it is difficult to know what our taxes will actually raise at this time. We have put together an entire packet of information on each 'crop' designated parcel. Awaiting Equalization office review. But according to Leah Vissea, the new state soils are not out yet. Also our county Commission has stated they will not lower the mil levy in our County as it is "too hard to Increase down the road". So, as we face increasing evaluations, we can anticipate NO mil levy change.”



The Stearns Ranch is a fourth generation ranch in Fall River County. These pictures are of their land that has been reassessed as cropland. If the proposed soil reassessment is implemented, their taxes could increase by 300%.



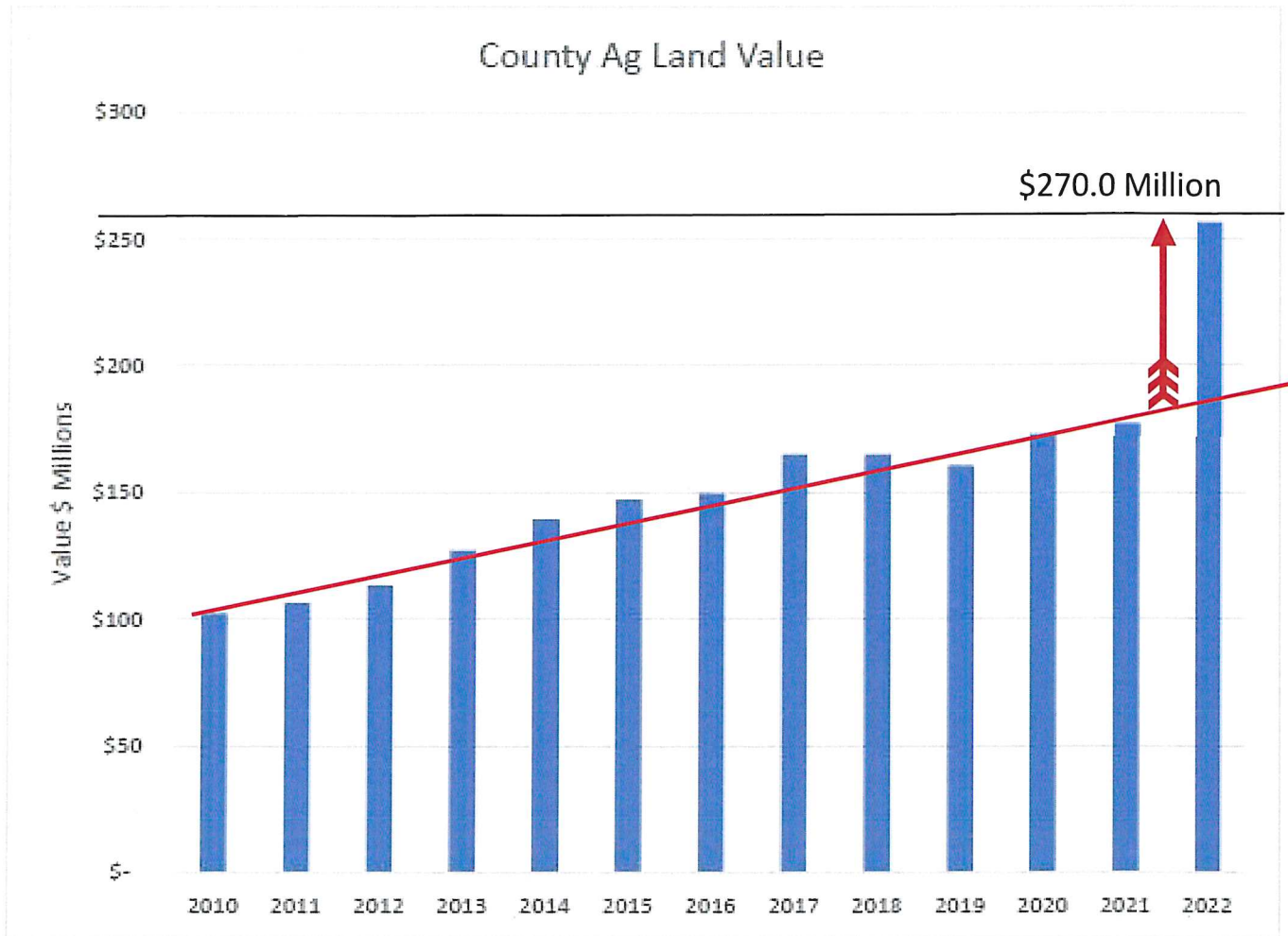


The Falkenburg/Thomsen ranch is a third generation operation located in Fall River County, 27 miles Southwest of Edgemont, These photos are all designated cropland in the new soil reassessment.



