

**FALL RIVER COUNTY UNAPPROVED MINUTES OF DECEMBER 19, 2024**

The Fall River Board of County Commissioners met in regular session on December 19, 2024. Present: Joe Allen, Les Cope, Joe Falkenburg, Heath Greenough, Deb Russell and Sue Ganje, Auditor.

The Pledge of Allegiance was given, and the meeting was 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 on Facebook, on the Fall River County’s website.

Motion made by Allen, seconded by Russell, to approve the agenda as written.

Motion made by Russell, seconded by Allen, to approve the Fall River County Commission Meeting minutes from December 5, 2024.

Motion made by Russell, seconded by Allen, to approve the removal of deceased individuals with County liens, batch 2024-01 as follows:

<b>RECIPIENT</b>	<b>DOD</b>	<b>TOTAL</b>
Allen, Chad	10/12/2024	\$1,410.00
Bechtold, Alice	4/7/2024	\$431.58
Favors, Carmen	2/9/2021	\$7,048.16
Gapp-Parasien, Ryan	7/25/2019	\$1,936.42
Gibson, Dominic	8/3/2023	\$483.75
Hopkins, Jerome	10/26/2014	\$402.80
Iron Cloud, Patrick	8/10/2024	\$2,840.90
Malin, Chester W Jr	6/17/2024	\$2,150.00
Morrison, Oris Lynn	2/1/2022	\$35.00
Petroski, Loretta	1/8/2023	\$1,377.25
Richters, Samantha	11/6/2022	\$1,120.00
Ross, Kenneth	9/27/2024	\$2,091.94
Shaffer, Casey	9/7/2024	\$5,969.54
Shelley, Brian	10/2/2023	\$324.00
Smith, Kristopher S	6/4/2021	\$5,721.70
Stanley, Michael	6/8/2024	\$28,418.22
Tonuci, Ronald J	6/16/2021	\$364.82
Walker, Shannon	5/16/2024	\$2,110.75
Wilson, Gerrin	12/1/2022	\$3,454.63
Young, Robert	6/2/2024	\$416.48
Zortman, April Lynn	2/6/2023	\$813.39
Zwetzig, David	3/14/2024	\$40.00
<b>Total</b>		<b>\$68,961.33</b>

/S/ Sue Ganje

**SUE GANJE, FALL RIVER  
COUNTY AUDITOR**

**DOD=DATE OF DEATH**

Motion made by Allen, seconded by Russell, to approve the Auditor's Account with the Treasurer for November, 2024 as follows:

**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 2024.

**Total Amount of Deposit in First Interstate Bank, HS:** \$ 1,673,680.23

**Total Amount of Cash:** \$ 1,549.48

**Total Amount of Treasurer's Change Fund:** \$ 900.00

**Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:** \$ 37,584.53

**SAVINGS:**

#4) First Interstate Bank, HS: \$ 1,460,360.58

**CERTIFICATES OF DEPOSIT:**

#8) Black Hills Federal Credit Union, HS: \$ -

#14) Schwab Treasury: \$ 4,708,465.15

#15) First National Bank, Lead: \$ 328,114.47

#25) Schwab Treasury 3 Yr: \$ 1,981,875.00

#26) Schwab Treasury 4 Yr: \$ 1,070,911.88

#27) Schwab Treasury 2 Yr: \$ 1,007,228.91

**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:**

Hannah Thomas \$ 426.01

Suter, Debbie Stop payment \$ 729.45

**TOTAL \$ 12,272,360.69**

Dated This 30th Day of November 2024.

/S/ Sue Ganje

Sue Ganje, County Auditor of  
of Fall River County

/S/ Teresa Pullen

Teresa Pullen, County  
Treasurer  
of Fall River County

County Monies	\$ 11,509,707.10
Held for other Entities	\$ 604,915.14
Held in Trust	\$ 157,738.45
<b>TOTAL</b>	<b>\$ 12,272,360.69</b>

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.

Motion made by Russell, seconded by Allen, to approve wage increase for Cory Amthor, Heavy Equipment Operator, from \$21.75/hr to \$23.00/hr effective 12/21/2024 and, due to anniversary date, from \$23.00/hr to \$24.00/hr plus \$25.00/month longevity (per Union Contract), effective 12/27/2024.

