

**South Dakota Association of County Commissioners  
Board of Directors Board Meeting  
Wednesday, December 21, 2022  
MINUTES**

The SDACC Board of Directors met on Wednesday, December 21, 2022 in the SD Counties meeting room at 211 E Prospect Ave, Pierre, SD. Roll call was taken with the following members present: Dean Karsky, President; Gary Drewes, 1<sup>st</sup> Vice President; Bill Floyd, Chad Preszler, Ron Rossknecht, Casey Krogman, and Ex Officio Board member: Randy Deibert, WIR Board Representative. Staff present: Kris Jacobsen, Executive Director and Kade Haley, Deputy Director. Members present virtually: Brenda Hanten, 2<sup>nd</sup> Vice President; Dan Klimisch, Treasurer; Deb Russell, Past President; Duane Sutton, Brenda Bode, Jim Schmidt Tiffani Landeen and Eric Erickson, SDACC Lobbyist. Member absent: Dean Wagner. Quorum was established.

President Karsky called the meeting to order at 11:01 am CT.

Pledge of Allegiance was spoken.

**Motion to approve the agenda** was made by Bill Floyd, seconded by Ron Rossknecht. Motion carried unanimously.

**Motion to approve the September 12, 2022 Minutes** was made by Duane Sutton, seconded by Jim Schmidt. Motion carried unanimously.

Ryan Brunner, Senior Policy Advisor to Governor Noem presented the Governor's plan to modify the state paid annual leave plan state of South Dakota. This plan would cover 100% of paid family leave for state employees. In addition, the state would provide \$20 million over four years as incentives to local governments and private businesses to buy into the new paid family leave plan as an employee retention incentive. Mr. Brunner answered questions from the Board.

Financial report was given by Treasurer Dan Klimisch. A **motion to approve the financial report** was made by Bill Floyd, seconded by Brenda Hanten. Motion carried unanimously.

President Dean Karsky spoke to the Board regarding Home Rule vs. Dillions Rule charters. More on the topic will be presented at the upcoming SD County Commissioners Workshop set for April 19-20 at the Pierre Ramkota.

WIR Representative Randy Deibert updated the Board on a new NACo proposal to establish a National Center for Public Land Counties. The Center would be created by a one-time assessment of 1% of county PILT dollars. More information will be distributed as it becomes available.

Executive Director Kris Jacobsen gave a final 2022 convention report and presented some 2023 convention preliminary plans. David Pfeifle, Executive Director of the South Dakota Public Assurance Alliance (SDPAA) offered to arrange a red-tape review of SDCL Chapter 7 in an effort to streamline SD Code dealing with counties. A **motion to support SDPAA's review of SDCL 7** was made by Duane Sutton, seconded by Jim Schmidt. Motion carried unanimously. Jacobsen reviewed the virtual meeting held with University of South Dakota (USD) Political Science faculty and the possibility of student

compiled county survey data. It was also reported that welcome letters were sent to newly elected legislators and county commissioners.

SDACC Lobbyist Eric Erickson updated the Board on the legislative matters that he has been tracking:

1. Regional Jails (Draft 107)

a. We have been working with a committee to revise draft legislation on regional jails as initiated by the Regional Jails Summer Study. Efforts to revise the bill continue.

2. One-Half Penny Sales Tax Bill (Draft 268)

a. Representative Ernie Otten is planning to bring back his bill from last year that SDACC supported. The bill includes the ability of counties to impose a one-half penny sales tax to pay for the bonding related to the construction, repair, or renovation of courthouses, public safety centers, jails, and treatment centers. The draft bill requires 60% voter approval and includes a five-year cooling off period. The 2022 version passed the House Taxation Committee 8-3; the House of Representatives 45-22, the Senate Taxation Committee 4-3, and failed on the Senate floor 4-30 (see <https://sdlegislature.gov/Session/Bill/22763>).

3. License Plate/Sticker Postage Fees (Draft 100)

a. We have worked with representatives of Pennington County, Sen. Duhamel, and Rep. Otten on this matter. This bill has been drafted and should be dropped soon.

4. Property Tax Relief (Draft 110)

a. Following the summer study on property taxes, there is an effort to exempt the first \$100,000 of value in owner-occupied property valuation for school general funds from property taxes.

5. Relocation of County Seats (Draft 117)

a. Senator Ryan Maher is planning to bring a bill revising the requirements to approve the moving of a county seat. This bill is originated from an issue in Dewey County.

6. Governor's Office Zoning Issues

a. We have heard from sources the Governor's office is looking to pursue a number of measures related to zoning and land use. We have not seen a draft but expect the pieces of legislation to include:

i. The Governor's publicized effort to ban foreign ownership of ag land.

ii. An effort to revise SB 157 from the 2020 session to ensure the voting requirements is by the members present and voting, instead of members appointed, to address issues where a member of the board is recusing themselves. The bill will also clarify language for special permitted uses.

iii. Ag Preservation Legislation

1. Amending SDCL 24-10-25 related to nuisances

iv. Black Hills National Forest Appropriation

1. \$1,000,000 to provide resources for impacted counties and DANR (expect half or more to go to DANR)

v. Digester Permits

1. A potential effort to make it a separate permit from the general permit.

7. Economic Development Professionals Property Tax Bill (Draft 586)

a. The Economic Development Professionals Association ("EDPA") is looking to bring legislation this year which would increase the amount an economic development corporation can hold tax free from \$750,000 to \$10,000,000.

