

FALL RIVER COUNTY UNAPPROVED MINUTES OF DECEMBER 1, 2022

The Fall River Board of County Commissioners met in regular session on December 1, 2022. Present: Joe Allen, Les Cope, Joe Falkenburg, Heath Greenough, Deb Russell and Sue Ganje, Auditor.

The Pledge of Allegiance was given, and the meeting called to order at 9:00 a.m.

The agenda was reviewed for conflicts; none were noted. ALL MOTIONS RECORDED IN THESE MINUTES WERE PASSED BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED. The full context of the meeting can be found on the county website under Commissioners at <http://fallriver.sdcountries.org>, or under Fall River County Commission, SD at <http://www.YouTube.com>.

Motion made by Russell, seconded by Allen, to approve the agenda with the addition of a resolution for the Variance for Medical Cannabis Cultivation.

Motion made by Greenough, seconded by Russell, to approve a pay raise for Charles Dobbs (Certified Deputy), \$17.50 to \$19.50 per hour, effective November 21, 2022, as per union contract.

Motion made by Russell, seconded by Allen, to approve setting a supplement and contingency hearing for December 15, 2022 at 9:30 a.m.

Motion made by Russell, seconded by Greenough, to approve setting a year end meeting for December 29, 2022 at 9 a.m.

Motion made by Greenough, seconded by Allen, to table the \$1,500 essential pay until executive session.

Motion made by Russell, seconded by Greenough, to approve the minutes of November 17, 2022.

There were no applicants for county assistance.

Teresa Pullen, Treasurer, met with the Board. Motion made by Greenough, seconded by Allen, to approve hiring Misty Heronimus, \$14.00 per hour, effective November 28, 2022, as per union contract.

Stacey Martin, GIS, met with the Board. Motion made by Greenough, seconded by Allen, to approve the Vanguard quote for online mapping, with a one-time fee of \$1,000.00 and a yearly fee of \$2,681.25, for 5 years, as long as Oglala Lakota County also signs the 5 year offer and agrees to pay their portion.

A Hearing continuation for the Variance for Medical Cannabis Cultivation License was held. Motion made by Russell, seconded by Cope, to accept State's Attorney Russell's recommendation that 1) the application was denied after evidence presented that no sign was placed 10 days before

the hearing and 2) that the application failed burden of proof on the Variance C 1 – 4 and the Ordinance B 1 – 5 and A 3.

With all voting yes, by roll call vote, motion carried.

Joe Falkenburg, Commissioner, discussed with the Board the possibility of hiring a Public Defender versus continuing with the current Court Appointed Attorneys. Discussion was also held stating that the State's Attorney's office has helped to keep the costs down for the fees and collection of fees. Reimbursements were discussed. Concerns were raised about the small size of the county and having to hire conflict attorneys to assist. Hustead Law Office would be in touch with the State's Attorney's Office to work out concerns and details; further discussion would be held at the next meeting.

Calvin and Cole Romey met with the Board to request maintenance on South Beef Creek Road as it is listed on the SD DOT mapping as a Secondary Road. Discussion was held regarding what services the County provides on minimum maintenance roads. State's Attorney Russell provided a prior SD Attorney General's opinion on the subject.

Motion made by Greenough, to approve having the Romeys purchase all of the needed gravel, with the County putting ballast down first and having the County haul the gravel and maintaining. Motion dies for lack of a second.

State's Attorney Russell recommended to the Board that they take the matter under advisement and to table the discussion until the next meeting so he and Attorney Romey could work on an agreement.

Randy Seiler, Highway Superintendent, reported to the Board that a rancher is requesting a pipeline easement; the Board advised Seiler if he's comfortable with it, go ahead and proceed with the easement and get firm approval at the next meeting. Commissioner Russell spoke of the need for gravel in areas of the Oral Road.

Motion made by Cope, seconded by Allen, to approve the bills as follows:

GENERAL FUND

AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$866.35
BLACK HILLS CHEMICAL	SUPPLY	\$145.59
BQ & ASSOCIATES, P.C., LLO	GARNISHMENT	\$131.00
BOSTON MUTUAL LIFE INS CO	LIFE INSURANCE	\$32.76
CENTURY BUSINESS LEASING	COPIER LEASE & USAGE	\$296.51
CHEYENNE SANITATION	SANITATION COLLECTION	\$376.73
COLBATH & SPERLICH, PC	CAAF/MAG/JUV	\$5,714.94
CREDIT COLLECTION BUREAU	COLLECTIONS	\$604.18
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$2,543.70
DS SOLUTIONS INC	ELECTION SUPPLY	\$175.00
DIV OF CHILD SUPPORT	CHILD SUPPORT	\$437.50

EFTPS	EFTPS PAYROLL TAXES	\$41,357.42
EXECUTIVE MGMT FINANCE	BIT NETWORK FEES	\$42.50
FALL RIVER HEALTH SERVICE	INMATE MEDICAL	\$496.30
GALLS	SUPPLY	\$69.23
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$2,141.64
HEIMGARTNER, PAULA	MILEAGE	\$17.34
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$570.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$493.18
HOT SPRINGS AMBULANCE	CPR TRAINING	\$400.00
CITY OF HOT SPRINGS	CITY WATER BILL/4TH QUARTER FIRE SPRINKLER	\$898.26
HUSTEAD LAW OFFICE, P.C.	CAAF, JUV	\$4,588.52
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$21,263.50
LIUNA LABORERS LOCAL 620	UNION DUES	\$324.00
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$116.24
MAKE IT HAPPEN COUNSELING	QMHP/MI	\$400.00
MASSA DENTAL OFFICES PC	INMATE MEDICAL	\$130.00
MASTEL, BRUCE	DATABASE SETUP & MONITORING	\$35.00
MEADE COUNTY AUDITOR	INMATE BOARDING	\$480.00
MESSERLI & KRAMER	GARNISHMENT	\$493.84
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$145.00
NATIONWIDE RETIREMENT SOL	NATIONWIDE RETIREMENT	\$700.00
NELSONS OIL & GAS INC.	UTILITIES	\$809.67
QUADIENT FINANCE USA, INC	POSTAGE	\$1,910.85
NEW YORK LIFE INSURANCE	NEW YORK LIFE INSURANCE	\$65.00
NORTON, TINA	CONTRACT NURSE INMATE	\$1,400.00
CHILD SUPPORT PAYMENT CNT	CHILD SUPPORT	\$655.00
PENNINGTON COUNTY JAIL	INMATE MEDICAL	\$46.49
QUILL CORPORATION	OFFICE SUPPLIES	\$127.88
RELIANCE STANDARD LIFE	VISION PLAN	\$295.11
SDACC	SDACC AND NACO MEMBERSHIP	\$1,996.00
SD ASSOC.OF CO. OFFICIALS	2023 SDACO MEMBERSHIP	\$761.73
DEPT OF AG & NATURAL RES.	SUPPLY	\$3,200.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITTANCE	\$553.25
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$20,521.70
SERVALL	RUG/UNIFORM SERVICE	\$167.67
SONNY'S SUPER FOODS	SUPPLY	\$70.32
SOUTHERN HILLS LAW PLLC	CAAF	\$806.55
STEVENS, LAREE	BLOOD DRAW	\$225.00
NORTON, MIKAYLA	BLOOD DRAW	\$900.00
UNITED WAY BLACK HILLS	UNITED WAY DONATION	\$87.00
VANGUARD APPRAISALS INC	NEW LICENSE	\$750.00
VERIZON WIRELESS	CELL PHONE PLAN	\$503.30
WENDELL'S GARAGE	MAINTENANCE	\$66.50

THOMSON REUTERS	SUBSCRIPTION	\$296.00
MILES, SASHA	BLOOD DRAW	\$225.00
MCBRIDE, HEIDI	MILEAGE	\$32.64
COMMISSIONERS	NOVEMBER SALARIES	\$4,100.00
ELECTION HOURS	NOVEMBER SALARIES	\$966.14
AUDITOR'S OFFICE	NOVEMBER SALARIES	\$20,722.75
AUDITOR'S OFFICE	OVERTIME	\$599.44
TREASURER'S OFFICE	NOVEMBER SALARIES	\$16,651.79
TREASURER'S OFFICE	OVERTIME	\$132.54
STATE'S ATTORNEY OFFICE	NOVEMBER SALARIES	\$14,975.39
STATE'S ATTORNEY OFFICE	OVERTIME	\$1,839.35
MAINTENANCE	NOVEMBER SALARIES	\$9,620.47
MAINTENANCE	OVERTIME	\$166.21
ASSESSOR'S OFFICE	NOVEMBER SALARIES	\$16,491.59
ASSESSOR'S OFFICE	OVERTIME	\$144.18
REGISTER OF DEED'S OFFICE	NOVEMBER SALARIES	\$11,585.33
REGISTER OF DEED'S OFFICE	OVERTIME	\$18.22
VETERAN'S SERVICE OFFICE	NOVEMBER SALARIES	\$4,143.36
GIS OFFICE	NOVEMBER SALARIES	\$4,090.15
SHERIFF	NOVEMBER SALARIES	\$30,798.30
SHERIFF	OVERTIME	\$4,945.04
JAIL	NOVEMBER SALARIES	\$26,602.93
JAIL	NOVEMBER SALARIES	\$4,024.59
CORONER	NOVEMBER SALARIES	\$150.00
EXTENSION OFFICE	NOVEMBER SALARIES	\$1,785.00
EXTENSION OFFICE	OVERTIME	\$15.75
WEED & PEST OFFICE	NOVEMBER SALARIES	\$4,378.00
	TOTAL FOR GENERAL FUND	\$302,128.91
COUNTY ROAD & BRIDGE		
A & B WELDING SUPPLY CO.	WELDING SUPPLIES/LEASE	\$225.31
AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$365.50
BLACK HILLS ELECTRIC	UTILITIES SMITHWICK	\$39.75
BOMGAARS	SUPPLY	\$652.06
BUTLER MACHINERY CO.	SUPPLIES/REPAIRS	\$124.23
CHEYENNE SANITATION	SANITATION COLLECTION	\$79.00
COSTA, SAMUEL	REIMBURSEMENT	\$10.00
CITY OF EDGEMONT	CITY OF EDGEMONT WATER	\$84.10
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$523.70
DWARE INC	2023 SOFTWARE LEASE	\$4,350.00
EFTPS	EFTPS PAYROLL TAXES	\$8,509.88
FALL RIVER HEALTH	RANDOM DRUG TESTING	\$112.00
FORWARD DISTRIBUTING	SUPPLIES/PARTS	\$66.60
FALL RIVER COUNTY HERALD	SUBSCRIPTION	\$50.00

GOLDEN WEST	PHONE BILL/LONG DIST	\$254.78
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$165.00
HOT SPRINGS ACE HARDWARE	SUPPLY	\$9.98
CITY OF HOT SPRINGS	CITY WATER BILL	\$73.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$5,780.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$243.00
MG OIL	INVENTORY/SUPPLY	\$948.20
NEBRASKA SALT & GRAIN	SUPPLY	\$2,675.79
NEWMAN SIGNS INC.	SIGNAGE	\$298.97
POMP'S TIRE SERVICE INC.	SUPPLY	\$152.95
QUILL CORPORATION	OFFICE SUPPLIES	\$144.99
RELIANCE STANDARD LIFE	VISION PLAN	\$40.80
SAFETY-KLEEN SYSTEMS, INC	SUPPLIES	\$124.47
SCHUBBEL, FREDERICK JR	CLOTHING ALLOWANCE	\$150.00
SDACHS	2023 DUES	\$350.00
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$4,591.44
SEILER, RANDY	CELLPHONE REIMBURSEMENT	\$75.00
SD SUPPLEMENT RETIREMENT	SUPPLEMENTAL RETIREMENT	\$40.00
TEAM LABORATORY CHEMICAL	SUPPLY	\$614.50
UNITED WAY BLACK HILLS	UNITED WAY DONATION	\$20.00
HIGHWAY DEPARTMENT	NOVEMBER SALARIES	\$37,810.75
HIGHWAY DEPARTMENT	OVERTIME	\$451.52
	TOTAL COUNTY ROAD & BRIDGE	\$70,207.27
911 SURCHARGE REIMBURSEMENT		
AMERICAN FAMILY ASSURANCE	AMERICAN FAMILY ASSURANCE	\$67.21
CREDIT COLLECTION BUREAU	COLLECTIONS	\$302.86
DELTA DENTAL PLAN OF SD	DELTA DENTAL	\$302.40
EFTPS	EFTPS PAYROLL TAXES	\$5,133.71
GOLDEN WEST	PHONE BILL/LONG DIST	\$744.49
HEAVY HIGHWAY FRINGE	INSURANCE FEES	\$60.00
IOWA LABORERS DISTRICT	HEALTH INSURANCE	\$1,804.00
LIUNA LABORERS LOCAL 620	UNION DUES	\$27.00
RELIANCE STANDARD LIFE	VISION PLAN	\$6.33
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$2,474.08
VERIZON WIRELESS	CELL PHONE PLAN	\$41.87
DISPATCH	NOVEMBER SALARIES	\$16,243.43
DISPATCH	OVERTIME	\$4,374.00
	TOTAL FOR 911 SURCHARGE REIMBURSEMENT	\$31,581.38
EMERGENCY MANAGEMENT		
EFTPS	EFTPS PAYROLL TAXES	\$1,560.22
GOLDEN WEST	PHONE BILL/LONG DISTANCE	\$169.99
QUADIENT FINANCE USA, INC	POSTAGE	\$1.44
SD RETIREMENT SYSTEM	SDRS CONTRIBUTION	\$635.42