These are just a few of the testimonies from Ranchers that we are receiving daily.

This graph shows Fall River County's tax increase since 2010 and the potential increase in taxes if the proposed version 2 of the New Soil re-assessment and tax tables are implemented



- ◆ In 2020 the Fall River County adjusted AG Land Value was \$173.1 million dollars, an increase of \$70.8 million dollars.
- ◆ In Version 2 of the proposed soil reassessment, Fall River County adjusted AG Land Value would be \$270.0 million dollars. That is a proposed increase of \$83.9 million dollars.
- ◆ This sizable increase is **larger than the increases Fall River County has taken in over the LAST DECADE combined.**
- ◆ Our Ranchers cannot sustain increases of this magnitude! Draft Bill 50 is a clean concise solution to the enormous taxes situation facing our Ranchers and will correct **85%** of the problem.

In Summary

- ◆ “Draft Bill 50 would solve 85% of the issues facing our ranchers.”

*Susie Hayes, Director of Equalization,
FR County Assessor*

RANCHER COMMENTS:

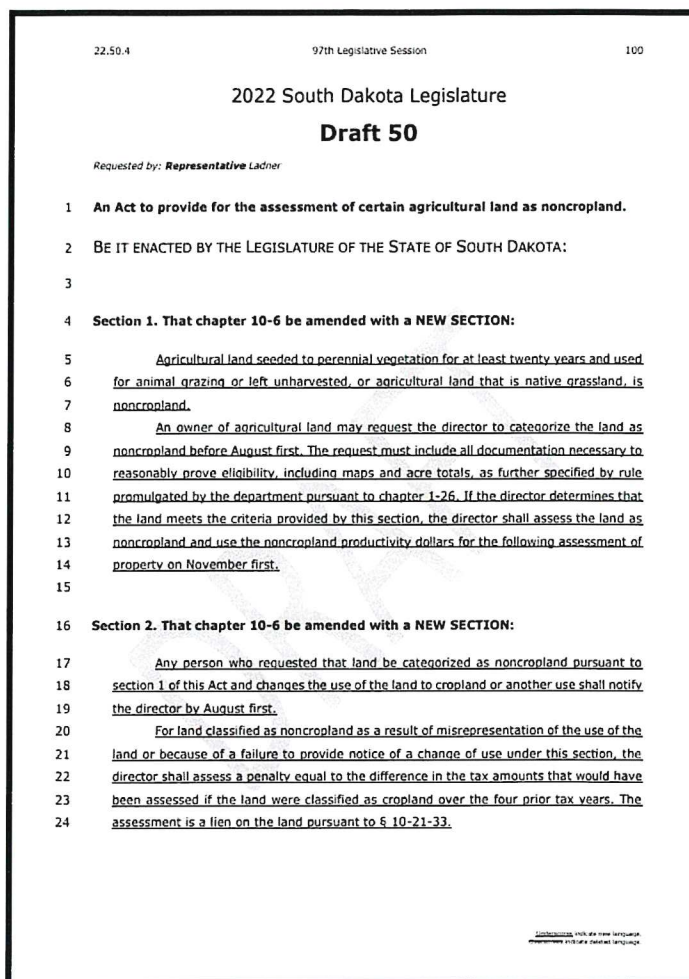
- ◆ “In some cases, taxes are approaching the same total as the income. “

Orval Frahm, Rancher

- ◆ “The county soil survey book should be followed.”

Wes Davidson, Rancher

- ◆ “Use the established carrying capacity of land established by NRCS in 1984. It doesn’t change.” *Bill Kluck, Rancher*



What are our options?

1. Support our Ranchers and Growers by supporting Draft Bill 50
2. Work together towards the common good for the AG Industry in the State of South Dakota helping to ensure that the industry survives
3. Pass legislation that would safeguard and protect our natural grasslands for the future.