8. Reemployment Insurance

a. Kris and Ben Kleinjan, Deputy State's Attorney for resolution sponsor Brookings County, had a productive call with the Department of Labor. We are still working with Brookings County to determine a legislative strategy moving forward.

9. Veteran Service Officers

- a. Per Dean Karsky, newly-elected Rep. Ken Teunissen is bringing legislation to require counties to employ a certain number of VSOs in each county based on population.

10. Sales Tax at Fairgrounds

- a. Sen. Al Novstrup, working with Brown County, has mentioned a desire to bring a bill allowing counties to keep the sales tax generated at county fairgrounds.

11. Severance Tax on Lithium

- a. A lobbyist with property in Custer County, Brett Koeneke, believes counties should work to have Lithium included in the mineral severance tax with the distribution of 80% to counties and 20% to the state.

12. County Rainy Day Fund

- a. Auditors had discussed an effort to repeal the requirement that counties include a surplus amount in their budgets but have deferred review of the matter until next year.

13. Mobile Homes Legislation

- a. The lobbyist for the South Dakota Manufactured Housing Association has mentioned that they will be bringing a bill to streamline the process for abandoned mobile homes. We have not yet seen a draft but anticipate it to be similar to a draft they floated last year (see <https://sdlegislature.gov/Session/Bill/22865>).

14. Post-Election Audits

- a. The Secretary of State's Office has stated they will not pursue any election bills this year but will look to study the issue and bring legislation next year. Regardless, there are a number of legislators looking to bring legislation this year.

15. Revolving Jail Loan Fund

- a. Senator Bryan Breitling would like to establish a county jail revolving loan fund. A working group was established consisting of Ron Rossknecht, Jim Schmidt and Duane Sutton to meet and work through any issues.

16. Property tax rates for ambulance districts

- a. Representative Will Mortenson drafted legislation at the request of Hughes County to establish property tax rates for ambulance districts. The association agreed to provide support testimony when the bill is heard.

17. Modify county coroner appointments

- a. Brown County will be bringing legislation to let the county decide to elect or appoint a coroner.

Other items brought forward included Rural Access Infrastructure Fund (RAIF), post-election audit legislation, possible help with county defense costs, and Medicaid expansion should lower county indigent expenses. The board will need to work on prioritizing legislation.

A motion to move into Executive Session for personnel matters at 1:50 pm CT was made by Duane Sutton, seconded by Brenda Hanten. Motion carried unanimously.

Board moved out of executive session at 2:35 pm CT. A motion to approve Eric Erickson's 2023 lobbying contract at \$37,500 was made by Ron Rossknecht, seconded by Chad Preszler. Motion carried unanimously.

A motion to approve Roger Tellinghuisen and Craig Matson 2023 lobbying contract at \$15,000 each was made by Duane Sutton, seconded by Brenda Hanten. Motion carried unanimously.

A motion to increase Kade Haley's 2023 salary to \$55,000 was made by Chad Preszler, seconded by Bill Floyd. Motion carried unanimously. Executive Director Kris Jacobsen was instructed to ask SDACO to increase the 2023 Association Management agreement to \$85,000 – up from the 2023 proposed increase of \$83,000.

A motion to distribute 2022 Christmas bonuses in the amount of \$2500 to Kris Jacobsen and \$1000 to Kade Haley was made by Bill Floyd, seconded by Casey Krogman. Motion carried unanimously.

A motion to renew Executive Director Kris Jacobsen's contract for 2023 and approve a 5% salary increase was made by Ron Rossknecht, seconded by Chad Preszler. Motion carried unanimously.

The 2023 Budget was revisited. A motion to increase the Office Equipment line item by \$2000 to invest in speakers and camera for virtual meetings was made by Jim Schmidt, seconded by Duane Sutton. Motion carried unanimously.

A motion to approve the amended 2023 SDACC Budget was made by Duane Sutton, seconded by Brenda Hanten. Motion carried unanimously.

New Business: Gary Drewes presented that Pennington County would like to submit a proposal to NACo to host the 2025 Western Interstate Region (WIR) conference. A motion to support Pennington County's request to host the 2025 WIR conference was made by Bill Floyd, seconded by Chad Preszler. Motion carried unanimously.

The salary survey has moved back in-house. The Planning Districts compiled the data previously and used a survey program called Alchemy. The association will need to purchase an upgraded version of the program.

Public comment: None

A motion to adjourn the meeting was made by Duane Sutton, seconded by Jim Schmidt. Motion carried unanimously.

Respectfully submitted,

Kris Jacobsen, Executive Director