VERIZON WIRELESS	CELL PHONE PLAN	\$83.74
FR EMERGENCY MANAGEMENT OFFICE	NOVEMBER SALARIES	\$5,295.22
	TOTAL FOR EMERGENCY MANAGEMENT	\$7,746.03
24/7 SOBRIETY FUND		
EFTPS	EFTPS PAYROLL TAXES	\$320.06
24/7 OFFICE	NOVEMBER SALARIES	\$2,092.00
	TOTAL FOR 24/7 SOBRIETY FUND	\$2,412.06
COURTHOUSE BUILDING FUND		
HOT SPRINGS ACE HARDWARE	SUPPLY	\$139.47
LYLE'S LOCK SERVICE	SERVICE	\$60.00
	TOTAL FOR COURTHOUSE BUILDING FUND	\$199.47
	TOTAL PAID BETWEEN 11/18/22 AND 12/1/22	\$414,275.10

Break was taken 10:04 a.m. and the meeting reconvened at 10:12 a.m.

Public comment was heard. Sheriff Evans reported 10 males and 4 females are being held in the Fall River County Jail, with 2 males and 1 female in the Pennington County Jail, for a total of 17 inmates; further discussion was held on rates being raised at the Pennington County Jail in January. Additional comments were heard from Paul Nabholz, Kim Allen and Dusty Pence with continued concerns about the 2022 General Election. Allen also spoke of research that has been done involving Cannabis processing; she has concerns regarding taxes, water and pesticide use and the carbon footprint. Commissioner Falkenburg spoke of the government no longer being able to control weeds in the Big Horn area of Wyoming, which could affect our county in the future.

Dustin Ross and John McBride, Andersen Engineers, met with the Board. Motion made by Allen, seconded by Greenough, to approve the following resolution:

FALL RIVER COUNTY RESOLUTION #2022-53

A Plat of Lot 30 of Shep's Canyon Estates Subdivision, located in the NW1/4NE1/4 of Section 27, T8S, R5E, BHM, Fall River County, South Dakota

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and it appearing to this Board that the system of streets conforms to the system of streets of existing plats and section lines of the county; adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible; all provisions of the county subdivision regulations have been complied with; all taxes and special assessments upon the property have been fully paid; and the plat and survey have been lawfully executed; now and therefore,

BE IT RESOLVED that said plat is hereby approved in all respects.

Dated this 1st day of December, 2022.

/s/Joe Falkenburg, Chairman
Fall River County Board of Commissioners

ATTEST:

/s/Sue Ganje

Fall River County Auditor

Motion made by Allen, seconded by Cope, to approve the following resolution:

FALL RIVER COUNTY RESOLUTION #2022-54

A Plat of Lot 1C Revised and Lot 1D Revised of Whole Note Subdivision, located in the NE1/4 of Section 1, T7S, R5E, BHM, Fall River County, South Dakota

Formerly Lot 1C and Lot 1D

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and it appearing to this Board that the system of streets conforms to the system of streets of existing plats and section lines of the county; adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible; all provisions of the county subdivision regulations have been complied with; all taxes and special assessments upon the property have been fully paid; and the plat and survey have been lawfully executed; now and therefore,

BE IT RESOLVED that said plat is hereby approved in all respects.

Dated this 1st day of December, 2022.

/s/Joe Falkenburg, Chairman

Fall River County Board of Commissioners

ATTEST:

/s/Sue Ganje

Fall River County Auditor

Motion made by Allen, seconded by Russell, to approve the following resolution:

FALL RIVER COUNTY RESOLUTION #2022-55

A Plat of BR Tract Revised and Tract A Revised, located in the SE1/4SW1/4 of Section 27, T7S, R6E, BHM, Fall River County, South Dakota

Formerly BR Tract and Tract A

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and it appearing to this Board that the system of streets conforms to the system of streets of existing plats and section lines of the county; adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible; all provisions of the county subdivision regulations have been

complied with; all taxes and special assessments upon the property have been fully paid; and the plat and survey have been lawfully executed; now and therefore,

BE IT RESOLVED that said plat is hereby approved in all respects.

Dated this 1st day of December, 2022.

/s/Joe Falkenburg, Chairman
Fall River County Board of Commissioners

ATTEST:

/s/Sue Ganje
Fall River County Auditor

Sue Ganje, Auditor, gave a report to the Board on the issue of the 3 precincts that had received 1 to 3 packets of Oglala Lakota County ballots that were mistakenly wrapped and marked as Fall River County ballots, along with their proper Fall River County ballots. The incorrect ballots were opened first in those precincts and they contacted our office. We then contacted precincts in both counties to make sure there were no other ballots that were in the incorrect county, which there were not. The Oglala Lakota County ballots that had been voted in Oelrichs were then considered spoiled ballots. The precinct sealed the ballot box and the Auditor's office staff transported it, along with the remaining incorrect ballots to secure in our vault. At that time, correct ballots and a new ballot box were delivered. The 10 original voters were contacted and asked to come back to the Oelrichs poll to vote on Fall River Ballots, 9 of which returned. Hot Springs #2 had 7 voters and Jackson had 9 voters that were given the incorrect ballots. They immediately located the bundles of correct ballots for use. Those Oglala Lakota County voted ballots remained in the ballot boxes. Going forward, the office is creating a 2-person verification system before the final seal is applied to wrapped ballots, and/or any other election items are sent to the polls. This will be for ballots, totes with precinct specific supplies and other items, as needed. The Oglala Lakota ballots ran thru the tabulator successfully with the Fall River Ballots, counting all the similar races on both county's ballots. ES&S (our ballot printing company) stated that both county ballots were coded Sequence 00001 and both were printed by style, so it did not differentiate between counties.

Ganje reported on a letter from Disability Rights of SD which noted concern on the doors handles and step at the polling place in Oelrichs. Discussion was held on ways to fix those items to increase accessibility to the Community Center. Commissioners Greenough and Cope spoke of the handicap entrance in the back. If that is not sufficient, the polling place could be moved to the new gym at the school.

Ganje also discussed that growth for pay 2023 was incorrect due to the current software conversion to a new vendor, and growth not being entered into the IBM system that converted the tax file to the auditor. Discussion was held on the county and entities that requested the maximum taxes allowable by the revised growth factor. Ganje will bring the item back to the next meeting.

Motion made by Allen, seconded by Greenough, to enter into executive session as per SDCL 1-25-2 (1) for personnel purposes and as per SDCL 1-25-2 (4) for negotiations at 10:49 a.m.

The meeting resumed at 1:18 p.m.

Motion made by Greenough, seconded by Allen, to approve \$1,500.00 in essential pay for all employees.

Motion made by Greenough, seconded by Russell, to adjourn at 1:20 p.m.

/s/Joe Falkenburg

Joe Falkenburg, Chairman

Board of Fall River County Commissioners

ATTEST:

/s/Sue Ganje, Auditor

Fall River County Auditor

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

TO THE HONORABLE BOARD OF FALL RIVER COUNTY COMMISSIONERS:

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County on this 30th day of November 2022.

Total Amount of Deposit in First Interstate Bank, HS:	\$	168,873.58
Total Amount of Deposit in First National Bank-ARP Checking, Lead:	\$	1,000.00
Total Amount of Cash:	\$	4,937.36
Total Amount of Treasurer's Change Fund:	\$	900.00
Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:	\$	34,240.81

SAVINGS:

#4) First Interstate Bank, HS:	\$	232,775.59
#18) First National Bank of Lead-ARP ICS Acct	\$	1,032,453.31
#20) First National Bank of Lead-RAI MM Acct	\$	111,968.50

CERTIFICATES OF DEPOSIT:

#8) Black Hills Federal Credit Union, HS:	\$	250,000.00
#14) Schwab Treasury:	\$	951,710.11
#15) First National Bank, Lead:	\$	318,473.31
#21) Schwab Treasury 2 Yr:	\$	265,620.94
#22) Schwab Treasury 2 Yr:	\$	969,667.97
#23) Schwab Treasury 2 Yr:	\$	969,687.50
#24) Schwab Treasury 2 Yr:	\$	1,994,796.88
#25) Schwab Treasury 3 Yr:	\$	1,931,250.00
#26) Schwab Treasury 4 Yr:	\$	992,743.13

Itemized list of all items, checks and drafts that have been in the Treasurer's possession over three days:

Register of Deeds Change Fund:	\$	500.00
Highway Petty Cash:	\$	20.00
Election Petty Cash:	\$	15.00

RETURNED CHECKS:

Rolling Homes LLC	\$	1,341.60
Farrell, Michael	\$	3,846.26

TOTAL \$ 10,236,821.85

Dated This 30th Day of November 2022.



Sue Ganje, County Auditor of Fall River County



Teresa Pullen, County Treasurer of Fall River County

County Monies	\$	9,589,052.41
Held for other Entities	\$	444,380.66
Held in Trust	\$	203,388.78
TOTAL	\$	10,236,821.85

The Above Balance Reflects County Monies, Monies Held in Trust, and Monies Collected for and to be remitted to Other ENTITIES: SCHOOLS, TOWNS, AND STATE.



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CRIMINAL LEVEL I - INVESTIGATIVE INTERVIEWING TECHNIQUES

Early	Regular (21 Days Left)	Late
\$470.00 ENDS OCTOBER 09	\$495.00 ENDS DECEMBER 09	\$515.00 ENDS JANUARY 09

Host: Evansville Police Department**Location:** NERD Gas Building 441 Landmark Drive Casper, WY 82609**Dates:** January 9, 2023 - January 11, 2023**Times:** 8:00am - 5:00pm**Fee:** \$495.00**SWORN LAW ENFORCEMENT PROFESSIONALS ONLY**[CLASS FLYER](#)[REGISTER NOW](#)

^ Course Description

Equip investigators with proven methods to identify the truth when they attend the WZ Seminar on Investigative Interviewing Techniques. Learn multiple, non-confrontational strategies based on the evidence, subject considerations, or type of interview. Practical, researched-based concepts offer investigators flexibility in their approach to tackle any investigation.

▼ Instructor

▼ Travel Information

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2727 N Plaza Dr.
Rapid City, SD 57702

Phone 605-348-6529 Fax 605-342-1160

Quote

No.: **68871**

Date: 11/10/2022

Prepared for:

Lyle Jensen
Fall River County Auditor
906 N River Street
Hot Springs, SD 57747 USA

Account No.: 1889
Phone: (605) 745-5145
Fax: (605) 745-3530

Qty	Description	UOM	Sell	Total
1	HP ProBook 455 G9 15.6" Full HD - Ryzen 7 5825U Processor - 16GB RAM - 512GB SSD - Windows 10 Pro - 1yr. Warranty	EA	\$1,099.00	\$1,099.00
1	PC Installation & Configuration	EA	\$927.50	\$927.50

Your Price: \$2,026.50

Total: \$2,026.50

Prices are valid for 30 days from quote date.

Prepared by: Chris Bernard, chrisbernard@goldenwest.com

Date: 11/10/2022

Accepted by: _____ Date: _____

Disclaimer

Unless otherwise specified, all labor is charged on a time and materials basis. Any additional service charge or travel will apply.

Any quoted cable runs assume that there is an available cable pathway; if not, additional charges may apply.

Applicable taxes and/or shipping charges may be added to the invoice.

Terms: A 30% down payment may be required for sales of \$10,000 or more, with the balance due 15 days from the invoice date.

Large, long-term projects are subject to progress billing.