Motion made by Russell, seconded by Allen, to approve wage increase for Arrow Bettelyoun, Election Administrative Assistant, from \$15.50/hr to \$16.25/hr effective 12/21/2024 and, due to anniversary date, from \$16.25/hr to \$17.25/hr (per Union Contract), effective 01/02/2025.

Motion made by Allen, seconded by Russell, to approve wage increase for Martha Trees, DOE Administrative Assistant, from \$15.00/hr to \$16.00/hr effective 12/21/2024 and, due to anniversary date, from \$16.00/hr to \$16.75/hr, (per Union Contract), effective 01/02/2025.

Motion made by Russell, seconded by Allen, to approve wage increase for Wesley Wood, Maintenance, from \$19.25/hr to \$21.25/hr, due to negotiated wage and anniversary date (per Union Contract), effective 12/21/2024.

Lyle Norton, Sheriff, met with the Board.

Motion made by Greenough, seconded by Cope, to approve the 2025 Contract for housing prisoners at Pennington County Jail.

Motion made by Allen, seconded by Russell, to approve and authorize payment to Muth Electric, Inc. in the amount of \$23,717.00 for electrical work at the South Annex for the new dispatch area.

Norton provided the jail census. There are a total of 13 inmates, 9 male, 3 female, with 1 male in Meade County. He then provided updates regarding the progress of the new Dispatch location.

Dar Coy, Emergency Manager, met with the Board to present updates and report on incidents.

Tony March, Highway Superintendent, met with the Board.

Motion made by Russell, seconded by Cope, to request sealed bids for gravel crushing and set hearing for bid opening January 16, 2025 at 9:30 a.m.

March presented fuel quotes: Nelson's Oil & Gas \$2.75/gal for 4,000 gallons of #1 diesel and 4,000 gallons of #2 diesel to equal 8,000 gallons of dyed diesel 50/50 winter blend; Vollan Oil \$2.585/gal for 8,000 gallons of dyed diesel 50/50 winter blend; no bid from MG Oil; no bid from CBH-COOP; and no bid from HiDWay.

Motion made by Cope, seconded by Russell, to accept the low bid for 8,000 gallons of dyed diesel 50/50 winter blend of \$2.585 from Vollan Oil.

Motion made by Greenough, seconded by Russell, to approve the purchase of approximately 3,000 tons of gravel at \$6.00/ton from Don Gerard located near Edgemont to be used on County Road #9 west of Edgemont.

Motion made by Cope, seconded by Russell, to approve the purchase of a Farm King 3 Point 84" tiller attachment at a cost of \$3,000 from Brian Fletcher, a private individual.

Motion made by Allen, seconded by Russell, to approve insurance to cover the CAT 308 Track Hoe while the County is using it as a demonstration model.

There was discussion regarding the County Storage Building entrance/approach. There are utilities in the way. More research will be done and he will bring it back to the Board.

March then provided updates.

Motion made by Allen, seconded by Russell, to approve Fall River County Resolution #2024-91 as follows:

**FALL RIVER COUNTY RESOLUTION #2024-91**

**A PLAT OF LOT 15W AND LOT 15E OF TRACT SEGER-1, LOCATED IN THE NW 1/4 OF SECTION 15, T8S, R6E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA, FORMERLY LOT 15 OF TRACT SEGER-1**

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 19<sup>th</sup> day of December, 2024.

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

ATTEST:

/S/ Sue Ganje  
Sue Ganje, Auditor  
Fall River County Auditor

Motion made by Russell, seconded by Allen, to approve Fall River County Resolution

#2024-92 as follows:

**FALL RIVER COUNTY RESOLUTION #2024-92**

**A PLAT OF HES 348-A AND HES 348-B, LOCATED IN THE SE1/4 OF SECTION 29, THE SW1/4 SW1/4 OF SECTION 28, THE E1/2 OF SECTION 32 AND THE W1/2 OF SECTION 33, T7S, R3E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA, FORMERLY H.E.S. NO. 348**

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 19<sup>th</sup> day of December, 2024.