Agriculture is our state’s largest industry. Let’s join together to support those who work diligently everyday, managing the grass in order to grow protein for our communities, our state and our nation

HOT SPRINGS, SOUTH DAKOTA 57747

FALL RIVER COUNTY, SOUTH DAKOTA

Name of Claimant: Fall River County Highway Department
P.O. Box 939
Hot Springs, S.D. 57747

Date: 10-13-2021
COURT HOUSE ...FUEL/GAS PURCHASES :
(All Departments)
FROM DATE: 09-01-2021
THROUGH DATE: 09-30-2021
GALLONS: 132.90
TOTAL: \$ 361.48

HOT SPRINGS, SOUTH DAKOTA 57747
FALL RIVER COUNTY, SOUTH DAKOTA

Name of Claimant: Fall River County Highway Department
P.O. Box 939
Hot Springs, S.D. 57747

Date: 10-13-2021
SHERIFF'S DEPARTMENT GAS PURCHASES:
FROM DATE: 09-01-2021
THROUGH DATE: 09-30-2021
TOTAL GALLONS: 1112.60
TOTAL: \$ 3032.47

HOT SPRINGS, SOUTH DAKOTA 57747

FALL RIVER COUNTY, SOUTH DAKOTA

Name of Claimant: Fall River County Highway Department
P.O. Box 939
Hot Springs, S.D. 57747

Date: 10-13-2021
WEED BOARD FUEL PURCHASES:
FROM DATE: 09-01-2021
THROUGH DATE: 09-30-2021
GALLONS: 109.60
TOTAL: \$ 299.46

FAXED BID:

TO: FALL RIVER COUNTY HIGHWAY DEPT.

FAX # 605-745-5912

PHONE # 605-745-5137

DATE: 10/18/2021

FROM: NELSONS PHONE: 745-4189

BID FOR: PROPANE: 500 GALLONS TO EDGE MONT SHOP

AMOUNT OF BID: \$ 1.95 PER GALLON

(THIS BID INCLUDES ALL APPROPRIATE TAXES AND FEES)

Signed By: RICH NELSON BY PHONE

K

NOTE: All faxed bids must be received in the Fall River County Highway Dept. office at the above number by 12pm on the call date.

If declining to bid, please fax back this form with the words "**Decline todays bid**" on the line designated for the Bid Amount.

THANK YOU

FAXED BID:

TO: FALL RIVER COUNTY HIGHWAY DEPT.

FAX # 605-745-5912

PHONE # 605-745-5137

DATE: 10/18/2021

FROM: DAKOTA PROPANE PHONE: 745-5959

BID FOR: PROPANE: 500 GALLONS TO EDGE MONT SHOP

AMOUNT OF BID: \$ 2.49

(THIS BID INCLUDES ALL APPROPRIATE TAXES AND FEES)

Signed By: BY PHONE
Km

NOTE: All faxed bids must be received in the Fall River County Highway Dept. office at the above number by 12pm on the call date.

If declining to bid, please fax back this form with the words "**Decline todays bid**" on the line designated for the Bid Amount.

THANK YOU



ACCEPTED
10/18/2021
km

FAXED BID:

TO: FALL RIVER COUNTY HIGHWAY DEPT. FAX #745-5912

PHONE #745-5137

DATE: 10-18-2021

FROM: Hi-D-Way Oil & Gas PHONE: 605-662-5000

BID FOR: Propane 400 gal.

AMOUNT OF BID: 1.85

(This bid includes all appropriate taxes and fees)

Signed by: William Turner

Note: all faxed bids must be received in the Fall River County Highway Dept. office at the above number before 9:00 a.m. to be considered, unless otherwise stated by the caller for bids.

If declining to bid, please fax back this form with the words "Decline today's bid" on the line designated for the Bid Amount.

Thank you!



