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STATE'S ATTORNEY

OFFICE OF THE STATE'S ATTORNEY

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Attorney General

MAY 28 2024

May 24, 2024

Office of the Attorney General
Attn: Open Meeting Commission
1302 E Hwy 14
Suite 1
Pierre, SD 57501

Date of Alleged Violation(s): June 6, 2023, and November 7, 2023.

Statement of Material Facts: On February 7, 2024, the Pennington County State's Attorney's Office requested that the Lincoln County State's Attorney's Office review an open meetings complaint submitted by the two members of the Pennington County Board of Commissioners. On November 20, 2023, Commissioners Deb Hadcock and Travis Lasseter issued a Memorandum Complaint to the Pennington County State's Attorney alleging that County Commissioners "engaged in executive sessions that we believe exceed the scope of the exceptions outlined in SDCL § 1-25-2." On December 18, 2023, Commissioner Hadcock wrote a second letter to the Pennington County State's Attorney expressing her continued concerns. On January 29, 2024, Commissioners Lasseter and Hadcock signed, before a notary, a verification of the Memorandum Complaint.

The following is statement of material facts with respect to the said complaint:

June 6, 2023, Commission Meeting

On June 6, 2023, and the Pennington County Board of Commissioners held a regularly scheduled Commission meeting. During the meeting, the Pennington County Commission went into executive session pursuant to SDCL §§ 1-25-2(1) & 1-25-2(3). Specifically, under § 1-25-2(1) the Commission would be conducting "Annual Department Head Evaluations(s)." (See June 6, 2023, Agenda) There does not appear to be any dispute that these department head evaluations

are appropriate executive session topics under SDCL § 1-25-2(1). However, the complainants do not believe wage increases or wage studies are appropriate for executive session. Conversely, Commissioner Drewes opined that executive session is proper when discussing employee wages to “protect individual employees.”¹ (See Gary Drewes² Statement)

During the executive session, it is alleged “the Board directed [the Human Resources Director] to conduct a wage study and market analysis for department heads.” (See November 20, 2023, Memorandum of Commissioners Hadcock & Lasseter) In a document titled “Executive Session Memo”, the Human Resources Director acknowledges that she conducted a Department Head Wage Study and Market Analysis as directed by the “Board of Commissioners in Executive Session on June 6, 2023.” (See November 7, 2023, Executive Session Memo).

November 7, 2023, Commission Meeting

On November 7, 2023, the Pennington County Board of Commissioners held a regularly scheduled Commission meeting. Prior to the meeting, the Highway Superintendent sent a “Compensation Exception Request” to Human Resources. (See October 31, 2023, MEMO & Compensation Exception Request) The Highway Superintendent requested a wage adjustment for himself as well as the Assistant Highway Superintendent. The Pennington County Commission entered into an executive session pursuant to SDCL §§ 1-25-2(1) & 1-25-2(3). (See November 7, 2023, Agenda)

Pursuant to the complainants, the Commission entered into “executive session for personnel matters related to the department head evaluation of highway superintendent Joseph Miller.” However, the Commission and Human Resources Director also discussed the Highway Superintendent’s Compensation Exception Request. (See November 7, 2023, Executive Session Memo) The Request does not appear to discuss qualifications, competence, performance, or character of fitness. It appears the request is solely based upon compensation comparisons with other counties. However, Mr. Miller’s MEMO does address job descriptions of highway superintendents in similar counties.

Pursuant to the meeting minutes, formal action was taken after the executive session. The Board voted to deny the Highway Superintendent’s request for a salary increase. Such action was not on the Commission’s proposed agenda for November 7, 2023, nor do meeting minutes reflect

¹ It should be noted that salaries would not be exempt personnel information under SDCL § 1-27-1.5(7). Therefore, all salaries are public records that must be disclosed.

² Commissioners LaCroix and Rossknecht did not return the investigator’s call.

an amendment to the proposed agenda prior to the agenda's approval. The Commission denied the Highway Superintendent's request. (See November 7, 2023, Meeting Minutes, pg. 16) No vote was taken on the request to increase the Assistant Highway Superintendent's salary.

Commissioners Hadcock and Lasseter opined that none of the discussions on November 7th addressed "any public officer or employee's qualifications, competence, performance, character, or fitness."

Possible Precedent:

City of Lead (04-01):

- The topic of discussion may contain elements appropriate for executive session, and other elements that are not.
- Official action must be processed through the agenda process.

Oldham City Council (17-02)

- Official action taken during executive session.

Legal Issues for Commission Consideration:

1. Whether directing the Human Resources Director to conduct a Department Head Wage Study and Market Analysis would constitute an "official action" outside an open official meeting in violation of SDCL § 1-25-2.
2. Whether discussion of the Highway Superintendent's Compensation Exception Request, in addition to his annual review, violated SDCL § 1-25-2(1).
3. Whether the board violated SDCL Chapter 1-25 by taking action on a non-agenda item during the November 7, 2023, Commission meeting.

Respectfully submitted,



Drew W. DeGroot
Chief Civil Deputy State's Attorney
Lincoln County



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Deb HADCOCK
Pennington Co Commissioner

I, Lincoln County investigator Gary Harvison, interviewed Deb Hadcock via telephone. D. Hadcock had previously filed sworn affidavits and memorandums relating to possible violations of open meetings law violations regarding the Pennington County commission meetings.

D. Hadcock expressed concern over the actions that are being called into executive session during commission meetings. D. Hadcock stated specifically that the commission has gone into executive session while discussing employee pay raises which D. Hadcock did not believe was correct.

D. Hadcock said wage studies were conducted related to county employees that are department heads and only discussions regarding department heads are being referred to executive session. D. Hadcock stated these items are not being put on the agenda prior to the meetings which D. Hadcock also disagreed with.

D. Hadcock stated it seemed like the human resource employees are having to much say into items going into executive session as it relates to wage studies and/or pay increases.

D. Hadcock said she and county commissioner Travis Lasseter have requested all Pennington County Commissioners receive training regarding what items should go into executive session.

D. Hadcock stated she has requested training be provided by the Pennington County States Attorney's Office, but no training has been received or offered.

During a second phone conversation with D. Hadcock, D. Hadcock told me that D. Hadcock had reviewed agendas and past meetings conducted by the Minnehaha County Commission. D. Hadcock said the Minnehaha County Commission puts pay discussions and related items on official meeting agendas and discusses related items in the open meeting and not in executive sessions. D. Hadcock pointed out the differences between Minnehaha County and Pennington County commission meetings as further evidence that Pennington County was not correct in referring these matters to executive session.

Travis LASSETER
Pennington County Commissioner

On February 21, 2024, I, Lincoln County investigator Gary Harvison, conducted a telephone interview with Travis Lasseter. T. Lasseter had previously filed sworn affidavits and memorandums relating to possible open meetings law violations regarding the Pennington County commission meetings. It should be noted T. Lasseter is a member of the Pennington County Commission.

T. Lasseter stated there have been several occasions when the Pennington County Commission has gone into executive session to discuss wage increases and wage studies. T. Lasseter said these discussions have included correcting step increases and/or correcting wages for county employees. T. Lasseter said these discussions did not involve discipline matters, so he did not believe executive session was the proper way to handle the matter.

T. Lasseter said some of the items discussed in executive session affect the county budgets so they should be discussed in the open meeting and not referred to executive session. T. Lasseter expressed concern about votes being decided in executive session based on some commissioners agreeing on items during executive sessions.

T. Lasseter believed items related to pay for county employees needed to be discussed in open meetings and be easily accessible to the public.

T. Lasseter said he and commissioner Deb Hadcock have requested training from the Pennington County States Attorney's Office regarding what items should be referred to executive session. T. Lasseter stated the Pennington County States Attorney's Office has not agreed to conduct training for the county commission. T. Lasseter said some initial training regarding executive session is offered during a conference for new county commissioners when first elected to their respective county commissions.

Gary DREWES
Pennington County Commissioner

On February 22, 2024, I, Lincoln County States Attorney Investigator Gary Harvison, spoke with Pennington County Commissioner Gary Drewes via telephone.

G. Drewes told me that G. Drewes was aware of a complaint regarding a possible violation of the open meetings rules that involved the Pennington County Commission. G. Drewes believed the complaint was related to meetings involving pay increases for individual employees, specifically department heads.

G. Drewes stated he had been a county commissioner for approximately five years and during that time it was common practice to go into executive session when discussing individual employees by name. G. Drewes said it had always been done that way in the past. G. Drewes said he believed proper procedures were being followed to protect individual employees.

G. Drewes said Pennington County Assistant Jay Alderman had never expressed concern about the commission's actions in the past. G. Drewes thought Jay Alderman had agreed how the commission had been conducting business, but G. Drewes did not recall ever having a specific discussion about matters concerning executive sessions.

G. Drewes stated that if attorneys from the Pennington County States Attorney's Office pointed out potential errors in the way businesses was conducted or suggested ways to improve the commission meetings G. Drewes and the other commissioners would accept direction for improvement.

MEMORANDUM

December 18, 2023

TO: Lara Roetzel, Pennington County State's Attorney

FROM: Deb Hadcock, Commissioner

RE: Violation of Open Meetings Law - Follow-up

Please consider this communication a follow-up to my November 20, 2023 memorandum. Under SDCL 1-25-1, all official public meetings are open to the public. The purpose of this law is: "...to prohibit actions taken at secret meetings where it is impossible for the interested public to become fully informed and to detect improper influences." *Olson v. Cass, 349 N.W.2d 435 (S.D.1984)*

I am still concerned about the way Pennington County conducts its business. Using written memorandums and emails kept from the public goes against transparency and accountability. I have voiced my concerns publicly and have refused to participate in some executive sessions that I felt did not comply with the law.

I would appreciate discussing this matter as soon as possible. Please let me know when would be a good time for you to meet. If I don't hear back from you soon, I may need to explore other options to address my concerns.

rcvd
12.19.23

MEMORANDUM

November 20, 2023

TO: Lara Roetzel, Pennington County State's Attorney

FROM: Deb Hadcock, Commissioner / Travis Lasseter, Commissioner 

RE: Violation of Open Meetings Law 

As duly elected Pennington County Commissioners, our utmost priority is maintaining transparency and complying with public meeting laws. We firmly believe that conducting county business behind closed doors contradicts the principles of open government, erodes the public's trust, and limits their participation.