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

ATTEST:

/S/ Sue Ganje  
Sue Ganje, Auditor  
Fall River County Auditor

Motion made by Russell, seconded by Allen, to approve Fall River County Resolution #2024-93 as follows:

**FALL RIVER COUNTY RESOLUTION #2024-93**

**A PLAT OF STEVE TRACT AND JOEL TRACT, LOCATED IN THE NW1/4 SW1/4 OF SECTION 20, T7S, R5E, BHM, FALL RIVER COUNTY, SOUTH DAKOTA, FORMERLY HILL TRACT**

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 19<sup>th</sup> day of December, 2024.

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

ATTEST:

/S/ Sue Ganje  
Sue Ganje, Auditor

Fall River County Auditor

The time being 9:30 a.m., the Supplement Hearing occurred. Motion made by Russell, seconded by Allen to approve Fall River County Resolution #2024-94 as follows:

**FALL RIVER COUNTY RESOLUTION #2024-94  
Supplemental Budget 2024 #4**

WHEREAS, it is necessary to supplement the 2024 Annual Budget for the support of Fall River County and its existing public institutions; and

WHEREAS, the adoption of the proposed budget supplement was duly considered by the Fall River County Commission on the 19<sup>th</sup> day of December, 2024, at 9:30 a.m, in the Commission Meeting Room, pursuant to due notice;

Commissioners 10100x4110111 \$5,308.00; Auditor 10100x4110141 \$31,200.00; States Attorney 10100x4110151 \$21,610.00; Court Appointed Attorney Fees 10100x4260153 \$31,155.62; GIS 10100x4340170 \$1,500.00; IT/Software Services 10100x4220171 \$2,000.00; Sheriff 10100x4110211 \$21,650.00; Mental Illness Board 10100x4221445 \$3,500.00;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners to adopt the Supplemental Budget #4 for 2024.

Dated at Fall River County, South Dakota this 19<sup>th</sup> day of December 2024.

/S/ Joe Falkenburg

Joe Falkenburg

Fall River County Board of Commissioners

ATTEST:

/S/ Sue Ganje

Sue Ganje

Fall River County Auditor

Dave Weishaupl, Maintenance Supervisor, met with the Board.

Motion made by Russell, seconded by Allen, to approve and authorize payment to Bills Heating & Cooling for an AC unit to replace a unit that stopped working in the amount of \$7,985.52 for the Server Room at the Courthouse.

Weishaupl then presented fuel quotes: HiDWay \$1.70/gallon for 7,200 gallons of propane; McGas Propane \$1.599 for 7,200 gallons of propane; and Nelson's Oil & Gas \$1.80/gallon for 7,200 gallons of propane.

Motion made by Cope, seconded by Allen, to accept the low bid for 7,200 gallons of propane of \$1.599/gallon from McGas Propane.

The Board discussed the County owned property to be leased or sold. State's Attorney Russell will check with DANR about reclamation and report back to the Board.

Joe Allen, Commissioner, did not have any updates to share regarding the proposed Jail/Justice Center at this time.

Nina Steinmetz, County Weed & Pest Supervisor, met with the Board.

Motion made by Allen, seconded by Russell, to approve Robin Moser as a new member of the Fall River County Weed and Pest Board.

Motion made by Allen, seconded by Cope, to approve travel for Steinmetz and a Board member to attend the 2025 Weed and Pest Conference in Huron, February 18-21, 2025 in the amount of \$900.00.