1995 S.D. Op. Atty. Gen. 1 (S.D.A.G.), 1995 WL 155154

Office of the Attorney General

State of South Dakota
Official Opinion No. 95-01
February 23, 1995

County maintenance of highways and roads

*1 Curtis D. Mortenson
Stanley County State's Attorney
Post Office Box 190
Fort Pierre, South Dakota 57532

Dear Mr. Mortenson:

You have requested an opinion from this Office concerning county maintenance of highways and roads. Your inquiry cites the following facts:

FACTS:

Stanley County is updating its County Highway System. This revision may add substantial miles of roads which have been maintained by the county for more than twenty years. These roads are frequently located on private property and are situated both on and off section lines. In many instances, they lead from an existing county highway serving the public, to a home or farm building, and may best be described as long driveways. The county highway revision may also include little used roads which lead to isolated tracts of land.

Based upon the above facts, you have asked the following questions:

QUESTIONS:

1. Does [SDCL 31-3-1](#) allow the county to treat private driveways as public highways or part of the county highway system, due to the county's expenditure of public funds for their upkeep during the past twenty or more years?
2. Are section-line highways as defined in [SDCL 31-18-1](#), equivalent to the "secondary roads" mentioned in [SDCL 31-12-26](#)?
3. What level of maintenance is the county obligated to provide for "secondary roads" mentioned in [SDCL 31-12-26](#)?
4. May a county provide varying levels of maintenance for section-line highways?
5. May a county designate portions of the county highway system or county secondary highways and roads, as "minimum maintenance," allowing a road to be maintained without gravel or more than annual grading?
6. Do the county's obligations under [SDCL 31-28-6](#) apply only to public highways which are part of the county highway system, and not to secondary highways and roads not included in the county highway system?

IN RE QUESTION NO. 1:

County commissioners may not convert private driveways into public highways under [SDCL 31-3-1](#) even though these roads have been maintained with public funds for the past twenty or more years.

[SDCL 31-3-1](#) states in pertinent part as follows:

Whenever any road shall have been used, worked, and kept in repair as a public highway continuously for twenty years, the same shall be deemed to have been legally located or dedicated to the public, and shall be and remain a public highway until changed or vacated in some manner provided by law....

(Emphasis added). “Highway,” defined at [SDCL 31-1-1](#), specifically excludes roadways or driveways upon land owned by private persons. This Office has previously opined regarding this definition, confirming that a private driveway cannot be part of a designated county highway system, and public funds should therefore not be expended on its construction or maintenance. See 1953-54 A.G.R. 51 and 389, 1959-60 A.G.R. 368, 1967-69 A.G.R. 207.

*2 As a result, a private roadway or driveway is not a “public highway” subject to [SDCL 31-3-1](#), despite county maintenance for twenty years. Furthermore, a private roadway or driveway is not used as a public highway as required by this statute, and [SDCL 31-3-1](#) would not apply.

A county therefore may not treat a private roadway as a public highway, include it in the county highway system, or expend public funds for its maintenance.

IN RE QUESTION NO. 2:

A section-line highway is not equivalent to a “secondary road” mentioned in [SDCL 31-12-26](#). This statute states: It shall be the duty of the board of county commissioners and county superintendent of highways in organized counties, to construct, repair, and maintain all secondary roads within the counties not included in any city, incorporated town, or organized civil township.

(Emphasis added).

A section-line highway is defined at [SDCL 31-18-1](#) as follows:

There is along every section line in this state a public highway located by operation of law, except where some portion of the highway along such section line has been heretofore vacated or relocated by the lawful action of some authorized public officer, board, or tribunal.

This statute does not define section-line highways as secondary roads. The Supreme Court has characterized this statute as an acceptance of the United State’s grant of rights-of-way for highway construction over public land. See [Gustafson v. Gem Township](#), 58 S.D. 308, 235 N.W. 712 (1931); [Costain v. Turner County](#), 72 S.D. 427, 36 N.W. 382 (1949). It essentially means that section-lines must remain accessible to public travel unless vacated or relocated by a governing body. See also [State v. Peters](#), 334 N.W.2d 217 (S.D. 1983) (improved section-lines open to public hunting).

The definition of “highway” in [SDCL 31-1-1](#) is very broad and includes “[e]very way or place of whatever nature open to the public, as a matter of right, for purposes of vehicular travel....” Therefore, the use of “secondary roads” in [SDCL 31-12-26](#) is synonymous with “secondary highways,” defined at [SDCL 31-1-5\(4\)](#) as follows:

(4) “County secondary highways,” the rural local highways in organized counties, excluding the approved county highway system, that are under the supervision of a board of county commissioners.

According to this definition, a county must assume supervision over the construction and maintenance of a road before it is deemed a “secondary highway.” See 1963-64 A.G.R. 233, A.G.O. 81-33 and 84-02. While a section-line highway is required to be kept open to the public pursuant to [SDCL 31-18-1](#), it is not a county secondary road/highway unless a county has assumed supervision over it.

IN RE QUESTION NO. 3:

No clear standard has been established by statute or the courts concerning the level of maintenance which a county must provide to secondary roads/highways. [SDCL 31-12-26](#) provides:

It shall be the duty of the board of county commissioners and county superintendent of highways in organized counties, to construct, repair, and maintain all secondary roads within the counties not included in any city, incorporated town, or organized civil township.

*3 This statute does not set out a specific standard of road maintenance.

The Supreme Court has addressed the obligation of counties to maintain roads in the county highway system pursuant to [SDCL 31-12-19](#). *Bryant v. Butte County*, 457 N.W.2d 467, 469-470 (S.D. 1990). [SDCL 31-12-19](#) requires county commissioners to “maintain properly and adequately the county highway system ... on all or different portions of the same as the board of county commissioners may deem most expedient...” The Court found the mandatory language of this statute imposes a ministerial obligation on a county to maintain roads in the county highway system. *Id.* at 470.

The minimum standard for this maintenance was recently discussed in *Bland v. Davison County*, 507 N.W.2d 80 (S.D. 1993). In addressing the duty to perform snow and ice removal on county roads which are part of the county highway system, the Court noted that “negligence occurs when one fails to exercise that care which an ordinarily prudent or reasonable person would exercise under the same or similar circumstances, commensurate with existing and surrounding hazards.” *Id.* at 81. The Court found the obligation of [SDCL 31-12-19](#) to “maintain properly and adequately the county highway system” requires counties to exercise “reasonable and ordinary care” to preserve the highways in a “reasonably safe condition.” *Id.* at 82.

The Court has not, however, specifically ruled on the minimum standard of maintenance required to be performed on county secondary roads/highways. In *Bryant*, the Court referred in dicta to the mandatory language of [SDCL 31-12-26](#), characterizing it as imposing a ministerial duty on counties to maintain and repair county secondary roads/highways. However, because both *Bryant* and *Bland* actually involved roads which were part of the county highway system, a definitive minimum standard of maintenance required to be performed on secondary roads has not been established.¹

IN RE QUESTION NO. 4:

A county does have some discretion to provide varying levels of maintenance to section-line highways. If a section-line highway has been designated as part of the county highway system, the commissioners must comply with the minimum standards set out in [SDCL §§ 31-12-19](#) and the *Bryant* and *Bland* decisions. If the county has assumed supervision over section-line highways so that they are deemed secondary roads/highways, the county has a general duty to maintain them under [SDCL 32-12-26](#). However, no clear minimum standard for this maintenance has been established.²

If a section-line highway is neither part of the county highway system nor a county secondary road/highway, the county has no duty to maintain it. It is entirely within the discretion of the county to perform any improvements upon section-line highways. See 1963-64 A.G.R. 233; A.G.O. 89-17 and 93-01.

IN RE QUESTION NO. 5:

County commissioners do not have statutory authority to designate any road as “minimum maintenance.” There is a specific statute that allows a township board to designate a road as “minimum maintenance” and to maintain it at “less than the minimum standards” ([SDCL 31-13-1.1](#)), but there is no corresponding statute authorizing such action by a county.

*4 Along with this absence of statutory authority, the Supreme Court held in *Bland* and *Bryant* that a county has a mandatory duty to maintain roads which are part of the county highway system in a “reasonably safe condition” to comply with the “adequate and proper” language of [SDCL 31-12-19](#).

Furthermore, counties lack express statutory authority to designate a county secondary road/highway as “minimum maintenance.” However, as discussed above, there has not yet been a definitive ruling on the minimum standard of maintenance required on county secondary roads. It is possible that this minimum standard may be less than that required on roads which are part of the county highway system, and may include the discretion to declare and post secondary

roads/highways as “minimum maintenance.”

Counties will, when allocating available funds, inherently exercise discretion in determining where and to what extent county roads are improved or maintained. See 1963-64 A.G.R. 233; A.G.O. 89-17 and 93-01. Whether an annual grading trip is sufficient to meet the standard set out in Bryant and Bland for roads on the county highway system, or what minimum standard of maintenance a court would require on county secondary roads/highways, will depend on the circumstances of each case.

IN RE QUESTION NO. 6:

The duties placed upon county commissioners by [SDCL 31-28-6](#) apply to all roads for which a county is responsible. [SDCL 31-28-6](#) requires all public boards or officers “whose duty it is to repair or maintain any public highway,” to erect and maintain warning signs concerning points of danger on the highway. This statute appears to apply to all roads which a county must maintain by statute, and to all roads over which a county has assumed responsibility pursuant to SDCL chs. 31-3 and 31-12. Accordingly, a county’s duty under [SDCL 31-28-6](#) encompasses county secondary roads/highways, as well as roads in the county highway system.

Respectfully submitted,

Mark Barnett
Attorney General

Footnotes

- ¹ Under [SDCL 31-12-31](#), when a proposition is adopted by which the county agrees to maintain all secondary roads in the several townships (organized or unorganized) of the county, the county has the same powers and authority regarding the construction and maintenance of secondary roads as it does for roads on the county highway system. It has not yet been resolved whether this “power and authority” equates with a duty to provide the minimum level of maintenance required under Bryant and Bland.
- ² There are some duties which are specifically imposed by statute of which the county should be cognizant. See, e.g., [SDCL § 31-32-6](#), [31-32-9](#), [31-32-10](#).

1995 S.D. Op. Atty. Gen. 1 (S.D.A.G.), 1995 WL 155154

End of Document

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FALL RIVER SUPPLEMENT HEARING #4

Expenditure

DATE	AMOUNT	EXPENSES TO		GI Description
		SUPPLEMENT	ACCOUNT	Y-N
12/15/2022	\$ 397,506.50	29000X4290911	Transfer Out	Y ARPA
12/15/2022	\$ 206,500.00	10100X4290911	Transfer Out	N 21 Designated to Hwy from Gen
12/15/2022	\$ 157,174.89	20100X4251311	Road Projects	N
TOTAL	\$ 761,181.39			

FALL RIVER CONTINGENCY TRANSFER HEARING #5

12/15/2022	\$ 6,346.36	10100X4110151	St Atty Salaries	N	Wage Inc/Overtime
12/15/2022	\$ 33,160.13	10100X4260153	Court Appt Atty	N	
12/15/2022	\$ 14,499.58	10100X4272215	Juvenile Care	N	
12/15/2022	\$ 377.20	10100X4260224	Search & Rescue	N	
12/15/2022	\$ 5,118.75	10100X4221445	Mental Illness Board	N	
TOTAL	\$ 59,502.02				

FALL RIVER COUNTY RESOLUTION #2022-56
Supplemental Budget 2022, #4
Contingency Transfer 2022, #5

WHEREAS, SDCL 7-21-22 provides that the Board of County Commissioners may adopt a supplemental budget, and whereas, as due and legal notice has been given, the following Supplements to expenditures for November 10, 2022 be approved as follows: General Fund: General Transfers Out 10100X4290911, \$206,500 Designated from Gen Surplus; Hwy Fund: Hwy Road Projects 20100X4251311, \$157,174.89; ARPA Fund: Transfer Out 29000X4290911, \$397,506.50; Means of finance to be cash, and

WHEREAS, SDCL 7-21-32.2 provides that the Board of County Commissioners may adopt a transfer appropriation from the contingency budget to other appropriations, which are insufficient, a contingency transfer shall be approved and adopted to the following Departments: St Attorney Salaries 10100X4110151, \$6,346.36; Juvenile Care 10100X4272215, \$14,499.58; Court Appointed Attorney Fees 10100X4260153, \$33,160.13; Search & Rescue 10100X4260224, \$377.20; Mental Illness Board 10100X4221445, \$5,118.75

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners to adopt the Supplemental Budget #4 and Contingency Transfer #5 for 2022.

Dated at Fall River County, South Dakota this 15th day of December 2022.