We are notifying you that the Board of Pennington County Commissioners has engaged in executive sessions that we believe exceed the scope of the exceptions outlined in South Dakota Codified Law 1-25-2. These closed-door discussions included information and documents that should have been disseminated, deliberated, and decided upon in the presence of the public, as required by law.

On November 7, 2023, the Board held an executive session for personnel matters related to the department head evaluation of highway superintendent Joseph Miller. During this executive session, HR director Carol Bancroft provided the Board with a memorandum she authored in response to a memo she received from Miller.

Miller wrote a memo seeking wage adjustments for himself and his assistant highway superintendent. The memo included supporting documents such as an organizational chart, wage and staffing information, job descriptions, and comparable data from several counties, including Lincoln, Minnehaha, Meade, Fall River, and Lawrence.

None of the information in these memos and supporting documentation addressed any public officer or employee's qualifications, competence, performance, character, or fitness. Further, Miller's memo requested two motions, one to increase the wage for his assistant and one to increase his salary.

After the executive session, the Board denied Miller's request for a salary adjustment but took no action on the requested wage increase for his assistant highway superintendent.

Bancroft's memorandum also reveals that during an executive session on June 6, 2023, the Board directed her to conduct a wage study and market analysis for department heads. This is another example of the Board conducting the public's business behind closed doors.

We urge your office to thoroughly investigate this matter and take appropriate action to rectify the situation. We look forward to promptly resolving this issue and restoring transparency within the Pennington County Board of Commissioners.


Enclosed, please find the following two referenced memorandums:

1. Bancroft Memorandum dated November 7, 2023
2. Miller Memo dated October 31, 2023

*vcv
11.21.23*

Travis Lasseter, being first duly sworn upon his oath, states that the attached Memorandums dated November 20, 2023, and December 18, 2023, were prepared by me and is true to the best of my knowledge.

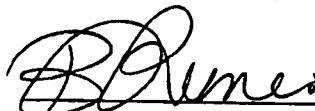
Dated this 29th day of January 2024 at Rapid City, South Dakota.



Travis Lasseter

Subscribed to and sworn to before me, a Notary Public, on this 29th day of January 2024.






Notary Public
Expiry Date: 2/19/25

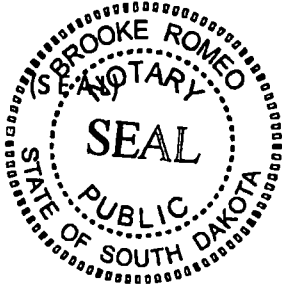
Deb Hadcock, being first duly sworn upon her oath, states that the attached Memorandums dated November 20, 2023 and December 18, 2023 were prepared by me and is true to the best of my knowledge.

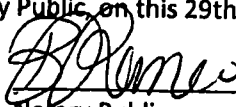
Dated this 29th day of January 2024 at Rapid City, South Dakota.



Deb Hadcock

Subscribed to and sworn to before me, a Notary Public, on this 29th day of January, 2024.





Notary Public
Expiry Date: 2/19/25



Executive Session Memo

DATE: November 7, 2023
FROM: Carol Bancroft, Human Resources Director
TO: Pennington County Board of Commissioners
CC: Joe Miller, Highway Superintendent
RE: Compensation Exception Request - Joe Miller, Highway Superintendent

Highway Superintendent Joe Miller is requesting a review of and exception to his compensation during his annual review.

As a reminder for the Board, the following definitions outline the different compensation processes:

- **Wage Study** - a process of analyzing the compensation paid to employees in an organization. It involves examining the pay structure, job descriptions, and market trends to determine if the organization is paying its employees fairly and competitively.
- **Market Analysis** - a process of evaluating the current market conditions to determine the viability of an organization's compensation structure, it involves analyzing salary and wage surveys to understand how an organization's compensation practices compare to those of similar organizations. Pay scale is based on relative sample size of median salary and wages for comparable positions in similar organizations.
- **Annual Review with Performance Steps** - a performance review is a regulated assessment in which managers assess an employee's work performance. It is a two-way, individualized conversation that aims to identify their strengths and weaknesses, offer feedback and assist with goal setting. A performance review is a critical component of a continuous performance management approach which benefits the employee, team, and the organization. A performance step(s) may be given to employees based on their skills and performance at work.

Pennington County compensation practices in 2023 and for 2024 provide an annual COLA with 1 step to all employees and Elected Officials.

Compensation adjustments are made for employees under *Policy 3.18 Compensation Administration* with relevant procedures for: New Hires, Promotions, Demotions, Transfers, and Performance Steps. (Refer to Attached Policy) Additionally, Board exceptions for consideration are requested for 3 types of circumstances: 1) internal compression concerns which have resulted from the Gallagher Wage Study, 2) as a result of business re-organization as approved by User Boards, and 3) new position creation based on business needs.

At the direction of the Board of Commissioners in Executive Session on June 6, 2023, I was assigned the task of completing a Department Head Wage Study and Market Analysis separate from the 2025 Wage Study for County Employees. Both of these studies and analyses are underway but have not been completed to date.



Pennington County Highway Department

3601 Cambell Street • Rapid City, SD 57701-0124

Phone: (605) 394-2166 • Fax: (605) 394-2168

www.pennco.org

MEMO

TO: HUMAN RESOURCES

DATE: OCTOBER 31, 2023

FROM: JOSEPH MILLER
SUPERINTENDENT *JM*

RE: COMPENSATION EXCEPTION REQUESTS

As a board member of the South Dakota Association of County Highway Superintendents and through discussions held with other members at both the SD County Convention and Regional Local Roads Conference, it has come to our attention that both the Highway Superintendent and Assistant Superintendent wage at Pennington County is considerably less than that of other counties of similar size in South Dakota.

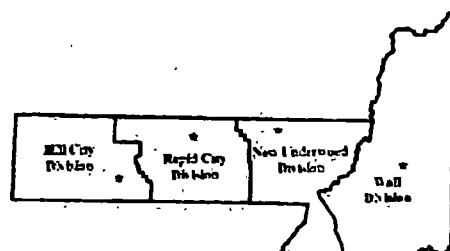
We used the Lightcast program to search for like jobs but were unsuccessful in finding anything that matches the Highway Superintendent essential functions. Therefore, we are relying on the wages from other comparable counties in South Dakota. I have attached wage information from Lincoln and Minnehaha County that also includes the number of roads, bridges and staff numbers for the Highway Departments. I've also attached their job descriptions for your review.

In review of this information, we are requesting a wage increase for both my position as well as the Assistant Superintendent. We have taken the budgeted cost of living increase and annual step in 2024 into account in this request. Our 2023 and 2024 wage budget will support these requests.

Motion is requested to place Sean Smith, Assistant Highway Superintendent, at DBM C44, Step 22 at \$3,712.00/bi-weekly, effective November 12, 2023.

Motion is requested to place Joseph Miller, Highway Superintendent, at DBM D62, Step 27 at \$4,693.60/bi-weekly, effective November 12, 2023.

JM:cjb
Attachments





Compensation Exception Request

BOC Meeting Date: 11/07/2023 Dept./Requestor: Highway/Joseph Miller

Wage Exception Request Description: Increase Sean Smith, Assistant Superintendent,
wage (see attached memo)

of Employees Impacted: 1 Total Annual Budget \$ Impact: 2023 - \$1,301
2024 - \$11,877

Proposed effective date: 11/12/2023

Will you absorb the cost within your approved budget? Yes No

If no, how will you cover the cost?

Attached documentation required:

- o Compensation Request Form
- o Employee(s) Data Sheet: Name, position title, hire date, current DBM/Step & wage, proposed DBM/Step & wage, complete employee wage history
- o Job Description (Current or proposed)
- o Department Organizational Chart

Proposed motion: _____

Motion is requested to place Sean Smith, Assistant Highway Superintendent, at DBM C44, Step 22 at \$3,712.00/bi-weekly, effective November 12, 2023.

Rate History for 49168 - Sean Smith
Printed on 10/31/2023 at 12:44 PM

<u>Description</u>	<u>Rate</u>	<u>Effective Date</u>	<u>Note</u>
Default pay rate	27.32	05/04/2020	Hired
Default pay rate	28.70	08/09/2020	New Hire 4 Steps for experience/performance
Default pay rate	29.54	12/27/2020	Gallagher: Civil Engineer C42-1
Default pay rate	33.86	03/21/2021	Promotion to Asst. Supt.
Default pay rate	34.88	12/26/2021	Annual Step 1 to 2
Default pay rate	35.40	01/02/2022	1.5% Wage Scale Adj
Default pay rate	38.50	08/07/2022	C44 Step 2 to 5 BOC approved performance
Default pay rate	40.98	12/25/2022	4% Wage Scale Adj Step 5 to 11; Annual Step 11 to 12



Compensation Exception Request

BOC Meeting Date: 11/07/2023 Dept./Requestor: Highway/Joseph Miller

Wage Exception Request Description: Increase Joseph Miller, Highway Superintendent,

of Employees Impacted: 1

wage (see attached memo)
Total Annual Budget \$ Impact: 2023 - \$1,951
2024 - \$17,805

Proposed effective date: 11/12/2023

Will you absorb the cost within your approved budget?

Yes

No

If no, how will you cover the cost?

Attached documentation required:

- Compensation Request Form
- Employee(s) Data Sheet: Name, position title, hire date, current DBM/Step & wage, proposed DBM/Step & wage, complete employee wage history
- Job Description (Current or proposed)
- Department Organizational Chart

Proposed motion: _____

Motion is requested to place Joseph Miller, Highway Superintendent, at DBM D62, Step 27 at \$4,693.60/bi-weekly, effective November 12, 2023.