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

<b>GENERAL FUND</b>		
AUDRA HILL CONSULTING,INC	MI QMHP EVALUATION	\$306.08
BEERY, GREG P	POST ELECTION AUDIT	\$243.00
BLACK HILLS CHEMICAL	SUPPLIES	\$237.20
BILBRUCK, TYLER	BLOOD DRAWS	\$225.00
WITNESS	WITNESS FEES	\$12.52
WITNESS	WITNESS FEES	\$12.52
CAMERON, GEORGE	COURT REPORTER	\$182.00
CENTURY BUSINESS LEASING	COPIER LEASE & USAGE	\$1,480.49
CHADRON MOTOR CO. INC,	VEHICLE SERVICE	\$319.18
CHEYENNE SANITATION	SANITATION COLLECTION	\$379.50
COLBATH & SPERLICH, PC	CAAF	\$32,756.15
COUNTY DRUG	INMATE MEDICAL	\$17.81
CULLIGAN SOFT WATER	RENTAL/SUPPLY	\$223.50
EXECUTIVE MGMT FINANCE	BIT NETWORK FEES	\$71.25
GALLS	UNIFORM ALLOWANCE	\$53.57
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$18,731.55
WITNESS	WITNESS FEES	\$22.04
HEALTHCARE SERVICES INC	INMATE MEALS	\$12,408.00
HILLS EDGE AUTO SALES	REPAIR AIR INLET ACT	\$175.69
HOT SPRINGS ACE HARDWARE	SUPPLY	\$613.94
HOT SPRINGS CHAMBER	COPIES	\$37.50
CITY OF HOT SPRINGS	CITY WATER BILL	\$631.06
HUSTEAD LAW OFFICE, P.C.	CAAF	\$11,861.67
J D POWER	RENEWAL ORDUS319536	\$262.50
WITNESS	WITNESS FEES	\$21.02
WITNESS	WITNESS FEES	\$21.02
JOHNSON, CAROL	COURT REPORTER	\$137.20
LYNN'S DAK. MART PHARMACY	INMATE PHARMACY	\$112.85
MARCO	COPIER LEASE	\$172.80
MARTY'S TIRE & AUTO BODY	REPAIR/SERVICE	\$175.00
MASTEL, BRUCE	DATABASE SETUP & MON	\$35.00
MAVERICK TIRE & AUTO	REPAIR & MAINTENANCE	\$1,136.00
MEADE COUNTY AUDITOR	INMATE HOUSING	\$2,945.00
MICROFILM IMAGING SYSTEMS	SCANNING EQUIP LEASE	\$140.00
MUELLER CIVIC CENTER	POST ELECTION AUDIT	\$395.00

NELSONS OIL & GAS INC.	S ANNEX PROPANE	\$624.21
NUTRIEN AG SOLUTIONS	SUPPLY	\$5,600.00
O'NEILL, JUSTIN	CAAF	\$1,380.58
ONSITE FIRST AID, LLC	FIRST AID	\$188.53
PENNINGTON COUNTY JAIL	INMATE HOUSING PENNI	\$95.00
QUILL CORPORATION	SUPPLIES	\$406.37
BEST WESTERN RAMKOTA	LODGING	\$208.00
RAMKOTA HOTEL-PIERRE	SAFETY BENEFIT ROOMS	\$232.00
CITY OF RAPID CITY	BLOOD ANALYSIS	\$80.00
WITNESS	WITNESS FEES	\$52.64
SDACC	CATASTROPHIC LEGAL	\$2,208.00
SD ASSOC.OF CO. OFFICIALS	COUNTY OFFICIALS MEMB	\$778.39
SD DEPARTMENT OF HEALTH	BLOOD DRAW ANALYSIS	\$700.00
SD DEPT OF REVENUE	AUTO/MI STATE REMITT	\$3,686.79
SD DEPT OF REVENUE	HUMAN SERVICE CENTER	\$836.76
SERVALL	RUGS AND MATS SERVIC	\$1,093.60
SOUTHERN HILLS LAW PLLC	CAAF	\$9,381.31
WITNESS	WITNESS FEES	\$24.08
THOMSON REUTERS	SUBSCRIPTION	\$163.17
DEVRIES, DONALD J	POST ELECTION AUDIT	\$172.10
BURROWS, MARY	POST ELECTION AUDIT	\$94.50
STEARNS, FLORA	POST ELECTION AUDIT	\$189.00
FARRELL, JOYCE	POST ELECTION AUDIT	\$94.50
MILES, SASHA	BLOOD DRAW	\$75.00
MILES, SASHA	BLOOD DRAW	\$525.00
MARTIN, MIRIAM	POST ELECTION AUDIT	\$246.35
CORBETT, SCOTT	POST ELECTION AUDIT	\$107.75
ALLEN, KIMBERLY	POST ELECTION AUDIT	\$267.12
MCDANIEL, PRISCILLA	POST ELECTION AUDIT	\$87.75
WITNESS	WITNESS FEES	\$11.02
BEDNAR, KELLY	POST ELECTION AUDIT	\$252.38
WITNESS	WITNESS FEES	\$55.70
MCKENZIE, TAMMIE	POST ELECTION AUDIT	\$86.96
LARIVE, CONNIE ENID	POST ELECTION AUDIT	\$74.25
MANES, SUSAN M	POST ELECTION AUDIT	\$110.43
POWERS, ANDREA L	POST ELECTION AUDIT	\$67.50
COX, LARISA	24 GEN ELECTION	\$175.00
	<b>TOTAL FOR GENERAL FUND</b>	<b>\$116,986.35</b>
<b>COUNTY ROAD &amp; BRIDGE</b>		
A & B WELDING SUPPLY CO.	SUPPLY	\$42.37
ADVANCED DRUG TESTING	DRUG TESTING	\$62.40
BEST WESTERN RAMKOTA INN	LODGING	\$224.00
BOMGAARS	SUPPLY	\$901.67
BUCHHOLZ, MARTIN	REIMBURSMENT	\$165.66
BUILDERS FIRST SOURCE	SUPPLY	\$54.88