ATTEST:

Joe Falkenburg
Fall River County Board of Commissioners

Sue Ganje
Fall River County Auditor's Office

**FALL RIVER COUNTY HIGHWAY DEPARTMENT
APPROACH PERMIT
APPLICATION FOR ROAD APPROACH PERMIT**

On this date 12/5/22, the Applicant hereby applies to the Fall River County Highway Department for permission to construct an approach road connection to the left (west) side of (road name) W G Flats Loop (road #) 2B approximately at 1.3 mile North of E Oral Rd.. The road approach will serve a residence and will be constructed between Jan. 1st 2023 (residence, church, business, etc.) (beginning date) and November 2023 at (completion date)

applicant's expense.

Applicant acknowledges that approach and culverts shall meet County specifications, which are on file at the County Highway Department. Please attach a drawing or sketch showing the proposed location of the approach and set stakes in the ground to enable the Superintendent/Foreman to locate the proposed approach.

Name: Geoff Benway
Karena Benway Address: _____
Phone #: 602-686-8107 Signed: Karena Benway
(Property Owner)

TO BE COMPLETED BY FALL RIVER COUNTY HIGHWAY DEPARTMENT

Permit #: 12-5-22
MO/DY/YR

PRELIMINARY INSPECTION: Date 12-5-22 By: Randy Seith

Culvert Diameter 0 Culvert Length 0

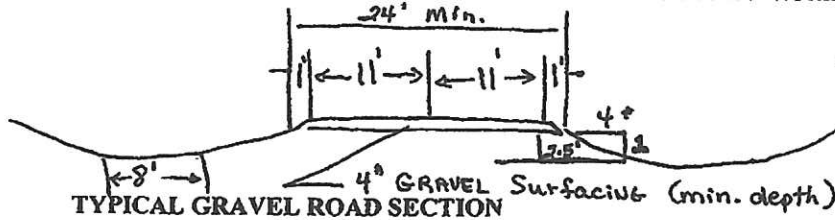
The crown of the presently traveled surface, including shoulder, to be continued at a distance of 20 feet from the nearest edge of the traveled surface of the road-shoulder facing the property.

Remarks: _____

PERMIT: ✓ APPROVED _____ DENIED _____

Randy Seith Date: 12-5-22
Superintendent/Foreman

**FALL RIVER COUNTY HIGHWAY DEPARTMENT
SPECIFICATIONS FOR COUNTY ROADS AND APPROACHES**

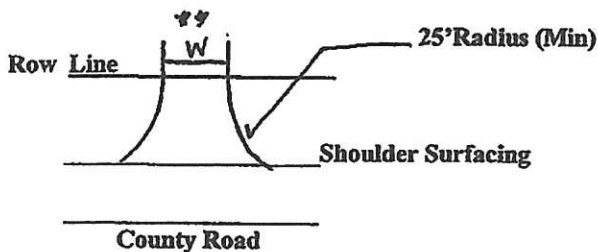


* Maximum slope is 4 to 1 (current Standard of the South Dakota DOT Steeper slopes are subject to the Approval of Fall River County

The above Typical Road Section and Typical Approach Detail (below) shall be followed in the construction of roads to be placed on the County Road System. Road design shall be consistent with published Standards of the American Association of State Highway Transportation Officials. Road construction materials and methods shall conform to the current published edition the "Standard Specifications for Roads and Bridges" of the South Dakota Department of Transportation, when referenced in the Standards below. Copy of these Specifications is on file at the County Highway Department Office.

The following are standards which shall be met:

1. Maximum Grade of any road or portion of road shall not exceed ten percent (10%)
2. Maximum Degree of Curvature shall not exceed twenty one degrees (21 degrees)
3. Crown rates shall be between 0.02 11/11 to 0.06 11/11. Maximum Super elevation rate in curves shall be 0.07 11/11.
4. Culverts shall be sized to assure proper drainage. The minimum size of culvert shall be eighteen inches (18") in diameter. Although fifteen inch (15") diameter will be allowed under certain conditions.
5. Gravel Surfacing shall meet the requirements of Part B of the Standard Specifications.
6. Asphalt and Concrete construction methods and materials shall meet the requirements of Part C and Part D of the "Standard Specifications".
7. All Dead-End Roads shall have Cul-De-Sacs with a minimum constructed radius of fifty feet (50').
8. Approaches shall be constructed perpendicular as practical to the County Road.
9. The Minimum dedicated Right-Of-Way width shall be sixty six feet (66').



* W Is Surface Width at Right-Of-Way line
W - 16' Min. for Single Residences
W - 20' Min for Multiple Residences
W - 28' Min. for Commercial
Maximum W - 50'

TYPICAL APPROACH DETAIL

1. Only one approach shall be allowed to each tract or parcel of land.
2. Existing roadway drainage will be maintained. Culverts shall be sized to assure proper drainage. The maximum size of culvert shall be eighteen inches (18") in diameter, although fifteen inch (15") diameter will be allowed under certain conditions. The minimum length of approach culvert shall be thirty-two feet (32')
3. Sight distance of approaches shall meet published Standards of the American Association of State Highway Transportation Officials.

APPROVED By:

(Chairman) FALL RIVER COUNTY COMMISSIONERS

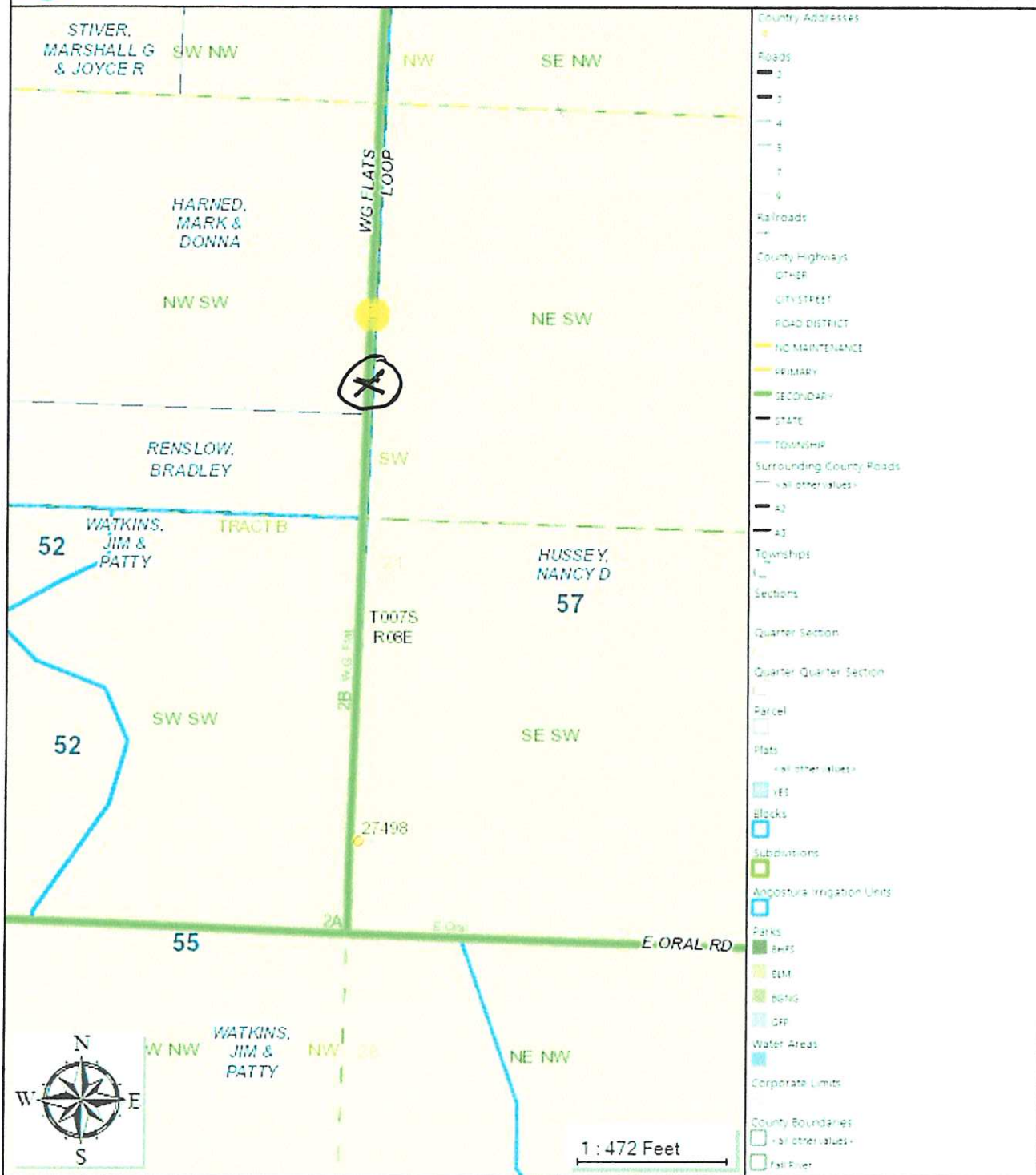
DATE

RECOMMENDED BY: *Randy Seiter*

FALL RIVER COUNTY HIGHWAY SUPERINTENDENT

12-5-22

DATE



Parcel files cannot be downloaded from this map. If you wish to purchase parcel data please contact the GIS Department at 605-745-7584 or gis@frcounty.org. This map is for general reference only. Last Update: July 28, 2022 (Land transactions filed with the Register of Deeds before June 1, 2022). The user acknowledges and accepts the limitations of this data, including the fact that the data is in a constant state of change, correction, and maintenance. This map does not represent a legal survey of the land. This map should not be used for legal proceedings or land purchase. Fall River County takes no responsibilities for any inaccuracies.

PREPARED BY: Lori Allen
Name: Lori Allen
Address: 11086 Burlington Dam Road.
Edgemont, SD 57735
Telephone #: 605-877-0965

**FALL RIVER COUNTY
PIPELINE EASEMENT**

This Pipeline Easement is made and entered into this 30 day of November, 2022, by and between Fall River County, a political subdivision of the State of South Dakota, Grantor, hereinafter referred to as "County" acting by and through its Board of County Commissioners and Lori Allen and Tim Allen, Landowner(s), hereinafter referred to as "Grantee(s)", whose Post Office address is (are): 11086 Burlington Dam Rd. Edgemont, SD and 11086 Burlington Dam Road, Edgemont, SD 57735

I.

County, as Grantor, hereby grants and conveys to the above Landowner(s), as Grantee(s), a permanent, continuing, (15) fifteen foot wide easement for a pipeline, including replacement, maintenance, and repair of the pipeline and its associated values, meter pits and other components as need be, upon the terms and conditions set forth hereinafter, over, upon, under and across Fall River County Highway # Burlington Dam Road

Easement to be in that area adjacent to the SENE Quarter of Section 2 in Township 8, Range 2, and the NESE Quarter of Section 2 in Township 8, Range 2, of the Black Hills Meridian, Fall River County, South Dakota.

And

The pipeline to run from the SENE Quarter of Section 2 in Township 8, Range 2, to the NESE Quarter of Section 2 in Township 8, Range 2, of the Black Hills Meridian, Fall River County, South Dakota.

General location to be marked on attached Fall River County Map. (line through road affected in the general location).

II.

That the terms and conditions upon which the above identified easement is granted and which is subject to and based upon, and upon which it is given, are as follows:

- a. That the Grantee(s) shall for the purpose of inspection, notify Fall River County Water Users District at (605)745-7648 or Fall River County Highway Dept. at (605)745-3137 in

PIPELINE EASEMENT CONT'D

advance, before pipe is placed or covered.

b. That the Grantee(s) shall be solely responsible for the cost of installation, maintenance, repair and replacement of said pipeline without contribution on the part of the County.

c. That Grantee(s) shall use the pipeline solely for the benefit of the real property identified in the above Paragraph "I". And such other real property belonging to Grantee(s) that is contiguous thereto.

d. That Grantee(s) shall not be entitled to use this easement for any other purpose not provided for herein.

e. That Grantee(s) shall be solely responsible for securing and maintaining any and all permits, licenses or other agreements with the State of South Dakota or any other governmental agency with respect to the construction, maintenance, repair and replacement of said pipeline.

f. That Grantee(s) shall indemnify and hold the County harmless from any and all claims, causes of action or damages which may be alleged or have occurred or been caused result of the Grantee(s)'s use of this easement, the pipeline or the negligence of the Grantee(s), their agents or employees with respect thereto.

g. That Grantee(s) shall maintain, repair, and replace, construct, install and place the pipeline in such a manner so as not to interfere with the use of the real property by the County or its successors and assigns.

h. That Grantee(s) agrees that with any disturbance of the ground during repair, placement, replacement or otherwise that thereafter Grantee(s) shall restore the ground to its natural terrain and in the same condition as the existing roadway at the completion of any such activity.

i. That Grantee(s) agrees to bury the pipeline in the earth at least seven (7) feet deep and shall erect a sign at the location of the roadway marking the location of the pipeline with a steel post and steel sign identifying the existence of the pipeline and that installing the pipeline the parties understand and agree that the easement is for one and a quarter (1 ¼) inch pipeline which shall be sheltered in a two (2) inch casement. Grantee(s) also agree(s) that if the pipeline is to cross a County road that is paved that the above conditions apply except that the Grantee(s) agree(s) to bore under said road to install said pipeline.

j. That Grantee(s) shall have the right of ingress and egress upon County's real estate herein contemplated for purposes of constructing, repairing, maintaining and replacing said pipeline in order to keep it serviceable and in a useable condition. That said

PIPELINE EASEMENT CONT'D

construction, repair, maintenance and replacement shall be done at Grantee(s)'s cost.