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501

Phone (605) 773-3215

Fax (605) 773-4106

TTY (605) 773-6585

<http://atg.sd.gov>

JASON R. RAVNSBORG
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

TO LOCAL POLITICAL SUBDIVISIONS:
IMPORTANT INFORMATION ABOUT THE NATIONAL OPIOID SETTLEMENT.
SUBDIVISIONS MUST SUBMIT SIGNED DOCUMENTATION TO PARTICIPATE.
THE DEADLINE FOR PARTICIPATION TO MAXIMIZE SETTLEMENT BENEFITS IS JANUARY 2, 2022.

If your subdivision is represented by an attorney with respect to opioid claims, please immediately contact them.

After years of negotiations, two proposed nationwide settlement agreements (“Settlements”) have been reached that would resolve all opioid litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health and AmerisourceBergen (“Distributors”), and one manufacturer, Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson (collectively, “Janssen”).

The proposed Settlements require the Distributors and Janssen to pay billions of dollars to abate the opioid epidemic. Specifically, the Settlements require the Distributors to pay up to \$21 billion over 18 years and Janssen to pay up to \$5 billion over no more than 9 years, for a total of \$26 billion (the “Settlement Amount”). Of the Settlement Amount, approximately \$22.7 billion is earmarked for use by participating states and subdivisions to remediate and abate the impacts of the opioid crisis.

The Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states’ and subdivisions’ lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids.

Each of the proposed Settlements has two key participation steps. First, each state decides whether to participate in the Settlements. South Dakota has joined both settlements. Second, the subdivisions within each participating state must then decide whether to participate in the Settlements. Generally, the more subdivisions that participate, the greater the amount of funds that flow to that state and its participating subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision’s state is settling and other participating subdivisions are sharing in settlement funds.

This letter is part of the formal notice required by the Settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

You are receiving this letter because South Dakota has elected to participate in both of the two national Settlements against (1) the Distributors, and (2) Janssen, and your subdivision may participate in the Settlements to which your state has agreed. This notice is being sent directly to subdivisions and also to attorneys for subdivisions that we understand are litigating against these companies. If you are represented by an attorney with respect to opioid claims, please immediately contact them. Please note that there is no need for subdivisions to be represented by an attorney or to have filed a lawsuit to participate in the Settlements.

WHERE CAN YOU FIND MORE INFORMATION?

This letter is intended to provide a brief overview of the Settlements. Detailed information about the Settlements may be found at: <https://nationalopioidsettlement.com/>. This national settlement website also includes links to information about how the Settlements are being implemented in your state and how settlement funds will be allocated within your state. This website will be supplemented as additional documents are created.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

You must go to the national settlement website to register to receive in the coming weeks and months the documentation your subdivision will need to participate in the Settlements (if your subdivision is eligible). All required documentation must be executed and submitted electronically through the website and must be executed using the “DocuSign” service. As part of the registration process, your subdivision will need to identify, and provide the email address for, the individual who will be authorized to sign formal and binding documents on behalf of your subdivision.

Your unique Subdivision Identification Number to use to register is: 4TFH9T

HOW WILL SETTLEMENT FUNDS BE ALLOCATED IN EACH STATE?

The settlement funds are first divided among the participating states according to a formula developed by the Attorneys General that considers population and the severity of harm caused by the opioid epidemic in each participating state. Each state’s share of the abatement funds is then further allocated within each state according to agreement between the state and its subdivisions, applicable state allocation legislation, or, in the absence of these, the default provisions in the agreements.

Many states have or are in the process of reaching an agreement on how to allocate abatement funds within the states. Allocation agreements/legislation and other information about South Dakota’s allocation agreement or legislation can be found on the national settlement website. The allocation section of the website will be supplemented as more intra-state allocation arrangements are finalized.

In reviewing allocation information, please note that while all subdivisions may participate in the Settlements, not all subdivisions are eligible to receive direct payments. To promote efficiency in the use of abatement funds and avoid administratively burdensome disbursements that would be too small to add a meaningful abatement response, certain smaller subdivisions do not automatically receive a direct allocation. However, participation by such subdivisions will help maximize the amount of abatement funds being paid in the Settlements, including those going to counties, cities, parishes, and other larger subdivisions in their communities.