BUTLER MACHINERY CO.	REPAIR/MAINTENANCE	\$5,080.33
CARQUEST AUTO PARTS #3951	AUTO PARTS	\$464.01
CHEYENNE SANITATION	SANITATION COLLECTIO	\$79.00
CITY OF EDGEMONT	CITY OF EDGEMONT WAT	\$87.40
FLOYD'S TRUCK CENTER	SERVICE/PARTS	\$10,134.03
FALL RIVER AUTO SUPPLY	SUPPLY	\$25.77
FORWARD DISTRIBUTING	SUPPLIES	\$34.65
GODFREY BRAKE SERVICE	BRAKE SERVICE	\$1,068.86
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$8.50
GREAT WESTERN TIRE	TIRE REPAIR	\$12,204.48
SIMON MATERIALS	GRAVEL	\$51,210.77
HOT SPRINGS ACE HARDWARE	SUPPLY	\$123.86
CITY OF HOT SPRINGS	CITY WATER BILL	\$41.41
MAVERICK TIRE & AUTO	REPAIR & MAINTENANCE	\$20.97
MCDANIEL	REPAIR	\$2,727.71
MIDWAY SERVICE/VOLLAN OIL	DYED DIESEL	\$20,682.59
NSG LOGISTICS, LLC	CHIPS & SALT/GRAVEL	\$2,760.84
NELSONS OIL & GAS INC.	FURNACE REPAIR	\$300.90
ONSITE FIRST AID, LLC	FIRST AID	\$77.65
RAMKOTA HOTEL-PIERRE	SAFETY BENEFIT ROOMS	\$232.00
RUSHMORE COMMUNICATIONS	EQUIPMENT	\$1,258.16
SCHUBBEL, FREDERICK JR	REIMBURSEMENT	\$300.00
STURDEVANT'S AUTO VALUE	SUPPLY/PARTS	\$1,514.41
FENENGA, TANNER	EQUIPMENT	\$3,500.00
	<b>TOTAL FOR COUNTY ROAD &amp; BRIDGE</b>	<b>\$115,389.28</b>
<b>911 SURCHARGE REIMB</b>		
CENTURY BUSINESS LEASING	COPIER LEASE & USAGE	\$69.86
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$17.00
	<b>TOTAL FOR 911 SURCHARGE REIMB</b>	<b>\$86.86</b>
<b>EMERGENCY MGT</b>		
GOLDEN WEST TECHNOLOGIES	IT SUPPORT/CONTRACT	\$17.00
MARCO	COPIER LEASE	\$86.40
RUSHMORE COMMUNICATIONS	EQUIPMENT	\$445.75
	<b>TOTAL FOR EMERGENCY MGT</b>	<b>\$549.15</b>
<b>24/7 SOBRIETY FUND</b>		
INTOXIMETERS	SUPPLY	\$1,700.00
SD DEPARTMENT OF HEALTH	24/7 LABS	\$240.00
	<b>TOTAL FOR 24/7 SOBRIETY FUND</b>	<b>\$1,940.00</b>
<b>COURTHOUSE BUILDING FUND</b>		
TEM-TECH	MAINTENANCE	\$414.42
	<b>TOTAL FOR COURTHOUSE BUILDING FUND</b>	<b>\$414.42</b>
	<b>TOTAL FOR BILLS PAID BETWEEN 12/06 AND 12/19/2024</b>	<b>\$235,366.06</b>

Break was taken at 9:50 a.m. The meeting resumed at 9:57 a.m.