III.

That the consideration for this easement is One Dollar (\$1.00) and other good and valuable Consideration.

IV.

The parties further agree that this easement and all its terms and conditions shall inure to and be for the benefit of the parties to this agreement, as well as for their respective heirs, successors in interest and assigns.

Fall River County, Grantor

By: _____
Chairman
Fall River County Commissioners

ATTEST:

Fall River County Auditor

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

On this _____ day of _____, before me
_____, the undersigned officer, personally
appeared _____, known to me or satisfactorily proven
to be Chairman of the Fall River County Board of Commissioners, and acknowledged to
me that he/she executed the same on behalf of Fall River County, a Political Subdivision
of the State of South Dakota in his/her capacity as Chairman of the Fall River County
Commission, for the purposes therein contained.

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

My Commission Expires:

(SEAL)

Notary Public – South Dakota

$$E = \frac{1}{2} \rho \int_{-L}^L \dot{y}^2 dx$$

By: Lois Allen and Tim Allen
John Allen
 STATE OF South Dakota)
) SS)
 COUNTY OF Fall River)

On this 30th day of November

Beaudia Jockney
Notary Public

(SEAL)



PIPELINE EASEMENT CONT'D

Owner as Grantee

By: Jori Allen and Tim Allen
Jori Allen
STATE OF South Dakota)
SS)
COUNTY OF Fall River)

On this 30th day of November, 2022, before me,
Breandra Lackey, the undersigned officer, personally known to
me or satisfactorily proven to me to be the person(s) whose name(s) is/are subscribed to
the foregoing instrument and acknowledged to me that they executed the same for the
purpose therein contained.

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

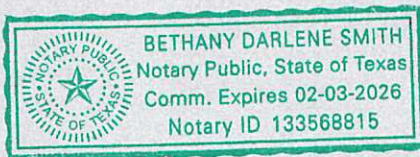
Breandra Lackey
Notary Public

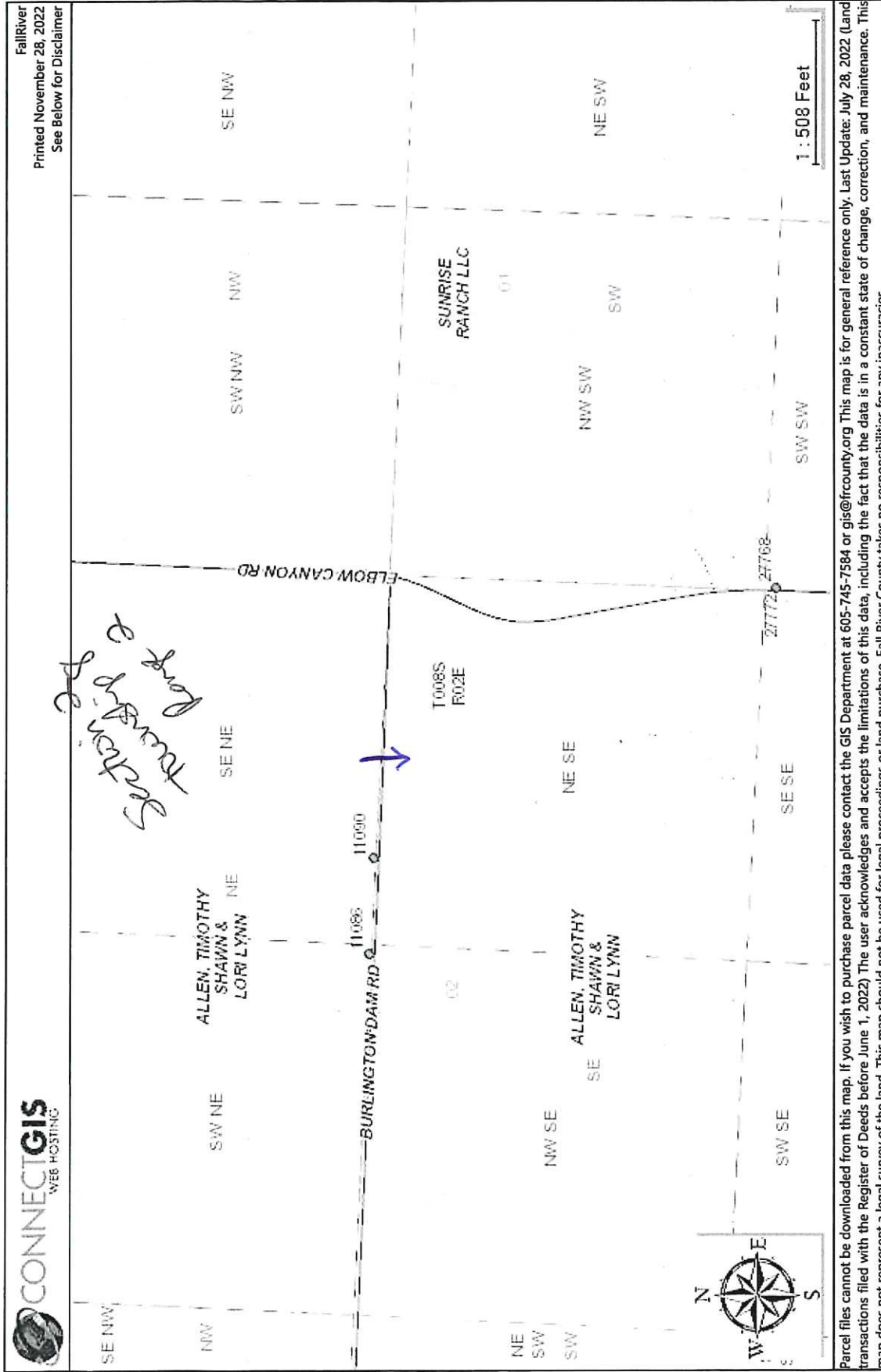
My commission Expires: My Commission Expires
August 15, 2028

(SEAL)



Subscribed and sworn before me
this 30 day of November, 2022
Breandra Lackey
Notary





FROM DATE: 11/01/2022
TO DATE: 11/30/2022

FALL RIVER COUNTY HIGHWAY DEPT
UNPAID ACCOUNTS RECEIVABLES BY FUND

CREATE DATE: 12/05/2022
PAGE: 1 OF 1

FUND	RECODE	RENAME	AMOUNT
701 INVENTORY ITEMS	CHFUEL	COURT HOUSE FUEL	419.11
	CITY F	CITY OF HS/ FUEL/GAS	1,401.04
	COUNTY	SHERIFFS DEPARTMENT FUEL	3,219.06
	WEED	WEED DEPT	86.02
FUND TOTALS ==>			5,125.23

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: 12/05/2022
SHERIFF'S DEPARTMENT GAS PURCHASES:
FROM DATE: 11/01/2022
THROUGH DATE: 11/30/2022
TOTAL GALLONS: 909.40
TOTAL: \$3,219.06

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: 12/05/2022

COURT HOUSE ...FUEL/GAS PURCHASES:

(All Departments)

FROM DATE: 11/01/2022

THROUGH DATE: 11/30/2022

GALLONS: 118.40

TOTAL: \$419.11

FRC HWY: CAS

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: 12/05/2022
WEED BOARD FUEL PURCHASES:
FROM DATE: 11/01/2022
THROUGH DATE: 11/30/2022
GALLONS: 24.30
TOTAL: \$86.02

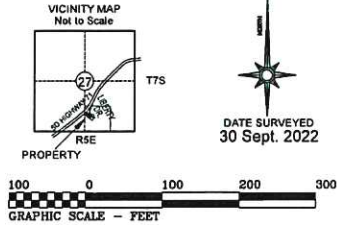
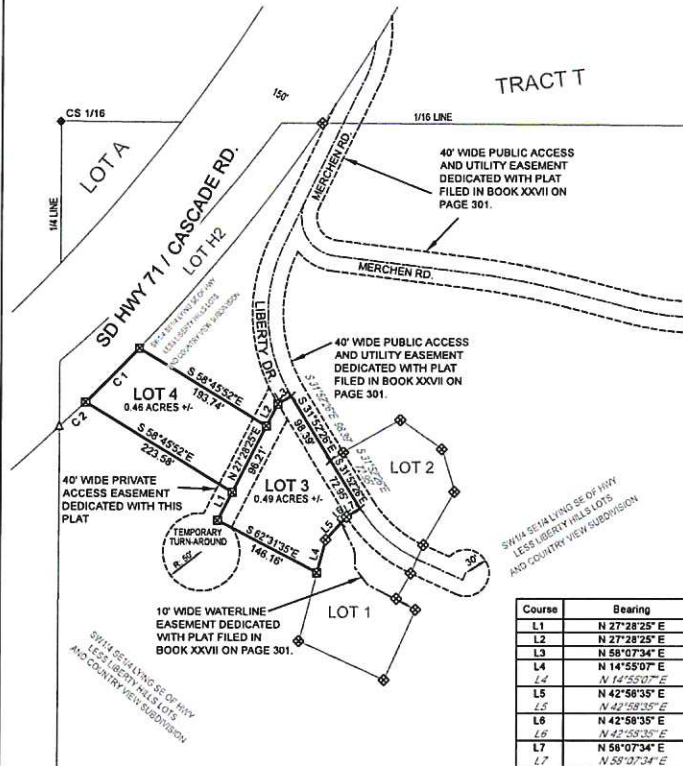
FRC HWY: CAS

A PLAT OF

	Prepared by		
	ANDERSEN ENGINEERS <i>Land Surveyors</i>		
Drawn by DR	Date 11/18/2022	P.O. Box 446 Edgemont, SD 57735	
Approved by McB	Date 11/18/2022	(605)-862-5500 andersonengineers@gwfc.net	
Scale 1"=100'	Sheet 3 of 1	File Name: NW 335 T&S R&E	

A PLAT OF

LOTS 3 AND 4 OF LIBERTY HILLS SUBDIVISION, LOCATED IN THE SW 1/4 SE 1/4 OF SECTION 27, T7S, R5E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA



BASIS OF BEARING - GPS OBSERVATION
taken S 49°36'17" W 291.48' from the SW
corner of Lot 4,
OPUS STATIC SOLUTION NAD83(2011)
LAT: 43°24'24.48151"
LONG: -103°30'41.02423"

LEGEND

- ☒ Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
- ☒ Found rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
- ☒ Found rebar w/aluminum cap marked "ANDERSEN PLS 2842"
- △ Found rebar w/aluminum cap marked "DOT"
- ◆ Found iron pipe
- ✕ angle point not monumented
- 322.06' Slant lettering denotes record calls

Course	Bearing	Distance
L1	N 27°28'25" E	41.07'
L2	N 27°28'25" E	32.00'
L3	N 58°07'34" E	20.00'
L4	N 14°55'07" E	44.03'
L5	N 42°58'35" E	29.71'
L6	N 42°58'35" E	10.71'
L7	N 58°07'34" E	20.00'

NOTE: FOR A GRANT OF
RECIPROCAL EASEMENT SEE
BOOK 128 OF MISCELLANEOUS
ON PAGE 349-350.

NOTE: 10 FEET EACH SIDE OF REAR
AND SIDE LOT LINES ARE RESERVED
FOR UTILITY EASEMENTS. IF THE LINE
ABUTS LANDS NOT INCLUDED IN
LIBERTY HILLS SUBDIVISION, THE
ENTIRE 20' WIDE EASEMENT WILL BE
TAKEN FROM THE LOT.

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1 <i>C1</i>	2367.43' <i>2367.43'</i>	49.43'	98.85'	2°23'32"	2°25'13"	98.84'	S 45°00'31" W
C2 <i>C2</i>	2367.43' <i>2367.43'</i>	23.22'	46.44'	1°07'26"	2°25'13"	46.44'	S 46°47'12" W

CERTIFICATE OF SURVEYOR

I, John D. McBride, Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.
Dated this ___ day of ___, 2022.