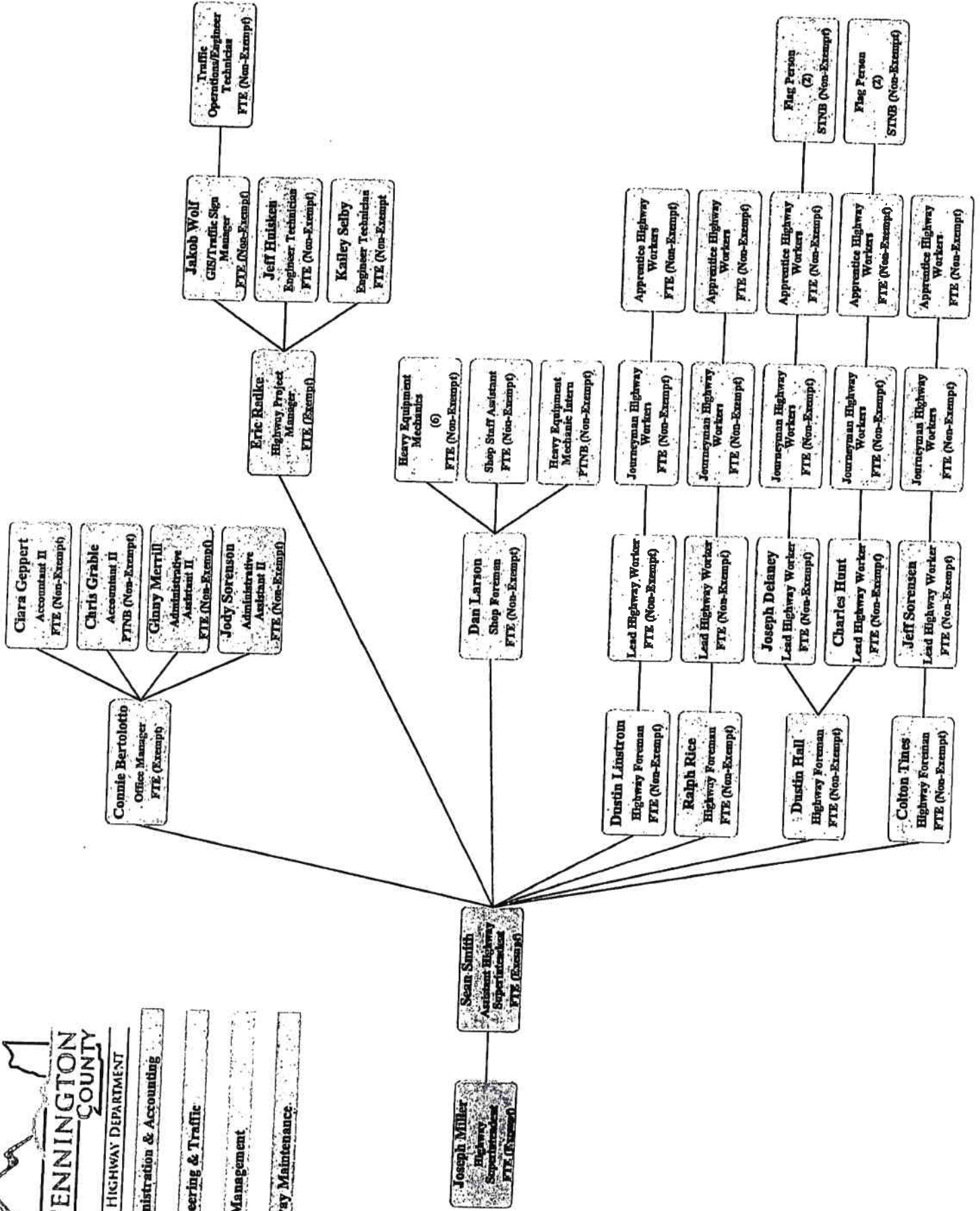
Rate History for 48918 - Joseph Miller

Printed on 10/31/2023 at 3:31 PM

Description	Rate	Effective Date	Note
Default pay rate	38.33	12/01/2018	Hired
Default pay rate	39.13	01/01/2019	2.1% COLA
Default pay rate	40.13	09/01/2019	New Hire 2 Steps Based on Performance
Default pay rate	41.14	12/15/2019	Annual Step/Perf Pay
Default pay rate	42.13	12/29/2019	2.4% COLA
Default pay rate	43.18	12/13/2020	Performance Increase
Default pay rate	44.36	12/27/2020	Gallagher: Supt D62-4
Default pay rate	45.03	01/02/2022	1.5% Wage Scale Adj
Default pay rate	47.81	06/26/2022	Step 4 to 5 Compression Adjustment; Annual Step 5 to 6
Default pay rate	50.54	12/25/2022	4% Wage Scale Adj Step 6 to 14; Annual Step 14 to 15



- HIGHWAY DEPARTMENT
- Administration & Accounting
- Engineering & Traffic
- Fleet Management
- Highway Maintenance



**Pennington County, South Dakota
October 2023**

Current Highway Superintendent: Joseph Miller

838 miles of road (356 miles paved and 482 gravel) and 127 bridges

Staff: 55 including seasonal flaggers

Population: 111,806

Highway Superintendent Salary: \$105,123

Highway Superintendent years of service: 5

Assistant Highway Superintendent Salary: \$85,238

Assistant Highway Superintendent years of service: 2.5 in position; 3.5 with Pennington County

JOB TITLE: Assistant Highway Superintendent

DEPARTMENT: Highway

REPORTS TO: Highway Superintendent



Full-Time

Exempt

Part-time

Non-exempt

POSITION OBJECTIVE:

The Assistant Highway Superintendent is responsible for assisting with the professional and administrative supervision and direction of planning, design, construction, maintenance, improvement and repair of County highways and bridges in Pennington County and acts on the behalf of Highway Superintendent in his or her absence.

This position's duties are directly related to the management and general operations of the Pennington County Highway Department.

ESSENTIAL FUNCTIONS:

- Assist with the direction of maintenance, repair and construction of County highways and bridges, including supervision of employees
- Supervise construction and maintenance activities to ensure compliance with safety requirements and procedures
- Involved in personnel decisions including but not limited to; hiring, performance evaluations, disciplinary action
- Assist in preparing short and long-range road and bridge planning and programming and assist with the implementation and evaluation of operations and programs
- Assist in the preparation and control of the budget for the department, including control of expenditures
- Assist in negotiating and administering contracts, developing bid documents, cooperative agreements, and other transactions with other agencies and units of government, private businesses, subcontractors, and project consultants
- Review development plans for local planning departments and provide comments on behalf of the department
- Perform various public relation duties related to the position including answering inquiries from the public and other agencies
- Perform related duties as assigned by supervisor
- Maintain compliance with all company policies and procedures

EDUCATION AND/OR EXPERIENCE REQUIRED:

- Minimum of five years' experience with increasing responsibility in highway construction and management of construction or government operation; General knowledge of County government functions, State statutes and Federal regulations affecting local government is preferred
- High school diploma or GED certificate and two or more years of college or technical training. A combination of experience and education may be considered
- Knowledge of equipment and truck operation
- Ability to operate standard office equipment and a computer with working knowledge of computer and software applications, including Microsoft Office programs
- Basic operation of AutoCAD and ESRI's ArcGIS software is not required but is encouraged
- Must have a valid driver's license; A South Dakota Class A Commercial Driver's License (CDL) with tanker endorsement is not required but encouraged

WORKING ENVIRONMENT:

- Work is performed both indoors in an office where noise and interruptions often occur and outdoors where the employee is exposed to outside weather conditions including; extreme cold, extreme heat, moving mechanical parts, precarious places, fumes or airborne particles, toxic chemicals, high volume traffic, heavy equipment and noise related to construction projects. Noise level may be loud at times.
- Subject to call 24 hours a day, seven days a week, including holidays; May require working in excess of 40 hours per week to meet project deadlines or attend evening meetings
- Some travel may be required for training and meetings

PHYSICAL REQUIREMENTS:

- Ability to safely and successfully perform the essential job functions consistent with the ADA, FMLA, and other federal, state and local standards, including meeting qualitative and quantitative productivity standards
- Ability to maintain regular, punctual attendance consistent with the ADA, FMLA, and other federal, state and local standards
- Must be able to frequently sit, walk, stand, bend, kneel, stoop, reach and lift, push or pull and manual dexterity is needed to type, write, use a calculator, and answer telephone
- Must be able to lift and carry up to 50 pounds unassisted, and lift/move 100 pounds with assistance
- Must be able to talk, listen, and speak clearly on telephone and in-person
- Ability to communicate effectively orally and in writing
- Required to use appropriate personal protective equipment

ADDITIONAL DUTIES

JOB TITLE: Assistant Highway Superintendent

DEPARTMENT: Highway

REPORTS TO: Highway Superintendent



ADDITIONAL DUTIES in support of County Highway Department Essential Functions

- Approve and inspect approach permits
- Maintain materials and supply inventory
- Initiate accident prevention procedures

This job specification should not be construed to imply that these requirements are the exclusive duties of the position. Incumbents may be required to follow any other instructions, and to perform any other related duties, as may be required.

PERFORMANCE STANDARDS:

- Quality
- Safety
- Attendance
- Customer Service
- Productivity

SIGN OFF:

I understand I am expected to adhere to all company policies while employed and I have read and understand the contents of this job description.

EMPLOYEE SIGNATURE _____

DATE _____

JOB TITLE: Highway Superintendent

DEPARTMENT: Highway

REPORTS TO: Board of County Commissioners



Full-Time

Exempt

Part-time

Non-exempt

POSITION OBJECTIVE:

The Highway Superintendent performs professional and administrative supervision in directing the planning, design, construction, maintenance, improvement, and repair of County highways and bridges. The incumbent provides leadership to establish and achieve effective and strategic vision for the Highway Department. Responsibilities include ensuring proper care of all County highways and bridges; supervising technical, skilled craft, and service highway workers; preparing budgets; and developing and implementing department policies and procedures. This is an appointive position; the incumbent serves at the pleasure of the Board of County Commissioners pursuant to SDCL 7-8-20.

This position's duties are directly related to the management and general operations of the Pennington County Highway Department.