Joe Falkenburg, Commissioner, asked for Public Comment. Robert Paul, County resident representing a group called Tax Relief for Property Owners, read a letter that he provided to the Commissioners of their intent to work with several Legislators to obtain timely, reasonable and meaningful Legislative relief measures. He asked for a letter of support from the County Commission to help with their efforts. Mike and Delores Duffy, County residents, spoke in support of the group. Bruce Kramer, County resident, spoke in support of the group. Dennis Shaw, County resident, spoke in opposition of the taxes. It was noted that the Commission is fully supportive of any and all efforts to fix the property tax system to make it fair for all property owners.

Stacey Martin, GIS Coordinator, met with the Board to report Fall River County’s GIS capabilities with the State 911 system.

Motion made by Allen, seconded by Greenough, to approve the Fall River County GIS User Agreement and authorize the Chairman to sign.

Motion made by Allen, seconded by Cope, to approve a letter of appreciation to Golden West Telecommunications and authorize Chairman to sign.

Martin then briefly discussed what will be needed to make the County’s website ADA compliant in the future. She will meet with department heads for further discussion.

Sue Ganje, Auditor, met with the Board.

Motion made by Russell, seconded by Allen, to approve the revised Mill Levy as follows:

**Appendix D4: Adopted Budget Levies & Resolution**

ANNUAL BUDGET FOR FALL RIVER COUNTY, SD  
For the Year January 1, 2025 to December 31, 2025

COUNTY TAX LEVIES	Tax Levy in	
	Dollars	\$'s/1,000
WITHIN LIMITED LEVY:		
* General County Purposes (10-12-9)	3,546,806.00	2.998
Library	9,149.00	0.011
LIMITED LEVY (10-12-21)		
-		
SUB TOTAL		

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

OUTSIDE LIMITED LEVY:	3,555,955.00	3.009
County Snow Removal Fund (34-5-2)		
County Road and Bridge (10-12-13)		
Courthouse, Jail, etc., Bldg. (7-25-1)	150,452.00	0.127
Bond Interest Sinking (7-24-18)		
Ag Building (7-27-1)		
UNLIMITED LEVY - SUB TOTAL	150,452.00	0.127
LIMITED AND UNLIMITED		
LEVY - SUB-TOTAL	3,706,407.00	3.136
OTHER SPECIAL LEVIES		
Secondary Road (Unorg. PT-76) (31-12-27)	340,011.00	0.578
Fire Protection (34-31-3)	1,331.00	0.137
TOTAL TAXES LEVIED BY COUNTY		

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, 2025 and ending December 31, 2025 and the same is hereby approved and adopted by the Board of County Commissioners of Fall River County, South Dakota, this 19th day of September, 2024. 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, 2025 through December 31, 2025.

BOARD OF COUNTY COMMISSIONERS OF Fall River County, South Dakota

/s/ Joe Falkenburg Chairman

/s/ Deborah Russell Commissioner

/s/ Joe Allen Commissioner

/s/ Attest Sue Ganje County Auditor

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

4,047,749.00	3.851

As of 09/19/2024 these levies are not approved by the Department of Revenue

With Cope and Greenough voting no, all others voting yes, motion carried.

Lance Russell, State’s Attorney, met with the Board to present a resolution regarding County Liens.

Motion made by Greenough, seconded by Allen, to approve Fall River County Resolution #2024-95 as follows:

FALL RIVER COUNTY COMMISSION RESOLUTION #2024-95

WHEREAS, Fall River County is owed \$2,800,000 for Court Ordered Attorney Fees and has an annual budget of approximately \$9,000,000.

WHEREAS, the Fall River County Jail was originally constructed with a regular capacity for four female beds; and

WHEREAS, Fall River County would like to expand the Fall River County Jail’s capacity, but new jail construction costs are likely prohibitive; and

WHEREAS, in Fiscal Year 2006, the Fall River County Court System reimbursed Fall River County \$41,153.75 for the Court Appointed Attorney Fees expended by the taxpayers of Fall River County and collected \$106,171.93 in fines for the three Fall River County School Districts; and

WHEREAS, in 2006, Fall River County Criminal Judgment of Convictions read as follows: “Conditions: Pay Court Appointed Fee in the amount of \$\_\_\_\_\_”; and

WHEREAS, in 2013, Fall River County was reimbursed \$61,800 of the \$120,800 in Court Appointed Attorney Fees that the County Commission was Court Ordered to expend on indigent defendants; and