John D. McBride, SDRLS No. 5906

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION

I, Director of Equalization of Fall River County, do hereby certify that my office has been furnished with a true copy of the within plat.
Dated this ___ day of ___, 2022.

Director of Equalization of Fall River County

CERTIFICATE OF COUNTY TREASURER

I, Fall River County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.
Dated this ___ day of ___, 2022.

Fall River County Treasurer

STATE OF ___, COUNTY OF ___
I, Daren A. Merchen, do hereby certify that I am the owner of the within described lands and that the within plat was made at my direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
Dated this ___ day of ___, 2022.

Daren A. Merchen

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF ___, COUNTY OF ___
On this ___ day of ___, 2022, before me, a Notary Public, personally appeared Daren A. Merchen, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My commission expires

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

Whereas, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and it appearing to this Board that the system of streets conforms to the system of streets of existing plats and section lines of the county; adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible; all provisions of the county subdivision regulations have been complied with; all taxes and special assessments upon the property have been fully paid; and the plat and survey have been lawfully executed; now and therefore,
BE IT RESOLVED that said plat is hereby approved in all respects.
Dated this ___ day of ___, 2022.

Chairperson, Fall River County Board of Commissioners

CERTIFICATE OF COUNTY AUDITOR

I, Fall River County Auditor, do hereby certify that the above instrument is a true and correct copy of the resolution adopted by the Board of County Commissioners of Fall River County, South Dakota, at a meeting held on the ___ day of ___, 2022.

Fall River County Auditor

APPROVAL OF ACCESS BY ROAD AUTHORITY

The location of the existing access to the Highway or Street as shown herein is hereby approved. This access approval does not replace the need for any permits required by law, including Administrative Rule of South Dakota 70:09:01:02.
Dated this ___ day of ___, 2022

SDDOT Authority

OFFICE OF THE REGISTER OF DEEDS

Filed for record this ___ day of ___, 2022, at ___ o'clock ___ M., and recorded in Book ___ of Plats on page ___.

Fall River County Register of Deeds

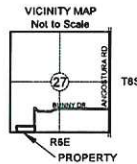
<p>Prepared by ANDERSEN ENGINEERS Land Surveyors, Professional Engineering, & Environmental Consultants</p>		
<p>Drawn by RW</p>	<p>Date 10/27/2022</p>	<p>P.O. Box 446 Edgemont, SD 57735 (605)-682-5500 anderseengineers@gwtc.net</p>
<p>Approved by McB</p>	<p>Date 11/15/2022</p>	
<p>Scale 1"=100'</p>	<p>Sheet 1 of 1</p>	<p>File Name: L3_4_LIBERTY_HILLS_SUB</p>

A PLAT OF
**LONG TRACT AND EARL TRACT, LOCATED IN THE SW1/4 SW1/4 OF
SECTION 27, T8S, R6E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA**

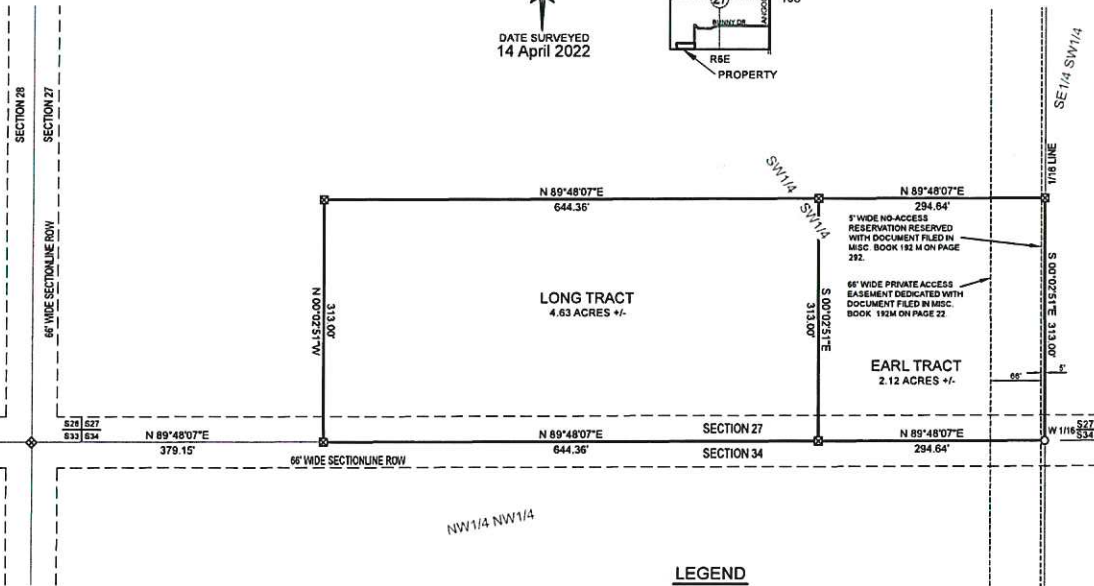
NOTE: See Book 192M on
Page 292 for a Private
Access Easement.

NOTE: See Book 192M on
Page 292 for a No-Access
Reservation.

DATE SURVEYED
14 April 2022



BASIS OF BEARING - GPS OBSERVATION
taken S 10°08'48" W 1329.67' from the W1/4
corner common to Sections 27 & 34.



LEGEND

- Set rebar w/aluminum cap marked
"ANDERSEN ENG PLS 5906"
- Found rebar
- Found standard BLM brass cap monument
- angle point not monumented
- Slant lettering denotes record calls

CERTIFICATE OF SURVEYOR

I, John D. McBride, Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.
Dated this ____ day of ____, 2022.

John D. McBride, SDRLS No. 5906

CERTIFICATE OF COUNTY TREASURER

I, Fall River County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.
Dated this ____ day of ____, 2022.

Fall River County Treasurer

CERTIFICATE OF HIGHWAY AUTHORITY

It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.

Highway Authority

Date: _____

STATE OF _____, COUNTY OF _____

Long Land Company, LLC., does hereby certify that it is the owners of the within described lands and that the within plat was made at its direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
Dated this ____ day of ____, 2022.

Long Land Company, LLC.

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF _____, COUNTY OF _____
On this the ____ day of ____, 2022, before me, the undersigned officer, personally appeared _____, who acknowledged him/herself to be a member of Long Land Company, LLC., a Limited Liability Company, and that s/he, as such member being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by him/herself as member.
IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public

My commission expires _____

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION

I, Director of Equalization of Fall River County, do hereby certify that my office has been furnished with a true copy of the within plat.
Dated this ____ day of ____, 2022.

Director of Equalization of Fall River County

CERTIFICATE OF COUNTY AUDITOR

I, Fall River County Auditor, do hereby certify that the above instrument is a true and correct copy of the resolution adopted by the Board of County Commissioners of Fall River County, South Dakota, at a meeting held on the ____ day of ____, 2022.

Fall River County Auditor

OFFICE OF THE REGISTER OF DEEDS

Filed for record this ____ day of ____, 2022, at ____ o'clock ____ M, and recorded in Book ____ of Plats on page ____.

Fall River County Register of Deeds

Prepared by ANDERSEN ENGINEERS Land Surveyors		
Drawn by RW	Date 11/2/2022	P.O. Box 446 Edgemont, SD 57735 (805)-662-5500 andersenengineers@gwtc.net
Approved by McB	Date 11/10/2022	
Scale 1"=100'	Sheet 1 of 1	File Name: S34_T8S_R6E_2022

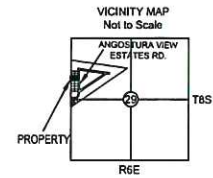
A Plat of
**LOT 5 AND LOT 17 OF BLOCK 3 OF ANGOSTURA LAND ESTATES, LOCATED IN
THE W1/2 OF SECTION 29, T8S, R6E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA**

UTILITY AND DRAINAGE EASEMENTS:
10' ON THE INTERIOR SIDES OF ALL
SUBJECT LOT LINES

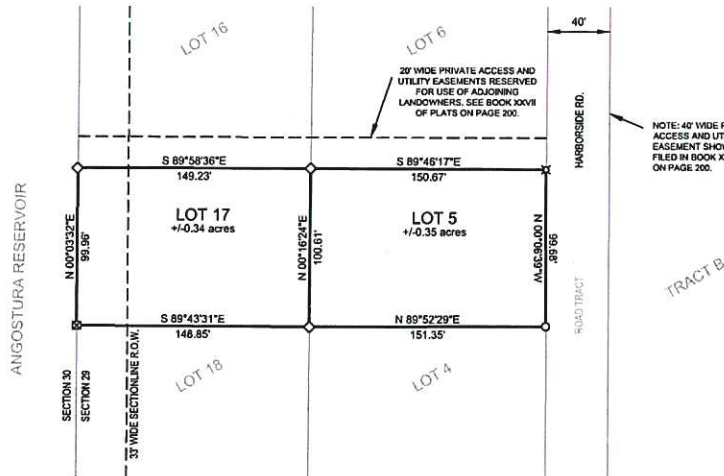
NOTE: FOR A PLAT OF PORTIONS OF
ANGOSTURA LAND ESTATES SEE
BOOK XX OF PLATS ON PAGE 65.

NOTE: FOR A PLAT OF PORTIONS OF
ANGOSTURA LAND ESTATES SEE
BOOK IX OF PLATS ON PAGE 90.

NOTE: FOR A PLAT OF PORTIONS OF
ANGOSTURA LAND ESTATES SEE
BOOK XXVII OF PLATS ON PAGE 200.

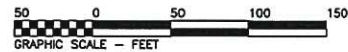


DATE SURVEYED
28 Feb. 2020



LEGEND
 Found rebar with aluminum cap marked
 "FRANCIS - MEADOR 1019"
 Found rebar with plastic cap marked
 "CETEC ENG 4725"
 Found rebar
 Found rebar with aluminum cap marked
 "ANDERSEN PLS 2842"

BASIS OF BEARING - taken S 00°04'36"E
 218.32' from the SE corner of Lot 5
 OPUS Solution NAD83(2011)
 Lat. = 43°19'36.22316"
 Long. = -103°25'25.83691"



CERTIFICATE OF SURVEYOR

I, John McBride, Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
 IN WITNESS WHEREOF, I hereunto set my hand and official seal.
 Dated this ___ day of ___, 2022.

John McBride, SDRLS No. 5906

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION

I, Director of Equalization of Fall River County, do hereby certify that my office has been furnished with a true copy of the within plat.
 Dated this ___ day of ___, 2022.

Director of Equalization of Fall River County

LANDOWNER CERTIFICATION

STATE OF SOUTH DAKOTA, COUNTY OF
 I, Kendra L. Alexander, do hereby certify that I am the owner of the land described within this plat and that the plat was made at my direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
 Dated this ___ day of ___, 2022.

Kendra L. Alexander

CERTIFICATE OF COUNTY TREASURER

I, Fall River County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.
 Dated this ___ day of ___, 2022.

Fall River County Treasurer

ACKNOWLEDGMENT OF LANDOWNER CERTIFICATION

STATE OF SOUTH DAKOTA, COUNTY OF
 On this ___ day of ___, 2022, before me, the undersigned officer, personally appeared Kendra L. Alexander, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing Instrument and who acknowledged that 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

CERTIFICATE OF HIGHWAY AUTHORITY

It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.

Highway Authority Date:

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

Whereas, there has been presented to the County Commissioners of Fall River County, South Dakota, the within plat of the above described lands, and it appearing to this Board that the system of streets conforms to the system of streets of existing plats and section lines of the county; adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible; all provisions of the county subdivision regulations have been complied with; all taxes and special assessments upon the property have been fully paid; and the plat and survey have been lawfully executed; now and therefore,
 BE IT RESOLVED that said plat is hereby approved in all respects.
 Dated this ___ day of ___, 2022.

Chairperson, Fall River County Board of Commissioners

LANDOWNER CERTIFICATION

STATE OF SOUTH DAKOTA, COUNTY OF
 I, Chantel J. Holz (l.k.a. Chantel J. Edmonds), do hereby certify that I am the owner of the land described within this plat and that the plat was made at my direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
 Dated this ___ day of ___, 2022.

Chantel J. Holz

ACKNOWLEDGMENT OF LANDOWNER CERTIFICATION

STATE OF SOUTH DAKOTA, COUNTY OF
 On this ___ day of ___, 2022, before me, the undersigned officer, personally appeared Chantel J. Holz (l.k.a. Chantel J. Edmonds), known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing Instrument and who acknowledged that 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

CERTIFICATE OF COUNTY AUDITOR

I, Fall River County Auditor, do hereby certify that the above instrument is a true and correct copy of the resolution adopted by the Board of County Commissioners of Fall River County, South Dakota, at a meeting held on the ___ day of ___, 2022.