ESSENTIAL FUNCTIONS:

- Supervise and provide leadership for all Highway Department employees. Actively involved in all personnel decisions including but not limited to; hiring, performance evaluations, disciplinary action, work load and requirements, scheduling of assignments, maintaining employee morale, and promoting work place safety
- Responsible for the preparation and control of the budget based on needs and revenues for the Highway Department, including control of expenditures
- Negotiate and administer contracts, developing bid documents, cooperative agreements, and other transactions with other agencies and units of government, private businesses, subcontractors and project consultants. This includes all legal matters with assistance from the States Attorney's Office.
- Direct short and long-range road and bridge planning and programming, including implementation and evaluation of operations and programs for County Initiatives
- Supervise, design and implement construction and maintenance activities to ensure compliance with safety requirements and procedures, initiate accident prevention procedures, coordinate traffic control efforts on construction projects through news releases, communication with various agencies and answers inquiries from the public and other agencies
- Perform various public relation duties related to the position including answering inquiries from the public and other agencies
- Ensure compliance with all County Ordinances and South Dakota State Statutes pertaining to the functions of the department.
- Perform related duties as assigned by supervisors
- Maintain compliance with all company policies and procedures

EDUCATION AND/OR EXPERIENCE REQUIRED:

- Bachelor's degree in Business Administration, Construction Management, Civil Engineering or directly related field
- Minimum of ten years' experience of increasing responsibility in highway construction and management of construction or government operation; Strong knowledge of County government functions, State statutes and Federal regulations affecting local government is preferred
- A combination of education and experience may be considered

- Knowledge of equipment and truck operation preferred
- Ability to operate standard office equipment and a computer with working knowledge of computer and software applications, including Microsoft Office programs
- Basic operation of AutoCAD and ESRI's ArcGIS software is not required but is encouraged
- Must have a valid driver's license; A South Dakota Class A Commercial Driver's License (CDL) with tanker endorsement is not required but encouraged

WORKING ENVIRONMENT:

- Work is performed both indoors in an office where noise and interruptions often occur and outdoors where the employee is exposed to outside weather conditions including; extreme cold, extreme heat, moving mechanical parts, precarious places, fumes or airborne particles, toxic chemicals, high volume traffic, heavy equipment and noise related to construction projects. Noise level may be loud at times.
- Subject to call 24 hours a day, seven days a week, including holidays; May require working in excess of 40 hours per week to meet project deadlines or attend evening meetings
- Some travel may be required for training and meetings

PHYSICAL REQUIREMENTS:

- Ability to safely and successfully perform the essential job functions consistent with the ADA, FMLA, and other federal, state and local standards, including meeting qualitative and quantitative productivity standards
- Ability to maintain regular, punctual attendance consistent with the ADA, FMLA, and other federal, state and local standards
- Must be able to frequently sit, walk, stand, bend, kneel, stoop, reach and lift, push or pull and manual dexterity is needed to type, write, use a calculator, and answer telephone
- Must be able to lift and carry up to 50 pounds unassisted, and lift/move 100 pounds with assistance
- Must be able to talk, listen, and speak clearly on telephone and in-person
- Ability to communicate effectively orally and in writing
- Required to use appropriate personal protective equipment

ADDITIONAL DUTIES

JOB TITLE: Highway Superintendent

DEPARTMENT: Highway

REPORTS TO: Board of County Commissioners



ADDITIONAL DUTIES in support of County Highway Department Essential Functions

- Serve on Pennington County Healthcare Trust Board or designate official member from department
- Serve on Pennington County Compensation Committee
- Oversee all department permitting and approve all utility permits

This job specification should not be construed to imply that these requirements are the exclusive duties of the position. Incumbents may be required to follow any other instructions, and to perform any other related duties, as may be required.

PERFORMANCE STANDARDS:

- Quality
- Safety
- Attendance
- Customer Service
- Productivity

SIGN OFF:

I understand I am expected to adhere to all company policies while employed and I have read and understand the contents of this job description.

EMPLOYEE SIGNATURE _____

DATE _____

**Lincoln County, South Dakota
October 2023**

Current Highway Superintendent: Terry Fluit

325 total miles of roads (44 gravel and 280 paved) and 150 bridges

Staff: 16 plus however many seasonal workers, whether summer or winter

Population: 67,870

Highway Superintendent Salary: \$110,510

Highway Superintendent years of service: 5.5

Assistant Highway Superintendent Salary: \$86,400

Assistant Highway Superintendent years of service: 5



Job Title	Assistant Highway Superintendent
Department	Highway
Reports To	Highway Superintendent
FLSA Classification	Exempt
Revision Date	9/19/2023

ASSISTANT HIGHWAY SUPERINTENDENT

JOB DESCRIPTION

This job description indicates, in general terms, the type and level of work performed as well as the typical responsibilities of employees in this classification. It may be modified at any time at the discretion of the Department Head or Human Resources.

POSITION SUMMARY

The Assistant Highway Superintendent Operations Supervisor performs a variety of professional administrative, technical, and engineering work in the construction and maintenance of the Lincoln County Highway System. Assists in the Highway Superintendent to achieve effective and strategic vision for the Highway Department. Responsibilities include overseeing the engineering project, fleet management, and building maintenance.

Minimum Qualifications

Bachelor's degree in civil engineering, construction management, or related field plus five years of professional civil engineering work or comparable combination of education and experience. Should have previous supervisory experience. Offers of employment are contingent upon the ability to attain a Commercial Class A Driver's License (CDL) within 30 days of the hire date and the successful completion of a criminal background check, driving records check and pre-employment drug test. Must possess a valid driver's license and a safe driving record.

Preferred Qualifications

Six years of progressive responsibility for civil engineering projects. Master's degree in public administration, civil engineering, or related field. Ability to be a registered engineer and land surveyor. Experience with bidding processes, the South Dakota Department of Transportation, American Association of State Highway and Transportation Officials (AASHTO), and Manual on Uniform Traffic Control Devices (MUTCD) also preferred. Experience in equipment maintenance and fleet management programs.

Knowledge, Skills, and Abilities

Working knowledge of SDCL statutes as it applies to counties. Broad knowledge of standard practices of civil engineering. Working knowledge of construction, including procedures and techniques used in highway maintenance operations and precautions utilized in operating heavy equipment. Knowledge of the construction industry as it applies to road and bridge construction and maintenance. Working knowledge of modern management practices. Skill in operating a personal computer for the development of engineering problems and to facilitate project management. Ability to communicate effectively verbally and in writing. Ability to establish and maintain effective working relationships with employees, other agencies, and the public. Ability to maintain professional appearance and demeanor.

ESSENTIAL FUNCTIONS

Essential functions are critical or fundamental to the performance of the job. The following list includes the major functions for which the person in this position is held accountable. Actual daily time spent in any activity fluctuates depending on assigned responsibilities and the particular position within the department. The position may also include other duties as assigned. Incidental or non-essential functions are not included.

- Collaborate with Operations Supervisor in the development of highway projects.
- Assist in carrying out the Highway Superintendent's vision, mission, objectives, and policies and procedures.
- Project and prioritize future project needs based on thorough record keeping, funds, and available funding programs.
- Be a safety advocate and attend ongoing training and safety classes.
- Assist townships with sizing of drainage pipes, drainage issues, and scheduling repair or replacement of County bridges on township roads. Attend meetings and assist in planning and prioritizing construction projects.
- Assist in preparing the annual budget by compiling estimates for projects, materials, and equipment.
- Oversee in-house engineers and be the liaison for engineering consultants. Review consultant's construction plans, contracts, and cost estimates for technical and legal accuracy.
- Assist landowners with problems and concerns including drainage issues, pipes for approaches, road breakups, plugged pipes and bridges, and debris issues.
- Monitor and manage fuel systems for all county staff.
- Oversee the mechanic staff and ensure the fleet management program is followed.
- Assume departmental operations and responsibilities when the Highway Superintendent is absent.
- Completed required inspections and work with the Building Superintendent on all building issues.

WORK ENVIRONMENT

The work environment is a standard office setting and has responsibilities out in the field. This position requires flexibility in work schedule. This may include nights, weekends, and/or holidays due to emergency weather conditions. Work may be performed in a variety of weather conditions including extreme cold and heat.

PHYSICAL REQUIREMENTS

Physical Requirement	Rarely (0-5%)	Occasionally (6-20%)	Frequently (21-50%)	Very Frequently (51-80%)
Lifting less than 25lbs		X		
Lifting 25-50lbs	X			
Lifting more than 50lbs	X			
Bending		X		
Pushing or pulling		X		
Reaching overhead	X			
Kneeling	X			
Driving a vehicle			X	
Gripping			X	
Ability to perform job duties in a stationary position			X	
Ability to move about inside the office to access file cabinets, office machinery, etc.			X	
Ability to move around to various departments			X	
Mobility to perform duties in off-site locations			X	

OTHER REQUIREMENTS

This position is required to drive/operate a motor vehicle and is subject to the Department of Transportation (DOT) physical requirements including vision and hearing. This position is not required to restrain and/or apprehend individuals.

DEPARTMENT APPROVAL

Job description approved by Terry Fluit Williams, Highway Superintendent, 2023.



LINCOLN
COUNTY

Job Title	Highway Superintendent
Department	Highway
Reports To	County Commission
FLSA Classification	Exempt
Revision Date	9/19/2023

HIGHWAY SUPERINTENDENT

JOB DESCRIPTION

This job description indicates, in general terms, the type and level of work performed as well as the typical responsibilities of employees in this classification. It may be modified at any time at the discretion of the County Commission.

POSITION SUMMARY

The Highway Superintendent performs professional and administrative supervision and engineering work in directing the planning, design, construction, maintenance, improvement, and repair of County highways, roads, and bridges for the Lincoln County Highway Department. The incumbent provides leadership to establish and achieve effective and strategic vision for the Highway Department. Responsibilities include ensuring proper care of all County highways, roads, and bridges; supervising technical, skilled craft, and service maintenance workers; preparing budgets; and developing and implementing department policies and procedures. This position will also lead and oversee the Weeds Board. This is an appointive position; the incumbent serves at the pleasure of the Board of County Commissioners pursuant to SDCL 7-8-20.

Minimum Qualifications

Bachelor's degree in civil engineering, construction management, or related field plus five years of professional civil engineering work or comparable combination of education and experience. Must possess a valid Driver's License and safe driving record. Previous supervisory experience and budget management experience.

Preferred Qualifications

General knowledge of county government functions and state statues affecting local government.

Knowledge, Skills, and Abilities

Working knowledge of Occupational Safety and Health Administration (OSHA), Mine Safety and Health Administration (MSHA), Manual of Uniform Traffic Control Devices (MUTCD), South Dakota Department of Transportation regulations, and hazardous materials. Broad knowledge of the standard practices of civil engineering. Broad knowledge of the construction industry as it applies to road and bridge construction and maintenance. Working knowledge of modern management practices. Skill in operating a personal computer for development of engineering programs and to facilitate project management. Ability to communicate effectively verbally and in writing. Ability to establish and maintain effective working relationships with employees, other agencies, and the public. Ability to maintain professional appearance and demeanor.

ESSENTIAL FUNCTIONS

Essential functions are critical or fundamental to the performance of the job. The following list includes the major functions for which the person in this position is held accountable. Actual daily time spent on any activity fluctuates depending on assigned responsibilities and the particular position within the department. The position may also include other duties as assigned. Incidental or non-essential functions are not included.