To determine your eligibility to receive, directly or indirectly, any of the funds allocated to your state should you elect to participate in the Settlements in which your state participates, you should first visit <https://nationalopioidsettlement.com/> to determine if your state has entered into a state-subdivision agreement or has an allocation statute and/or a statutory trust. If so, then the terms of the state-subdivision agreement, allocation statute, and/or statutory trust (as applicable) will govern your eligibility to receive funds directly or indirectly from the share that is allocated to your state under the national settlement agreements. In some states there will be a proposed state-subdivision agreement that is in the process of being adopted by subdivisions. Any questions concerning the status or terms of the state-subdivision agreement, allocation statute, and/or statutory trust in your state, if applicable, can be directed to the Attorney General’s Office.

You may be contacted by the Attorney General's Office with additional information regarding the allocation of settlement funds in South Dakota. Subdivisions with representation can expect information from their attorneys as well. We encourage you to review all materials and to follow up with any questions. The terms of these Settlements are complex and we want to be sure you have all the information you need to make your participation decision.

WHY YOU SHOULD PARTICIPATE

A vast majority of states have joined the Settlements, and attorneys for many subdivisions have already announced support for them. For example, the Plaintiffs' Executive Committee, charged with leading the litigation on behalf of more than 3,000 cities, counties and others against the opioid industry, and consolidated in the national multi-district litigation ("MDL") pending before Judge Dan Aaron Polster in the Northern District of Ohio, recommends participation in these Settlements.

Subdivision participation is strongly encouraged, for the following reasons:

First, the amounts to be paid under the Settlements, while insufficient to abate the epidemic fully, will allow state and local governments to commence with meaningful change designed to curb opioid addiction, overdose and death;

Second, time is of the essence. The opioid epidemic continues to devastate communities around the country and it is critical that the funds begin to flow to allow governments to address the epidemic in their communities *as soon as possible*;

Third, if there is not sufficient subdivision participation in these proposed Settlements, the Settlements will not be finalized, the important business practice changes will not be implemented, the billions of dollars in abatement funds will not flow to communities, and more than 3,000 cases may be sent back to their home courts for trial, which will take many years;

Fourth, the extent of participation also will determine how much money each state and its local subdivisions will receive because approximately half of the abatement funds are in the form of "incentive payments," *i.e.*, the higher the participation of subdivisions in a state, the greater the amount of settlement funds that flow into that state;

Fifth, you know first-hand the effects of the opioid epidemic on your community. Funds from these Settlements will be used to commence abatement of the crisis and provide relief to your citizens while litigation and settlement discussions proceed against numerous other defendants in the opioid industry; and

Sixth, because pills do not respect boundaries, the opioid epidemic is a national crisis that needs a national solution.

NEXT STEPS

These Settlements require that you take affirmative steps to "opt in" to the Settlements. If you do not act, you will not receive any settlement funds and you will not contribute to reaching the participation thresholds that will deliver the maximum amount of abatement funds to your state.

First, register your subdivision on the national settlement website so that information and documents required to participate can be sent to you. You will need the email address of the person who will be authorized to sign on behalf of your subdivision. This is the only action item needed at this time.

Second, have your authorizing person(s) or body begin to review the materials on the websites concerning the settlement agreement terms, allocation and other matters. Develop a list of questions for your counsel or the Attorney General's Office. In the very near future, your subdivision will need to begin the process of deciding whether to participate in the proposed Settlements, and subdivisions are encouraged to work through this process well before the January 2, 2022 deadline to be an initial participating subdivision. Again, the Attorney General's Office, your counsel, and other contacts within the state are available to discuss the specifics of the Settlements within your state, and we encourage you to discuss the terms and benefits of the Settlements with them.

Third, monitor your email for further communications, which will include a Participation Agreement, Release, (where applicable) a model Resolution, and instructions on executing and submitting electronically using DocuSign.

We urge you to view the national settlement website at your earliest convenience. Information and documents regarding the national Settlements and your state allocation can be found on the settlement website at <https://nationalopioidsettlement.com/>.

If there are questions concerning this matter, please have your attorney contact at (605) 773-3215 either:

Assistant Attorney General Tom Deadrick

Chief Deputy Charles McGuigan

Hot Springs, SD 57747
906 N River St
Sue Ganje
NPD CQ-670-994
Postal Service: Please do not mark barcode
122810020158



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NPD

National Opioids Settlements
P.O. Box 43196
Providence, RI 02940-3196