Fall River County Auditor

OFFICE OF THE REGISTER OF DEEDS

Filed for record this ___ day of ___, 2022, at ___ o'clock ___ M., and recorded in Book ___ of Plats on page ___.

Fall River County Register of Deeds

		Prepared by ANDERSEN ENGINEERS <i>Land Surveyors, Professional Engineers, & Environmental Consultants</i>	
		P.O. Box 446 Edgemont, SD 57735 (605)-662-5500 andersenengineers@gwinc.net	
Drawn by DR	Date 6/6/2022	Approved by McB	Date 6/6/2022
Scale 1"=50'	Sheet 1 of 1	File Name: ANGOSTURA_LAND_2019_L5_L17_PLAT	

[EXT] Distributor Year 2 Allocation Notice – South Dakota

National Opioid Settlements - Directing Administrator

<DirectingAdministrator@NationalOpioidOfficialSettlement.com>

Mon 12/5/2022 10:11 AM

To: National Opioid Settlements - Directing Administrator

<DirectingAdministrator@NationalOpioidOfficialSettlement.com>

Cc: Roma Petkauskas <rpetkauskas@browngreer.com>; Rachel Motley <rmotley@browngreer.com>

This is an official communication from the Directing Administrator of the National Opioid Settlements.

Attached to this email is a copy of the Payment Year 2 Allocation Notice that provides information on the allocated payment amounts due to South Dakota and its Subdivisions for the Distributor Settlement Agreement. Review this Allocation Notice for information on the amounts due to each Beneficiary. Follow the steps outlined in the Notice to Dispute or Reallocate the amounts. If you accept the allocation and previously created a portal account and submitted payment instructions, no further action is needed. If you have not yet created a Portal account and submitted payment instructions, please do so. The Directing Administrator will begin issuing payments after the applicable deadlines have passed using the payment instructions provided through the Portal. Keep your payment instructions current in the Portal as the Directing Administrator will use the information provided to issue settlement payments.

As a reminder, your Case Manager is Rachel Motley whose email address is rmotley@browngreer.com.

We invite you to direct any questions you may have about creating a Portal, providing payment information, or the National Opioid Settlements in general to Rachel Motley.

Sincerely,

Directing Administrator

National Opioid Settlements

BROWN GREER PLC

Telephone: (888) 441-2010

DirectingAdministrator@NationalOpioidOfficialSettlement.com

This electronic mail is intended to be received and read only by certain individuals. It may contain information that is privileged or protected from disclosure by law. If it has been misdirected, or if you suspect you received this in error, please notify me by replying and then delete this message and your reply. These restrictions apply to any attachment to this email.

Fall RIVER :

pay out in '22 amt : \$ 11,335.47

pay out in '23 amt : \$ 11,913.03

ANNUAL BUDGET FOR FALL RIVER COUNTY, SD
For the Year January 1, 2023 to December 31, 2023

COUNTY TAX LEVIES	Tax Levy in Dollars	\$'s/1,000
WITHIN LIMITED LEVY:		
* General County Purposes (10-12-9)	3,227,172.00	3.443
Library	8,366.00	0.013
LIMITED LEVY (10-12-21) - SUB TOTAL		
OUTSIDE LIMITED LEVY:	3,235,538.00	3.456
County Snow Removal Fund (34-5-2)		
County Road and Bridge (10-12-13)		
Courthouse, Jail, etc., Bldg. (7-25-1)	140,866.00	0.150
Bond Interest Sinking (7-24-18)		
Ag Building (7-27-1)		
UNLIMITED LEVY - SUB TOTAL	140,866.00	0.150
LIMITED AND UNLIMITED LEVY - SUB-TOTAL	3,376,404.00	3.606
OTHER SPECIAL LEVIES		
Secondary Road (Unorg. PT-76) (31-12-27)	307,169.00	0.618
Fire Protection (34-31-3)	1,209.00	0.149
TOTAL TAXES LEVIED BY COUNTY	3,684,782.00	4.373

RESOLUTION

**ADOPTION OF ANNUAL BUDGET FOR FALL RIVER
County, South Dakota**

Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,
Whereas, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and
Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, elimination's and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR FALL RIVER County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2023 and ending December 31, 2023 and the same is hereby approved and adopted by the Board of County Commissioners of Fall River County, South Dakota, this 22th day of September, 2022.
The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor Fall River, County, South Dakota. The accompanying taxes are levied by Fall River County for the year January 1, 2023 through December 31, 2023.

**BOARD OF COUNTY COMMISSIONERS OF
Fall River County, South Dakota**

_____ Chairman
_____ Commissioner
_____ Commissioner
_____ Commissioner
_____ Commissioner
Attest _____ County Auditor

* These Amounts include the 25% to be distributed to cities.

As of 09/15/2022 these levies are not approved by the Department of Revenue

TAX COLLECTION WORKSHEET
2022 pay 2023

FALL RIVER CO

12/15/2022

CPI =Current & Carryover - 4.2%

Revised Growth

General Fund	
Value pay 23	\$ 937,303,141
Pr Yr Levied	\$ 3,004,536
Allowable CPI pay 22-23 @ 4.2%	\$ 126,191
Allowable Growth @3.21%	\$ 96,446
Tot allowable tax to levy	\$ 3,227,172
Difference	\$ 222,636
Estimated Mill Levy	\$ 3.443
Current levy	\$ 3.803
Levy decrease	\$ (0.36)

Fire Fund	
Value pay 23	\$ 8,134,560
Pr Yr Levied	\$ 1,159
Allowable CPI pay 22-23 @ 4.2%	\$ 49
Allowable Growth @0.14%	\$ 2
Tot allowable tax to levy	\$ 1,209
Difference	\$ 50
Estimated Mill levy	\$ 0.149
Current levy	\$ 0.138
Levy decrease/Increase	\$ 0.011

Sec Rd Fund	
Value pay 23	\$ 497,172,457
Pr Yr Levied	\$ 284,100
Allowable CPI pay 22-23 @ 4.2%	\$ 11,932
Allowable Growth @3.92%	\$ 11,137
Total allowable tax to levy	\$ 307,169
Difference	\$ 23,069
Estimated Mill Levy	\$ 0.618
Current Levy	\$ 0.627
Levy Decrease	\$ (0.009)

Library Fund	
Value pay 23	\$633,315,606
Pr Yr Levied	\$ 7,743
Allowable CPI pay 22-23 @ 4.2%	\$ 325
Allowable Growth @3.84%	\$ 297
Total allowable to levy	\$ 8,366
Difference	\$ 623
Estimated Mill Levy	\$ 0.013
Current Levy	\$ 0.014
Levy Decrease/Increase	\$ (0.001)

BLDG FUND	
Value pay 23	\$ 937,303,141
Pr Yr Levied	\$ 131,148
Allowable CPI pay 22-23 @ 4.2%	\$ 5,508
Allowable Growth @3.21%	\$ 4,210
Total allowable tax to levy	\$ 140,866
Difference	\$ 9,718
Estimated Mill Levy	\$ 0.150
Current Levy	\$ 0.166
Levy Decrease	\$ (0.016)

CPI for pay '23 is 3%	3.0%
CPI for pay '22 is 1.2%	1.2%
Total CPI available	4.2%

*Note, CPI can be stored for 3 yrs

**TAX COLLECTION WORKSHEET
2022 pay 2023**

FALL RIVER CO

CPI = Current & Carryover - 4.2%

Approved in
September-22

General Fund	
Value pay 23	\$ 937,303,141
Pr Yr Levied	\$ 3,004,536
Allowable CPI pay 22-23 @ 4.2%	\$ 126,191
Allowable Growth @.43%	\$ 12,920
Tot allowable tax to levy	\$ 3,143,646
Difference	\$ 139,110
Estimated Mill Levy	\$ 3.354
Current levy	\$ 3.803
Levy decrease	\$ (0.45)

Fire Fund	
Value pay 23	\$ 8,134,560
Pr Yr Levied	\$ 1,159
Allowable CPI pay 22-23 @ 4.2%	\$ 49
Allowable Growth @0.31%	\$ 4
Tot allowable tax to levy	\$ 1,211
Difference	\$ 52
Estimated Mill levy	\$ 0.149
Current levy	\$ 0.138
Levy decrease/Increase	\$ 0.011

Sec Rd Fund	
Value pay 23	\$ 511,460,167
Pr Yr Levied	\$ 284,100
Allowable CPI pay 22-23 @ 4.2%	\$ 11,932
Allowable Growth @.65%	\$ 1,847
Total allowable tax to levy	\$ 297,879
Difference	\$ 13,779
Estimated Mill Levy	\$ 0.582
Current Levy	\$ 0.627
Levy Decrease	\$ (0.045)

Library Fund	
Value pay 23	\$633,315,606
Pr Yr Levied	\$ 7,743
Allowable CPI pay 22-23 @ 4.2%	\$ 325
Allowable Growth @.53%	\$ 41
Total allowable to levy	\$ 8,109
Difference	\$ 366
Estimated Mill Levy	\$ 0.013
Current Levy	\$ 0.014
Levy Decrease/Increase	\$ (0.001)

BLDG FUND	
Value pay 23	\$ 937,303,141
Pr Yr Levied	\$ 131,148
Allowable CPI pay 22-23 @ 4.2%	\$ 5,508
Allowable Growth @.43%	\$ 564
Total allowable tax to levy	\$ 137,220
Difference	\$ 6,072
Estimated Mill Levy	\$ 0.146
Current Levy	\$ 0.166
Levy Decrease	\$ (0.020)

CPI for pay '23 is 3%	3.0%
CPI for pay '22 is 1.2%	1.2%
Total CPI available	4.2%

*Note, CPI can be stored for 3 yrs

National Opioid Settlements



DISTRIBUTOR SETTLEMENT - ALLOCATION NOTICE

Payment Year: 2

Date of Notice: 12/5/2022

Deadline to Dispute Allocation: 12/26/2022

Expiration of 50 Days: 1/24/2023

Settling State

South Dakota

I. PAYMENT ALLOCATION DETERMINATION

This Notice is an official communication from the Directing Administrator of the National Opioid Settlements. A copy of this Notice has been sent to the Enforcement Committee and Settling Distributors pursuant to Section IV.B of the Distributor Settlement Agreement, dated as of July 21, 2021, as amended, between and among the Settling States, the Settling Distributors, and Participating Subdivisions (the "Distributor Settlement Agreement"). All capitalized terms used in this letter have the meanings ascribed to them in the Distributor Settlement Agreement.

Pursuant to Section IV.B and Exhibit M of the Distributor Settlement Agreement, South Dakota's Total Payment Year 2 amount is **\$1,807,559.46**, which is broken down in Table 1 in Attachment 1 to this Allocation Notice.

As provided under Section V.C of the Distributor Settlement Agreement, South Dakota has instructed the Directing Administrator to calculate the intrastate allocations pursuant to a State-Subdivision Agreement ("South Dakota Opioid Settlement Memorandum of Agreement"). Section II.A. of the State-Subdivision Agreement states that "all Opioid Funds will be divided proportionally with 70% allocated to the State (Statewide Share) and 30% allocated to the Participating Local Governments (Localized Share) pursuant to SDCL 34-20B-116." The Agreement further states that the "Localized Share will be allocated to the Participating Local Governments in the proportions set out in Exhibit B, attached hereto, ... which is based upon the opioid negotiation class model developed in connection with In re: Nat'l Prescription Opiate Litigation, MDL 2804 (N.D. Ohio)." The Agreement further states that "if a county or city listed on Exhibit B does not join this MOU, then that non-Participating Local Government's allocation of the Localized Share...will be reallocated to the Statewide Share." Section IV.A. of the Agreement indicates that the "Statewide Share will be distributed to the opioid abatement and remediation fund" and the "Localized Share will be distributed directly to each Participating Local Government." The intrastate allocations are included as Attachment 1 to this Allocation Notice.

Undisputed amounts allocated to the Statewide Share and Localized Share for Participating Subdivisions will be paid no later than the date that is 50 days after the date of this Allocation Notice.

II. YOUR RIGHT TO DISPUTE

Section IV.B.4 of the Distributor Settlement Agreement provides that within twenty-one (21) calendar days of receiving notice any party may dispute the calculation of the amount to be received by a Settling State or its Participating Subdivisions listed on Exhibit G as inconsistent with the terms of the Agreement. Written notice must be provided to the Settlement Fund Administrator, the Enforcement Committee, any affected Settling State, and the Settling Distributors identifying the nature of the dispute, the amount of money that is disputed, and the Settling State(s) affected.