- Lead the department in the planning, development, coordination and implementation of the Highway Department's policies, procedures, goals, and objectives. Provide direction for the department through strategic short and long-term goal setting and planning. Direct the department's policies, procedures, and administration to ensure compliance with applicable ordinances and laws.
- Administer planning, design, construction, and maintenance programs for Lincoln County highways, roads, and bridges. Develop and implement long-range plans for highway and bridge construction and maintenance that reflects prioritized needs and funding options.
- Supervise and provide work direction for the department. Coordinate activities of the County highway divisions including administration, construction and maintenance, traffic control, and equipment maintenance.
- Review highway and bridge plans, location, contracts, and cost estimates for technical and legal accuracy.
- Review bids and proposals and recommend acceptance to the County Commission.
- Prepare annual budget and monitor department expenditures by project on a continual basis. Work with consultants for grant opportunities.
- Develop department policies and procedures to ensure legal, cost-effective, and productive supervision and program administration. Direct workers in the preparation of reports to state and federal agencies. Utilize necessary resources for developing solutions to engineering problems and to facilitate project administration.
- Review safety materials and order safety products, ensure compliance with all MSHA publications, train staff in safety procedures and processes.
- Interact with the County residents about issues including but not limited to highway safety, drainage, and snow removal.

WORK ENVIRONMENT

The work environment is a standard office setting and on occasion may have some field responsibilities. This position is on call 24-hours a day, seven days a week including all holidays, Saturdays, and Sundays. Work may be performed in a variety of weather conditions including extreme cold and heat.

PHYSICAL REQUIREMENTS

Physical Requirement	Rarely (0-5%)	Occasionally (6-20%)	Frequently (21-50%)	Very Frequently (51-80%)
Lifting less than 25lbs			X	
Lifting 25-50lbs	X			
Lifting more than 50lbs	X			
Bending	X			
Pushing or pulling		X		
Reaching overhead	X			
Kneeling	X			
Driving a vehicle		X		
Gripping	X			
Ability to perform job duties in a stationary position		X		
Ability to move about inside the office to access file cabinets, office machinery, etc.		X		
Ability to move around to various departments		X		
Mobility to perform duties in off-site locations		X		

OTHER REQUIREMENTS

This position is required to drive/operate a motor vehicle and is subject to the Department of Transportation (DOT) physical requirements including vision and hearing. This position is not required to restrain and/or apprehend individuals.

DEPARTMENT APPROVAL

Job description approved by County Commissioners.

**Minnehaha County, South Dakota
October 2023**

Current Highway Superintendent: Steve Groen

347 total miles of roads and 200 bridges

Staff: 30

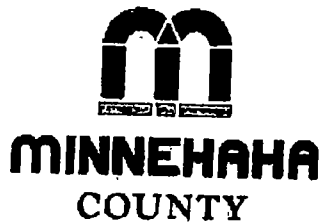
Population: 199,685

Highway Superintendent Salary: \$134,825

Highway Superintendent years of service: 2.5

Assistant Highway Superintendent Salary: \$102,752

Assistant Highway Superintendent years of service: 1.5



Assistant Highway Superintendent

Class Code:
244

Bargaining Unit: N/A

Strong Foundation. Strong Future.
MINNEHAHA COUNTY
Revision Date: Dec 17, 2015

SALARY RANGE

\$0.00 Biweekly

GENERAL INFORMATION:

Perform a variety of professional administrative, technical, and engineering work in the construction and maintenance of the County road and bridge systems for the Minnehaha County Highway Department. Provides leadership to achieve effective and strategic vision for the Highway Department. Responsibilities include ensuring proper care of all County highways, roads, and bridges; supervising technical, skilled craft and service maintenance workers; preparing budgets; and developing and implementing department policies and procedures.

EXAMPLES OF DUTIES INCLUDE:

- Provide leadership to department supervisors and staff to carry out the Highway Superintendent's vision, mission, goals and objectives, and policies and procedures.
- Assist in the coordination of the County highway divisions including administration, engineering, road construction and maintenance, bridge construction and maintenance, sign maintenance and traffic control, fleet maintenance, and right-of-way conservation.
- Assist in supervising, scheduling, and directing work responsibilities for supervisory staff. Administer employee disciplinary measures. Complete performance evaluations. Provide training and project oversight.
- Ensure employees follow safety standards. Attend ongoing training and safety classes.
- Oversee the engineering staff with asset management program inspections and project prioritization.
- Project and prioritize future project needs based on thorough record keeping, funds, and available funding programs.
- Assist townships with sizing of drainage pipes and drainage issues. Schedule repair or replacement of County bridges on township roads.
- Attend meetings and assist in planning and prioritizing construction projects. Assist in preparing the annual budget by compiling estimates for project materials and equipment needs.
- Review construction plans, contracts, and cost estimates submitted by engineering consultants for technical and legal accuracy.
- Assist landowners with issues and concerns including drainage, pipes for approaches, road breakups, plugged pipes and bridges, and debris issues.
- Coordinate with SDDOT for scheduling of County projects. Schedule projects in conjunction with State projects.
- Assist the Emergency Management Department during medical emergencies, weather

emergencies, or natural disasters.

- In the absence of the Highway Superintendent, will assume duties including supervising and providing work direction for department supervisors.
- Attend County Commission meetings and other public meetings. Serve on boards and committees representing the County as required.
- Advise and make recommendations to the Highway Superintendent regarding the proper and efficient operation of the department including cost and operational analysis, development of performance standards, and the establishment of goals and objectives.

MINIMUM QUALIFICATIONS:

Bachelor's degree in civil engineering plus five years of progressively responsible professional civil engineering work experience. Possession of a valid driver's license and must maintain a safe driving record with Minnehaha County. Comparable combination of education and experience may be considered. Must successfully complete pre-employment background process.

PREFERRED QUALIFICATIONS:

Eight years of progressively responsible professional civil engineering work experience. Master's degree in civil engineering, public administration, business administration, or related field. Registered, or ability to obtain registration within three months of hire, professional engineer in the state of South Dakota. Registered land surveyor in training in the state of South Dakota. Experience with bidding processes, the South Dakota Department of Transportation (SDDOT), American Association of State Highway and Transportation Officials (AASHTO), and Manual on Uniform Traffic Control Devices (MUTCD).

KNOWLEDGE, SKILLS AND ABILITIES:

Broad knowledge of the standard practices of civil engineering. Working knowledge of the construction industry as it applies to road and bridge systems. Working knowledge of the fundamentals and processes involved in cost accounting, managing finances or a large highway department, long-range and short-range budgeting and financial analysis. Working knowledge of the fundamentals and processes involved in construction project management, engineering contract law, and South Dakota purchasing statutes. Skill in operating a personal computer with commonly used programs. Ability to effectively organize and direct the work of others. Ability to communicate effectively orally and in writing. Ability to establish and maintain effective working relationships with employees, other agencies, and the public. Ability to maintain professional appearance and demeanor.



Highway Superintendent

Class Code:
609

Bargaining Unit: N/A

Strong Foundation. Strong Future.
MINNEHAHA COUNTY
Revision Date: Dec 17, 2016

GENERAL INFORMATION:

The Highway Superintendent performs professional and administrative supervision and engineering work in directing the planning, design, construction, maintenance, improvement, and repair of County highways, roads, and bridges for the Minnehaha County Highway Department. The incumbent provides leadership to establish and achieve effective and strategic vision for the Highway Department. Responsibilities include ensuring proper care of all County highways, roads, and bridges; supervising technical, skilled craft, and service maintenance workers; preparing budgets; and developing and implementing department policies and procedures. This position will also oversee all areas of the Weeds Board as well. This is an appointive position; the incumbent serves at the pleasure of the Board of County Commissioners pursuant to SDCL 7-8-20.

EXAMPLES OF DUTIES INCLUDE:

- Lead the department in the planning, development, coordination, and implementation of the Highway Department's policies, procedures, goals, and objectives. Provide direction for the department through strategic short and long-term goal setting and planning. Direct the department's policies, procedures, and administration to ensure compliance with applicable ordinances and laws.
- Administer planning, design, construction, and maintenance programs for Minnehaha County highways, roads, and bridges. Develop and implement long range plans for highway and bridge construction and maintenance that reflects prioritized needs and funding options.
- Supervise and provide work direction for department of approximately 30 employees. Coordinate activities of the County highway divisions including administration, construction and maintenance, traffic control, and equipment maintenance.
- Review highway and bridge plans, locations, contracts, and cost estimates for technical and legal accuracy.
- Review bids and proposals and recommend acceptance to the County Commission.
- Prepare annual budget and monitor department expenditures by project on a continual basis.
- Develop department policies and procedures to ensure legal, cost effective, and productive supervision and program administration. Direct workers in preparation of reports to state and federal agencies. Utilize necessary resources for developing solutions to engineering issues and facilitating project administration.

MINIMUM QUALIFICATIONS:

Bachelor's degree in civil engineering, construction management, or related field plus five years of professional civil engineering work. Comparable combination of education and experience may be considered. Possession of a valid driver's license and must maintain a safe driving record with Minnehaha County. Must successfully complete pre-employment background process.

PREFERRED QUALIFICATIONS:

Previous supervisory and budget management experience. Professional engineer.

KNOWLEDGE, SKILLS AND ABILITIES:

Working knowledge of South Dakota Codified Laws (SDCL) as it applies to counties. Broad knowledge of the standard practices of civil engineering. Broad knowledge of the construction industry as it applies to road and bridge construction and maintenance. Working knowledge of modern management practices. Skill in operating a personal computer for developing solutions to engineering issues and facilitating project management. Ability to effectively organize and direct the work of others. Ability to communicate effectively orally and in writing. Ability to establish and maintain strong and effective working relationships with employees, other agencies, and the public. Ability to maintain professional appearance and demeanor.

**PENNINGTON COUNTY BOARD OF COMMISSIONERS
PROPOSED MEETING AGENDA
JUNE 6, 2023
9:00 A.M.
COMMISSION CHAMBERS
COUNTY ADMINISTRATION BUILDING**



*Lloyd LaCroix, Chair, District 2
Ron Rossknecht, Vice Chair, District 1*

*Deb Hadcock, District 3
Travis Lasseter, District 4
Gary Drewes, District 5*

Agenda disclaimer: The preferred practice of the Board is to proceed thru the agenda in the order it is published. From time to time, agenda items may be disposed of quickly leaving a gap in the meeting agenda prior to the next advertised agenda item start time. To utilize time effectively in those circumstances, the Board may move items up on the agenda to fill those gaps.