WHEREAS, the South Dakota Legislature adopted Senate Bill 70 in 2013; and

WHEREAS, South Dakota Senate Bill 70 created the Administrative Financial Accountability System in the new SDCL Chapter 23A-47, which was implemented in 2014; and

WHEREAS, SDCL 23A-47-2 allows: “[a] parolee, inmate or probationer, **who is discharged from supervision** but has outstanding, court-ordered financial obligations, shall be managed by the administrative financial accountability system”; and

WHEREAS, SDCL 23A-47-4 provided: “The Supreme Court shall promulgate rules for the collection of outstanding court-ordered financial obligations through the administrative financial accountability system. The rules shall include graduated responses to noncompliance and **a policy for the termination or adjustment of the financial obligations**”; and

WHEREAS, just two years later, in 2015, the Legislature created the Obligation Recovery Center in an effort

to improve Court collections by passing House Bill 1228; and

WHEREAS, Fall River County Criminal Judgment of Convictions have since read as follows: “Ordered, that, in accordance with SDCL 23A-40-11 through SDCL 23A-40-13, the determined amount for services and expenses of court-appointed counsel that may be filed as a lien against the property of defendant **by the county or municipality** is Expires: \_\_\_\_\_”; and

WHEREAS, in 2020, the Fall River County Court System collected a total of \$20,588.88 in fines, costs and court appointed attorneys fees, even though \$174,018 was charged by the Fall River County Courts; and

WHEREAS, in 2020, Fall River County was Court Ordered to pay \$209,122 in Court Appointed Attorney Fees; and

WHEREAS, in 2020, the Fall River County Court System turned over \$153,429 to the Obligation Recovery Center, and according to the March 24, 2022, Edition of the *Fall River County Herald Star*, the Obligation Recovery Center had apparently not collected \$92,222.38 of the Court Ordered Fees from 2020 at the time of publication; and

WHEREAS, in 2023, Fall River County collected only \$65,866 of the \$286,015 in Court Appointed Attorney Fees that the County Commission was Court Ordered to expend on indigent defendants.

THEREFORE, THE FALL RIVER COUNTY COMMISSION FINDS, that the Obligation Recovery Center and Administrative Financial Accountability System adopted in 2013 has resulted in less Court Appointed Attorney Fees being paid by defendants and reimbursed to the taxpayers of Fall River County.

FURTHER, THE FALL RIVER COUNTY COMMISSION FINDS, that the South Dakota Court System is knowingly failing to collect Court Appointed Attorney Fees in Judgments of Conviction, and is terminating or reducing defendants’ probation without collecting monies owed to the taxpayers of Fall River County and the three School Districts in Fall River County.

FURTHER, THE FALL RIVER COUNTY COMMISSION FINDS, that Senate Bill 70 has severely harmed Fall River County’s ability to have the resources necessary to construct a County Jail with adequate capacity to assure the public is protected.

NOW, THEREFORE, BE IT RESOLVED BY THE FALL RIVER COUNTY COMMISSION, that Fall River County respectfully requests that Governor Noem, Lieutenant Governor Rhoden, Senator Amber Hulse, Representative Goodwin and Representative Ladner introduce legislation to repeal the Obligation Recovery Center and Administrative Financial Accountability System, and to require the South Dakota Court System to issue Judgments of Conviction requiring that Court Appointed Attorney Fees be collected as a condition of sentences imposed, unless good and substantial cause is demonstrated after a hearing.

Moved, passed and adopted this 19<sup>th</sup> day of December, 2024.

/S/ Joe Falkenburg  
Joe Falkenburg, Chairman  
Fall River County Commissioners

ATTEST:  
/S/ Sue Ganje  
Sue Ganje, Auditor  
Fall River County

Motion made by Allen, seconded by Russell, to enter into Executive Session to discuss personnel and legal as per SDCL 1-25-2 (1) and (3) at 11:08 a.m.

Falkenburg declared the Board out of Executive Session at 11:54 a.m.

Motion made by Greenough, seconded by Russell, to approve an early processing of payroll, to have the date of deposits be December 23, 2024 instead of December 30, 2024.

Falkenburg declared the meeting adjourned at 11:55 a.m.

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

ATTEST:  
/s/ Sue Ganje  
Sue Ganje, Auditor  
Fall River County