A party has until the Deadline to Dispute Allocation listed at the top of this Allocation Notice to deliver a written notification of dispute. The amounts listed in this Allocation Notice will be deemed accepted if the Directing Administrator has not received a party's dispute before midnight Eastern Time on the deadline date. Submit your written request by email to DirectingAdministrator@NationalOpioidOfficialSettlement.com.

National Opioid Settlements



Any party affected by the dispute may object to the notification of dispute. Depending on the nature of the dispute, contested disputes must be resolved in either the court that entered a state's Consent Judgment or the National Arbitration Panel. The Directing Administrator will not disburse any funds potentially affected by a contested dispute until the dispute is resolved by the court or the National Arbitration Panel.

III. TO ACCEPT PAYMENT

If you do not dispute the payment and you have previously created a Portal Account and completed your Payment Election Forms and W-9 Forms, no further action is needed. The Directing Administrator will begin issuing payments after the applicable deadlines have passed using the existing payment instructions. If you have not previously created a Portal Account, please do so and complete the Payment Election Forms and W-9 Forms to create payment instructions for any Settlement Payments. **Keep your payment instructions current in the Portal as the Directing Administrator will use these forms to issue settlement payments.**

IV. TO REALLOCATE PAYMENT

If you wish to reallocate your portion of the allocation to another Participating Subdivision or the State Fund, you may notify the Directing Administrator of your intent to do so using the Direct Payment and Allocation Election screen on the Portal before the Deadline to Dispute Allocation included on the Allocation Notice. The Directing Administrator will not treat a reallocation request as a dispute.

Sincerely,

BrownGreer PLC
Directing Administrator
250 Rocketts Way
Richmond, VA 23231

National Opioid Settlements



ATTACHMENT 1 - DISTRIBUTORS YEAR 2 PAYMENT ALLOCATION TO SOUTH DAKOTA (As of 12/5/2022)

TABLE 1: YEAR 2 SUMMARY¹

		Restitution/ Abatement	Additional Restitution	Total Payment 2
1.	Total Allocation	\$1,807,559.46	\$0.00	\$1,807,559.46
2.	Allocation Method	South Dakota Opioid Settlement Memorandum of Agreement		
3.	70% to Statewide Share	\$1,283,370.51	\$0.00	\$1,283,370.51
4.	30% to Localized Share	\$524,188.95	\$0.00	\$524,188.95

TABLE 2: ALLOCATION TO SUBDIVISIONS

	Subdivision	Exhibit G State Allocation Percentage	Restitution/ Abatement	Additional Restitution	Total Payment 2 ²
A. Participating Subdivisions					
1.	Aberdeen City	1.7806789284%	\$9,656.05	\$0.00	\$9,656.05
2.	AURORA COUNTY	0.1283252150%	\$695.87	\$0.00	\$695.87
3.	BEADLE COUNTY	0.8743032704%	\$4,741.07	\$0.00	\$4,741.07
4.	BENNETT COUNTY	0.1895703332%	\$1,027.98	\$0.00	\$1,027.98
5.	BON HOMME COUNTY	0.6047162426%	\$3,279.18	\$0.00	\$3,279.18
6.	Box Elder City	0.2251076108%	\$1,220.69	\$0.00	\$1,220.69
7.	Brandon City	0.4012895918%	\$2,176.06	\$0.00	\$2,176.06
8.	Brookings City	2.4259611863%	\$13,155.21	\$0.00	\$13,155.21
9.	BROOKINGS COUNTY	0.2802421588%	\$1,519.66	\$0.00	\$1,519.66
10.	BROWN COUNTY	1.7764564315%	\$9,633.15	\$0.00	\$9,633.15
11.	BRULE COUNTY	0.8045710091%	\$4,362.93	\$0.00	\$4,362.93
12.	BUTTE COUNTY	0.8926544344%	\$4,840.58	\$0.00	\$4,840.58
13.	CAMPBELL COUNTY	0.0682419048%	\$370.05	\$0.00	\$370.05
14.	CHARLES MIX COUNTY	0.8084433424%	\$4,383.93	\$0.00	\$4,383.93

¹ Final payments to the State and/or Abatement Accounts Funds may vary by +/- \$0.01-\$0.03 cents to account for rounding to the nearest cent during Subdivision calculations.

² Section II.C. of South Dakota's State-Subdivision Agreement states that "if a county or city listed on Exhibit B does not join this MOA, then that non-Participating Local Government's allocation of the Localized Share as identified in Exhibit B will be reallocated to the Statewide Share." In accordance with this provision, the Distributor Payment listed has been adjusted to reallocate the \$18,078.86 that would have been allocated to Non-Participating Subdivisions from the Localized Share to the Statewide Share.

National Opioid Settlements



	Subdivision	Exhibit G State Allocation Percentage	Restitution/ Abatement	Additional Restitution	Total Payment 2
15.	CLARK COUNTY	0.2550260601%	\$1,382.92	\$0.00	\$1,382.92
16.	CLAY COUNTY	0.4415194932%	\$2,394.22	\$0.00	\$2,394.22
17.	CODINGTON COUNTY	0.8721266365%	\$4,729.26	\$0.00	\$4,729.26
18.	CORSON COUNTY	0.3429322421%	\$1,859.61	\$0.00	\$1,859.61
19.	CUSTER COUNTY	1.0868471426%	\$5,893.62	\$0.00	\$5,893.62
20.	DAVISON COUNTY	0.6815458005%	\$3,695.80	\$0.00	\$3,695.80
21.	DEUEL COUNTY	0.4035008098%	\$2,188.06	\$0.00	\$2,188.06
22.	DEWEY COUNTY	0.3699996685%	\$2,006.39	\$0.00	\$2,006.39
23.	EDMUNDS COUNTY	0.2529348056%	\$1,371.58	\$0.00	\$1,371.58
* 24.	FALL RIVER COUNTY	2.1968904590%	\$11,913.03	\$0.00	\$11,913.03
25.	FAULK COUNTY	0.2772473959%	\$1,503.42	\$0.00	\$1,503.42
26.	GRANT COUNTY	0.6923230564%	\$3,754.25	\$0.00	\$3,754.25
27.	GREGORY COUNTY	0.5555128599%	\$3,012.37	\$0.00	\$3,012.37
28.	HAND COUNTY	0.2401311401%	\$1,302.15	\$0.00	\$1,302.15
29.	HANSON COUNTY	0.1484271966%	\$804.87	\$0.00	\$804.87
30.	HARDING COUNTY	0.0620805393%	\$336.64	\$0.00	\$336.64
31.	HUGHES COUNTY	0.8137066032%	\$4,412.47	\$0.00	\$4,412.47
32.	Huron City	0.8308959590%	\$4,505.68	\$0.00	\$4,505.68
33.	HUTCHINSON COUNTY	0.5659237410%	\$3,068.82	\$0.00	\$3,068.82
34.	JACKSON COUNTY	0.1437421380%	\$779.47	\$0.00	\$779.47
35.	JERAULD COUNTY	0.3258250234%	\$1,766.84	\$0.00	\$1,766.84
36.	JONES COUNTY	0.0451732597%	\$244.96	\$0.00	\$244.96
37.	LAKE COUNTY	0.8273932428%	\$4,486.69	\$0.00	\$4,486.69
38.	LAWRENCE COUNTY	2.3838237581%	\$12,926.71	\$0.00	\$12,926.71
39.	LINCOLN COUNTY	1.2611723923%	\$6,838.93	\$0.00	\$6,838.93
40.	MCCOOK COUNTY	0.3047773840%	\$1,652.71	\$0.00	\$1,652.71
41.	MCPHERSON COUNTY	0.1613184030%	\$874.78	\$0.00	\$874.78
42.	MEADE COUNTY	3.2698326502%	\$17,731.25	\$0.00	\$17,731.25
43.	MELLETTE COUNTY	0.1848247525%	\$1,002.25	\$0.00	\$1,002.25
44.	MINNEHAHA COUNTY	12.2243522517%	\$66,288.73	\$0.00	\$66,288.73
45.	Mitchell City	1.5031732329%	\$8,151.22	\$0.00	\$8,151.22
46.	OGLALA LAKOTA COUNTY	1.3919692864%	\$7,548.20	\$0.00	\$7,548.20
47.	PENNINGTON COUNTY	8.0611767283%	\$43,713.17	\$0.00	\$43,713.17
48.	PERKINS COUNTY	0.3755374403%	\$2,036.42	\$0.00	\$2,036.42
49.	Pierre City	0.6216678331%	\$3,371.10	\$0.00	\$3,371.10

National Opioid Settlements



	Subdivision	Exhibit G State Allocation Percentage	Restitution/ Abatement	Additional Restitution	Total Payment 2
50.	POTTER COUNTY	0.1893444561%	\$1,026.75	\$0.00	\$1,026.75
51.	Rapid City	6.9492723574%	\$37,683.67	\$0.00	\$37,683.67
52.	ROBERTS COUNTY	0.9943780269%	\$5,392.19	\$0.00	\$5,392.19
53.	SANBORN COUNTY	0.1141857404%	\$619.19	\$0.00	\$619.19
54.	Sioux Falls City	21.6732660428%	\$117,527.15	\$0.00	\$117,527.15
55.	Spearfish City	0.8208633410%	\$4,451.28	\$0.00	\$4,451.28
56.	SPINK COUNTY	0.7324773052%	\$3,971.99	\$0.00	\$3,971.99
57.	STANLEY COUNTY	0.1733882380%	\$940.23	\$0.00	\$940.23
58.	SULLY COUNTY	0.0632218131%	\$342.83	\$0.00	\$342.83
59.	TODD COUNTY	1.0677859248%	\$5,790.26	\$0.00	\$5,790.26
60.	TRIPP COUNTY	0.6252580903%	\$3,390.57	\$0.00	\$3,390.57
61.	TURNER COUNTY	0.6536969906%	\$3,544.79	\$0.00	\$3,544.79
62.	UNION COUNTY	1.4531041680%	\$7,879.72	\$0.00	\$7,879.72
63.	Vermillion City	0.5912781760%	\$3,206.31	\$0.00	\$3,206.31
64.	WALWORTH COUNTY	0.5615110318%	\$3,044.89	\$0.00	\$3,044.89
65.	Watertown City	1.6132964277%	\$8,748.39	\$0.00	\$8,748.39
66.	Yankton City	1.2219897393%	\$6,626.46	\$0.00	\$6,626.46
67.	YANKTON COUNTY	1.4233435084%	\$7,718.33	\$0.00	\$7,718.33
68.	ZIEBACH COUNTY	0.3085103004%	\$1,672.95	\$0.00	\$1,672.95
69.	SUBTOTALS	96.66606%	\$524,188.95	\$0.00	\$524,188.95
B. Non-Participating Subdivisions³					
1.	Buffalo County	0.1823519926%	\$988.84	\$0.00	\$0.00
2.	Day County	0.3921680475%	\$2,126.60	\$0.00	\$0.00
3.	Douglas County	0.2891518759%	\$1,567.98	\$0.00	\$0.00
4.	Haakon County	0.1774497029%	\$962.25	\$0.00	\$0.00
5.	Hamlin County	0.3340117176%	\$1,811.24	\$0.00	\$0.00
6.	Hyde County	0.0640529112%	\$347.34	\$0.00	\$0.00
7.	Kingsbury County	0.3721763025%	\$2,018.19	\$0.00	\$0.00
8.	Lyman County	0.3239942300%	\$1,756.92	\$0.00	\$0.00
9.	Marshall County	0.5625107271%	\$3,050.31	\$0.00	\$0.00
10.	Moody County	0.4743937985%	\$2,572.48	\$0.00	\$0.00

³ As indicated in Footnote 2 herein, the Directing Administrator calculated a total initial allocation for the Non-Participating Subdivisions of \$18,078.86 corresponding to 3.333935% of the 30% of total funds allocated to the Localized Share. The Distributor Payment listed has been adjusted to reallocate the \$18,078.86 that would have been allocated to Non-Participating Subdivisions from the Localized Share to the Statewide Share.

National Opioid Settlements



	Subdivision	Exhibit G State Allocation Percentage	Restitution/ Abatement	Additional Restitution	Total Payment 2
11.	Miner County	0.1616739703%	\$876.71	\$0.00	\$0.00
12.	SUBTOTALS	3.333935%	\$18,078.86	\$0.00	\$0.00
C. All Subdivisions					
1.	TOTALS	100.0000%	\$542,267.81	\$0.00	\$524,188.95