*Welcome to the June 6th, 2023 Board of Commissioners Meeting.
Please silence cell phones, pagers and other electronic communication devices.
Agendas and speaker request forms are located at the back of the Chambers.*

1. Call to Order
2. Moment of Silent Reflection
3. Pledge of Allegiance
4. Review and Approve Agenda

The Board of Commissioners uses a **Consent Agenda** to act on non-controversial and routine items. The Consent Agenda is acted upon by one motion and vote of the Board. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of a Board member or a Citizen. The consent agenda contains the following items:

5. Minutes of the regular meeting – May 16, 2023
6. To approve the Order for Organization and Incorporation for the Cliff View Lane Road District (*AUD*)
7. To approve the renewal of the Retail (on-off sale) Malt Beverage & SD Farm Wine Licenses for Black Elk Resort, LLC under Black Elk Resort, LLC, O’Malley’s Casino under TNH LLC, and Sugar Shack under Trevor Kautzman and to release license upon payment of appropriate property taxes (*AUD*)
8. To reappoint Mr. Charles Johnson and Mr. Mikal Lewis to the Planning Commission for a term of three (3) years effective July 1st, 2023 (*COM*)
9. To acknowledge the notice of intent to conduct a raffle – Baseball Parents, Inc., d/b/a Post 22 Baseball (*COM*)
10. To acknowledge the notice of intent to conduct a raffle – Silver City Volunteer Fire Department (*COM*)
11. To acknowledge the notice of intent to conduct a raffle – Rochford Chapel (*COM*)
12. To acknowledge the notice of intent to conduct bingo – Rochford Community Hall (*COM*)
13. To approve the S.D. Department of Transportation Railroad Joint Powers Agreement for weed spraying services (*NR*)

Pennington County fully subscribes to the Americans with Disabilities Act. If you desire to attend this public meeting and need accommodations, please notify the Commissioners’ Office at (605) 394-2171 at least 24 hours prior to the meeting so that appropriate services and auxiliary aids are available.



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14. To authorize the purchase of two (2) Dodge Chargers, State Contract #17620 from Wegner Auto, Pierre, SD for a total purchase price of \$70,194 (SO)

End of Consent Agenda

Regular Agenda Items:

15. Items From Auditor

- a. New Retail (on-off sale) Malt Beverage & SD Farm Wine License(s)
 - Firehouse Campground
 - Horsethief Campground

16. Items From Buildings & Grounds

- a. Contract Award to SECO Construction for the 3rd Floor Courthouse Conference Room Buildout
- b. BKV Facilities Needs Assessment Update Presentation

17. Items From Highway Department

- a. Authorization to Purchase Bulk Diesel and Gas Products
- b. Authorization to Purchase Guardrail Repair
- c. Award Recommendation - Box Culvert (Wilsey Road)
- d. Black Hills National Forest Livestock Guard Agreement
- e. Joint Powers Maintenance, Encroachment & Financial Agreement – Lamb Road & Reservoir Road Intersection
- f. Agreement Providing a Federal Funds Loan - South Rochford Road Reconstruction

18. Items From Building Committee

- a. Action – Courthouse Steam Tunnel for Asbestos Abatement

19. Items From Compensation Committee

- a. Action – Workers' Compensation Exception (Policy 4.1 Vacation Leave and Policy 4.3a Sick Leave)

20. Items From Commission Manager

- a. Purchasing / Signature Authority Policy
- b. Agenda Management Software
- c. Black Hills National Forest Service News Release – Withdrawal of acres in the Pactola Reservoir

- d. Proposed resolutions for BH Association of County Commissioners (BHACC) / SD Association of County Commissioners (SDACC)
 - 1. A resolution in support of amending current South Dakota State Laws § 12-4-5, 12-6-4, 12-6-8.1, 12-6-55, 12-7-1, 12-7-7, 12-8-8, and 12-19-2.1, that restrict certain election related filings to being done by 5:00 p.m.
 - 2. Any other directives for resolution preparation from the Board

21. Approval of the Vouchers - \$730,416.49

22. Items From Public (Speaker request form is required)

(A time for the members of the public to discuss or express concerns to the Board of Commissioners on policies and issues affecting County government and its function. Action will not be taken during this item on any issues brought forth that are not properly noticed. Speakers under this item will be recorded in the minutes by name and area of interest.)

23. Items From Planning & Zoning – 10:30 a.m.

UNCONTESTED HEARING(S):

- a. Planned Unit Development Overlay Review / PU 22-04: John and Tracy Wiebe. To review a Specialty Resort to include three tent spots, one tree house with living quarters, and a caretaker/manager's residence. *(Planning Commission recommended approval of the extension of Planned Unit Development Overlay / PU 22-04 with twenty-six (26) conditions)*
- b. Public Hearing of Rezone / RZ 23-06: Free Range Rentals, LLC; Davis Engineering - Agent. To rezone 7.2 acres from Agriculture District to Rural Residential District. *(Planning Commission recommended approval of Rezone / RZ 23-06)*

CONTESTED HEARING(S):

- c. Public Hearing of Comprehensive Plan Amendment / CA 23-05: Pink Cabin, LLC; KTM Design Solutions - Agent. To amend the Comprehensive Plan to change the Future Land Use from Suburban Residential District to Urban Residential District. *(Planning Commission recommended to continue Comprehensive Plan Amendment / CA 23-05 to the 6/20/23 BOC mtg)*
- d. Public Hearing of Rezone / RZ 23-08: Pink Cabin, LLC; KTM Design Solutions - Agent. To rezone 0.13 acre from Urban Residential District to Suburban Residential District. *(Planning Commission recommended to continue Rezone / RZ 23-08 to the 6/20/23 BOC mtg)*
- e. Ordinance Amendment / OA 23-01: Pennington County. To amend Section 319 Vacation Home Rental [to amend and supersede the existing Section 319 Vacation Home Rental] of the Zoning Ordinance. *(Planning Commission recommended the BOC send the proposed Ordinance Amendment and the proposed document presented by the SD Short-Term Rental Association back to the VHR Committee for review and comments.)*

24. Items From Chair/Commission Members

(A time for individual members to bring forth ideas or concerns to the full Board. Official action will not be taken on any items brought forth at this time. Direction may be given to bring items back before the Board for future consideration.)

25. Meetings/Committee Reports – Scheduled meetings by Commissioner

- TL – LEPC (Local Emergency Planning Committee), Planning Commission
- LL – WIR – Western Interstate Region Conference, Community Health Center Board, NACo/WIR Public Lands
- GD – Healthcare Trust Board, Elevate Board
- RR – PC Housing & Redevelopment, Community Health Center Board, NACo/WIR Public Lands
- DH – PC Housing & Redevelopment, Compensation Committee, Care Campus Board

26. Executive Session per SDCL 1-25-2

- a. Personnel Issue per SDCL 1-25-2(1)
 - Annual Department Head Evaluation(s)
- b. Contractual/Pending Litigation per SDCL 1-25-2(3)

27. Adjourn

**PENNINGTON COUNTY BOARD OF COMMISSIONERS
PROPOSED MEETING AGENDA
NOVEMBER 7, 2023
9:00 A.M.
COMMISSION CHAMBERS
COUNTY ADMINISTRATION BUILDING**



*Lloyd LaCroix, Chair, District 2
Ron Rossknecht, Vice Chair, District 1*

*Deb Hadcock, District 3
Travis Lasseter, District 4
Gary Drewes, District 5*

Agenda disclaimer: The preferred practice of the Board is to proceed thru the agenda in the order it is published. From time to time, agenda items may be disposed of quickly leaving a gap in the meeting agenda prior to the next advertised agenda item start time. To utilize time effectively in those circumstances, the Board may move items up on the agenda to fill those gaps.

*Welcome to the November 7th, 2023 Board of Commissioners Meeting.
Please silence cell phones, pagers and other electronic communication devices.
Agendas and speaker request forms are located at the back of the Chambers.*

1. Call to Order
2. Moment of Silent Reflection - To the men and women in uniform and their families... past, present and future; ***THANK YOU*** for your service to our great Country!
3. Pledge of Allegiance
4. Review and Approve Agenda
5. Veterans Recognition:
 - Pennington County Employees
 - Pennington County Veterans Service Office



The Board of Commissioners uses a **Consent Agenda** to act on non-controversial and routine items. The Consent Agenda is acted upon by one motion and vote of the Board. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of a Board member or a Citizen. The consent agenda contains the following items:

6. Minutes of the special meeting – October 11, 2023
7. Minutes of the regular meeting – October 17, 2023
8. To approve the second half 2023 budgeted operating transfers from the General Fund: E911 Fund \$432,310; Emergency Management Fund \$82,071; Fire Administration Fund \$37,950 (*AUD*)
9. To acknowledge the notice of intent to conduct a raffle – A Place for Meow Rescue (*COM*)
10. To acknowledge the notice of intent to conduct a raffle – Shoppin’ with a Sheriff (*COM*)
11. To acknowledge disinterment permit #1552464 (*COM*)
12. To approve the FFY24 METWARN Joint-funding Agreement 24NTJFA0037 with the US Geological Survey in the amount of \$44,725 (*EM*)

Pennington County fully subscribes to the Americans with Disabilities Act. If you desire to attend this public meeting and need accommodations, please notify the Commissioners’ Office at (605) 394-2171 at least 24 hours prior to the meeting so that appropriate services and auxiliary aids are available.



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13. Approval of the Memorandum of Understanding - Lawrence County Snow Removal (HWY)
14. Approval of Modification #1 to Black Hills National Forest Livestock Guard Agreement #23-RO-11020300-042 (HWY)

End of Consent Agenda

Regular Agenda Items:

15. Rapid City Area Air Quality Board Member appointment – Ms. Jacqueline Cross
16. Items From Auditor
 - a. Retail (on-off sale) Wine & Cider License(s) Renewals
 - b. Retail (on-off sale) Wine & Cider License Renewals - MG Oil
 - c. Package (off sale) Liquor License Renewal
 - d. Retail (on-sale) Liquor with Sunday Sales License(s) Renewals
17. Items From Fire Administration
 - a. Wasta Volunteer Fire Department Agreement and Donation Distribution
18. Items From Highway Department
 - a. Second Reading and Final Hearing of Ordinance 14 Amendment - Criteria for Constructing and Accepting Roads and Approaches onto the County Highway System and the County Secondary Highways, Hereinafter Referred to as “County Roads” (Cont. from 10/17/23 BOC mtg)
19. Items From Compensation Committee
 - a. County Employee Wage Study Update
20. Public Defender’s Office Funding and Location(s) – Legislative Study Results (Commissioner Lasseter)
21. Items from the Public per SDCL § 1-25-1 (Speaker request form is required)
(A time for the members of the public to discuss or express concerns to the Board of Commissioners on policies and issues affecting County government and its function. Action will not be taken during this item on any issues brought forth that are not properly noticed. Speakers under this item will be recorded in the minutes by name and area of interest.)
22. Items From Planning & Zoning – 10:30 a.m.

The Board of Commissioners uses a Consent Agenda to act on non-controversial and routine Planning and Zoning items. The Consent Agenda is acted upon by one motion and vote of the Board. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of a Board member or a Citizen. The Consent Agenda for Planning and Zoning contains the following items:

CONSENT AGENDA:

- a. Hardrock Mining Research Update

End of Consent Agenda

Regular Agenda Items:

UNCONTESTED HEARING(S):

- b. Major Planned Unit Development Amendment Review / PU 16-03: Dan and Nancy Evangelisto / Century Home Crafters, LLC; Century Land Holdings, LLC; and Summer Creek Inn, LLC. To review an existing Planned Unit Development to allow for a Specialty Resort Development to include uses, such as vacation home rentals, weddings, receptions, picnics, family reunions, single-family residences, bed and breakfast, storage, gift shop, spa, cabana, bistro, detached accessory structure with living quarters, duplex, etc., on the subject properties (*Planning Commission recommended approval of the review of Major Planned Unit Development Amendment / PU 16-03 with forty-five (45) conditions*)
- c. Public Hearing of Rezone / RZ 23-14: Adam and Jennifer Masters. To rezone from Agriculture District to Rural Residential District (*Planning Commission recommended approval of Rezone / RZ 23-14*)
- d. Public Hearing of Comprehensive Plan Amendment / CA 23-10: Tanner and Shannah Loeffen. To change the Future Land Use from Agriculture District to Suburban Residential District (*Planning Commission recommended approval of Comprehensive Plan Amendment / CA 23-10*)
- e. Public Hearing of Rezone / RZ 23-15: Tanner and Shannah Loeffen. To rezone from Agriculture District to Suburban Residential District. (*Planning Commission recommended approval of Rezone / RZ 23-15*)

CONTESTED HEARING(S):

- f. Planned Unit Development Overlay / PU 23-06: Horse Creek, LLC; Garret Kuchenbecker. To allow a Recreational Resort in a Commercial District (*Cont. from 11/17/23 BOC mtg*)
- g. Preliminary Plan / PPL 23-17: Dakota Land & Cattle. To create Lot 5R and Lot 6, Lot 7, Lot 8, and Lot 9 and Reservoir Lot 1 of Block 4 of The Ranch at Black Gap
- h. Public Hearing of Ordinance Amendment / OA 23-12: Pennington County. To amend Section 313 "Access Easements" [to amend and supersede the existing Section 313 "Access Easements"] of the Pennington County Zoning Ordinance
- i. Public Hearing of Ordinance Amendment / OA 23-01: Pennington County. To amend Section 319 Vacation Home Rental [to amend and supersede the existing Section 319 Vacation Home Rental] of the Pennington County Zoning Ordinance (*Cont. from 11/17/23 BOC mtg*)

23. Items From Chair/Commission Members

(A time for individual members to bring forth ideas or concerns to the full Board. Official action will not be taken on any items brought forth at this time. Direction may be given to bring items back before the Board for future consideration.)

24. Meetings/Committee Reports – Scheduled meetings by Commissioner

TL – No meetings scheduled.

LL – BH Council of Local Governments, MPO Executive Policy Committee, PLSC
Public Lands, Planning Commission, Extension/4-H Advisory Board, Complete
Health Center Board

GD – Healthcare Trust Board, Building Committee, MPO Executive Policy Committee,
Compensation Committee

RR – PC Housing & Redevelopment, Building Committee, BH Council of Local Governments, PLSC Public Lands, Complete Health Center Board
DH – PC Housing & Redevelopment
ALL – Gallantly Forward Gala, Pennington Conservation District Annual Banquet, County Legislative Forum

25. Approval of the Vouchers - \$449,972.34
26. Executive Session per SDCL 1-25-2
 - a. Personnel Issue per SDCL 1-25-2(1)
 - b. Contractual/Pending Litigation per SDCL 1-25-2(3)
27. Adjourn

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of November 7, 2023

The Pennington County Board of Commissioners met at 9:00 a.m. on Tuesday, November 7, 2023, in the Commission Chambers in the County Administration Building, Rapid City, South Dakota. Chair Lloyd LaCroix called the meeting to order with the following Commissioners present: Gary Drewes, Deb Hadcock, Travis Lasseter and Ron Rossknecht.

REVIEW AND APPROVE AGENDA

MOVED by Hadcock and seconded by Lasseter to approve the agenda as presented. Vote: Unanimous.

VETERANS RECOGNITION - PENNINGTON COUNTY EMPLOYEES AND PENNINGTON COUNTY VETERANS SERVICE OFFICE: No action taken.

CONSENT AGENDA ITEMS

MOVED by Lasseter and seconded by Drewes to approve the Consent Agenda as presented. Vote: Unanimous.

6. Minutes of the special meeting – October 11, 2023
7. Minutes of the regular meeting – October 17, 2023
8. To approve the second half 2023 budgeted operating transfers from the General Fund: E911 Fund \$432,310; Emergency Management Fund \$82,071; Fire Administration Fund \$37,950.
9. To acknowledge the notice of intent to conduct a raffle – A Place for Meow Rescue.
10. To acknowledge the notice of intent to conduct a raffle – Shoppin’ with a Sheriff.
11. To acknowledge disinterment permit #1552464.
12. To approve the FFY24 METWARN Joint-funding Agreement 24NTJFA0037 with the US Geological Survey in the amount of \$44,725.
13. Approval of the Memorandum of Understanding - Lawrence County Snow Removal.
14. Approval of Modification #1 to Black Hills National Forest Livestock Guard Agreement #23-RO-11020300-042.

RAPID CITY AREA AIR QUALITY BOARD MEMBER APPOINTMENT – MS. JACQUELINE CROSS: MOVED by Hadcock and seconded by Lasseter to appoint Ms. Jacqueline Cross to the Rapid City Area Air Quality Board for a term beginning November 7, 2023 and expiring August 31, 2025. Vote: Unanimous.

ITEMS FROM AUDITOR

A. **RETAIL (ON-OFF SALE) WINE & CIDER LICENSE(S) RENEWALS:** MOVED by Drewes and seconded by Rossknecht to approve the renewals of the Retail (on-off sale) Wine and Cider Licenses as presented and release upon payment of appropriate property taxes: BJ’s Country Store Hwy 16, Dvorak Convenience Stores, Inc; Dollar General Store #15207, Dolgen Midwest LLC; Hart Ranch Camping Resort, Hart Ranch Camping Resort Club Inc; Hart Ranch Golf Course, Hart Ranch Development Co; Mexico Tipico, Mexico Tipico LLC; Mt. Rushmore KOA, Recreational Adventures Co; Moonshine Gulch Saloon LLC, Moonshine Gulch Saloon LLC; Powder House

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Lodge, Powder House Lodge LLC; Reptile Gardens, Black Hills Reptile Garden Inc; Sick and Twisted Brewing Co, Winery Hill City LLC; Summer Creek Inn, Summer Creek Inn LLC; Under Canvas Inc, Under Canvas Inc. Vote: Unanimous.

B. RETAIL (ON-OFF SALE) WINE & CIDER LICENSE RENEWALS - MG OIL: MOVED by Hadcock and seconded by Lasseter to approve the renewal of the Retail (on-off sale) Wine and Cider License as presented and release upon payment of appropriate property taxes for Corner Pantry #21, MG Oil Company. Vote: The motion carried 4-0 with LaCroix abstaining.

C. PACKAGE (OFF SALE) LIQUOR LICENSE RENEWAL: MOVED by Rossknecht and seconded by Drewes to approve the renewal of the Package (off sale) Liquor License as presented and release upon payment of appropriate property taxes for Johnson Siding General Store, JSGS LLC. Vote: Unanimous.

D. RETAIL (ON-SALE) LIQUOR WITH SUNDAY SALES LICENSE(S) RENEWALS: MOVED by Drewes and seconded by Rossknecht to approve the renewals of the Retail (on-sale) Liquor with Sunday Sales licenses as presented and release the licenses upon payment of appropriate property taxes: Central States Fair, Central States Fair Inc; Country Store at Three Forks, Stelmach Oil, Inc; Diamond Spur Events LLC, Diamond Spur Events LLC; Mexico Tipico LLC, Mexico Tipico LLC; Moonshine Gulch Saloon LLC, Moonshine Gulch Saloon LLC; Mount Rushmore National Memorial, Xanterra Parks & Resorts Inc.; Pine Haven Venue & Lodging, R&J LLC; Powder House Lodge, Powder House Lodge LLC; Rimrock Happy Tavern, Rimrock Holdings LLC; Sally O'Malleys Pub & Casino, TNH LLC; Silver Dollar Saloon, Etho LLC; Sweet Grass Bed & Breakfast / Shipwreck Bar & Grill, Grade A Enterprises LLC; The Peak Grill & Tap Room; Sass LTD. Vote: Unanimous.

ITEMS FROM FIRE ADMINISTRATION

A. WASTA VOLUNTEER FIRE DEPARTMENT AGREEMENT AND DONATION DISTRIBUTION: MOVED by Lasseter and seconded by Hadcock to approve the Agreement between Pennington County and the Wasta Volunteer Fire Department for the donation of \$500,000.00 to construct a Fire Station and further move to authorize the Auditor's Office to issue payment. Vote: Unanimous.

ITEMS FROM HIGHWAY DEPARTMENT

A. SECOND READING AND FINAL HEARING OF ORDINANCE 14 AMENDMENT - CRITERIA FOR CONSTRUCTING AND ACCEPTING ROADS AND APPROACHES ONTO THE COUNTY HIGHWAY SYSTEM AND THE COUNTY SECONDARY HIGHWAYS, HEREINAFTER REFERRED TO AS "COUNTY ROADS": MOVED by Rossknecht and seconded by Hadcock to approve the Second Reading and Final Adoption of Ordinance 14 Amendment as presented. Vote: Unanimous.

ORDINANCE NUMBER FOURTEEN

CRITERIA FOR CONSTRUCTING AND ACCEPTING ROADS AND APPROACHES ONTO
THE COUNTY HIGHWAY SYSTEM AND THE COUNTY SECONDARY HIGHWAYS,
HEREINAFTER REFERRED TO AS "COUNTY ROADS"

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BE IT ORDAINED by Pennington County, South Dakota that Ordinance 14 be amended to read as follows:

Section 101 - Purpose:

- A. To establish the minimum criteria under which roads may be retained as part of or considered for placement on the "County Highway System" and "County Secondary Highways" as defined in Section 500.
- B. To ensure that County Roads serve the greatest number of people in the most equitable way within the County's resources.
- C. To provide minimum specifications for the construction of County Roads and approaches.

Section 102 - Policy:

- A. Consistent with the purposes stated above, the criteria set forth in Sections 201 and 202 will qualify a road for consideration for acceptance as a County Road but does not guarantee acceptance.
- B. The Board of Commissioners, with recommendations of the County Highway Department, reserves unto itself the determination of whether to add a road as a County Road or not, the appropriate classification of the road, and the priority level of maintenance on the road.

Section 103 - Procedure for Requesting Roads to be Designated as County Roads:

- A. An application requesting roads to be designated as County Roads can be submitted to the County Highway Superintendent. Requests will be complete and include information such as location, length of road, map or plat. Requests will state that the road meets or exceeds the specifications as stated in Sections 201 and 202. The Highway Department may request additional information including certification from contractors, engineers, suppliers and engineered plans that Section 201 and 202 requirements have been met. The request and the Highway Department's recommendations will then be forwarded to the Board of Commissioners for its consideration.
- B. Each application request requires a fee as defined in Section 700.

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Section 201 - Minimum Construction Standards and Specifications:

- A. Commencing with the effective date of this Ordinance, any road to be considered for acceptance as a County Road will meet the minimum construction standards and specifications as stated below and as shown on Exhibits “A” and “B” attached hereto. The owner(s) and or developer(s) are responsible for all costs associated with the construction of or improvement of roads as required.
- B. In the event the road is also subject to the provisions of the County Subdivision Ordinance, or lies within the extraterritorial area of a municipality, the road will also comply with any and all additional County/City standards and specifications as applicable.
- C. Road design will be consistent with the current published edition of the standards of the “American Association of State Highway Transportation Officials” (AASHTO). Road construction materials and construction methods will conform to the current published edition of the “Standard Specifications for Roads and Bridges” and “Local Roads”, South Dakota Department of Transportation.
 - 1. The minimum dedicated right-of-way width will be sixty-six feet (66’) for minor arterial roads. Minimum dedicated right-of-way for major arterial will be one hundred feet (100’).
 - 2. Maximum grade of any road or portion of road will not exceed twelve percent (12%) without the written permission from the County Highway Superintendent or designee.

Table 5-2. Maximum Grades for Local Roads in Rural Areas

Type of Terrain	U.S. Customary									
	Maximum Grade (%) for Specified Design Speed (mph)									
	15	20	25	30	35	40	45	50	55	60
Level	9	8	7	7	7	7	7	6	6	5
Rolling	12	11	11	10	10	10	9	8	7	6
Mountainous	17	16	15	14	14	13	12	10	10	-

Note: Short lengths of grade in rural areas, such as grades less than 500 ft (150 m) in length, one-way downgrades, and grades on low-volume roads (AADT less than 2,000 veh./day) may be up to 2 percent steeper than the grades shown in this table.

Table reference: 5.2.1.5 AASHTO 2018 EDITION
GEOMETRIC DESIGN OF HIGHWAYS AND STREETS

- 3. Maximum radius of curvature will follow Table 4-4 specifications.

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Table 4-4. Guidelines for Maximum Side Friction Factor and Minimum Radius
(New Construction, Design Volume \leq 250 veh/day, Limited Proportion of Heavy Vehicle Traffic)

U.S. Customary					
		Minimum Radius (ft), R_{min}			
		Max. Superelevation Rate (%), e_{max}			
Design Speed (mph)	Reduced Design Speed (mph)	Max. Design Side Friction Factor, f_{max}			
			4	6	8
10	10	.38	25	25	25
15	15	.32	40	40	40
20	15	.32	40	40	40
25	20	.27	85	80	75
30	20	.27	85	80	75
35	25	.23	155	145	135
40	30	.20	250	230	215
45	35	.18	370	340	315
50	40	.16	535	485	445
55	45	.15	710	645	585
60	50	.14	925	835	760

Table reference: 4.4.1.1 AASHTO 2019 Second Edition
Guidelines for Geometric Design of Low-Volume Roads

4. Crown rates will be 0.02 ft/ft on paved surfaces and 0.04 ft/ft on gravel surfaces. Maximum super elevation rate in curves will be 0.06 ft/ft on paved surfaces and 0.08 ft/ft on gravel surfaces.
5. Maximum in slope will be 4 to 1, preferred back slope is 3 to 1. Back slope will, under no conditions, be greater than 1 to 1.
6. Ditches will have a minimum depth of two feet (2') and a minimum flat bottom width of two feet (2').
7. Culverts will be sized to ensure proper drainage. Cross culverts on a roadway will be a minimum diameter of twenty-four inches (24").
8. Culverts will be sized to ensure proper drainage. Approaches to a roadway will use a minimum diameter of eighteen inches (18").
9. Dead end roads will have a turnaround matching minimum dimensions of Figure "2" and Tables "1-3" of Exhibit "A".

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10. Gravel surfacing will meet the requirements of “Part B. Section 260, Granular Bases and Surfacing” and “Section 882” of the current published edition of the “Standard Specification for Roads and Bridges”, South Dakota Department of Transportation.
11. Roads that have or will have 250 ADT (average daily traffic) or more should be paved.

Section 202 - Standards and Specifications for Asphalt Pavement/Concrete Pavement Roads:

- A. The design of pavement will be in compliance with Section 201 and the current published edition of the “AASHTO Guide for Design of Pavement Structures”.
- B. Pavement structure will be designed for the predicted traffic loading over a twenty (20) year performance period (minimum). Traffic can be represented by a number of eighteen thousand pound (18-kip) equivalent single axle loads (ESAL). The ESALs for the performance period represents the cumulative number from the time the roadway is opened to traffic to the time when the serviceability is reduced to a terminal value.
- C. The pavement structure will have a minimum of eight inches (8”) of granular base for residential. Commercial and industrial roads will have a minimum granular base of twelve inches (12”). The granular base will meet the requirements of “Part B. Section 260, Granular Bases and Surfacing” and “Section 882” of the current published edition of the “Standard Specification for Roads and Bridges”, South Dakota Department of Transportation.

In lieu of the above minimum requirements, the recommendations of a geotechnical report or engineered plans from a professional engineer may be considered.

Section 300 - Specifications for Approaches:

- A. Typical Approach Detail as shown on Exhibit “B” and listed below will be followed in the construction of approaches within public rights-of-ways under the jurisdiction of Pennington County. Road construction materials and methods will conform to the current published edition of the "Standard Specifications for Roads and Bridges", South Dakota Department of Transportation.
 1. Maximum grade on an approach will not exceed five percent (5%) within the right-of-way.
 2. Culverts will be sized to ensure proper drainage. The minimum size of culvert will be eighteen inches (18”) in diameter. Fifteen inches (15”) in diameter may

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be allowed under certain conditions with written approval from the County Highway Superintendent or designee. The minimum culvert length will be thirty feet (30').

3. Gravel surfacing will meet the requirements of "Part B. Section 260, Granular Bases and Surfacing" of the current published edition of the "Standard Specifications for Roads and Bridges", South Dakota Department of Transportation. The minimum depth will be four inches (4") with a minimum traveled roadway width of twenty feet (20') for residential and twenty-eight feet (28') for commercial and industrial up to the right-of-way line.
 4. Approaches will be constructed perpendicular, as practical, to the road.
 5. Only one (1) approach per residence will be allowed unless authorized by the County Highway Superintendent or designee.
 6. Additional approaches for commercial, industrial and agriculture will be reviewed on a case by case basis by the County Highway Superintendent or his designee.
 7. Sight distance of approaches will meet the standards in the current published edition of the AASHTO guide.
 8. Ditches and right-of-way will follow specifications set forth in Ordinance 11 for erosion control and seeding.
 9. Temporary approaches must be removed within one year of approach permit approval unless extension authorized by the County Highway Superintendent or designee upon written request of the applicant.
- B. Property owner(s) must obtain a written permit and approval from the County Highway Department for each approach. Property owner(s) must construct approach according to County specification and current policy, and is responsible for all costs associated with construction and maintenance. Refer to Section 700 for approach permit fees and surety deposit related to approach permits.

Section 400 - Exceptions to Standards and Specifications:

- A. The purpose of an exception is to modify strict application of the specific requirements of this Ordinance. An exception will only be granted in the case whereby such strict application would result in practical difficulty.
- B. Standards for granting an exception.

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1. The particular physical surroundings, shape or topographical conditions of the specific road involved would result in a particular hardship upon the owner(s) as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
 2. The granting of the exception will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the road is located.
 3. The proposed exception will not increase traffic congestion on the public roads, increase the danger of fire, endanger the public safety, and/or diminish or impair property values within the area.
 4. That because of circumstances or conditions, there is no possibility that the road can be developed in strict conformity with the provisions of the regulations and that the authorization of an exception is therefore necessary.
 5. That the exception, if authorized, will represent the minimum exception that will afford reasonable relief and will represent the least modification desirable of the regulations.
- C. Any person, firm or corporation desiring an exception in accordance with this Ordinance will make application for such request to the Highway Department.
- D. Upon the filing of any application for an exception, the applicant will pay to Pennington County the appropriate fee as defined in Section 700.
- E. All applications for an exception request under this Ordinance will be acted upon at a meeting of the Board of Commissioners. A favorable vote by a majority of the members of the Board of Commissioners will be required to approve each request.
- F. Appeals may be taken to the Circuit Court by any person or persons, jointly or severally, aggrieved by any decision of the Board of Commissioners, or any taxpayer, or any officer, department, board or bureau of the County, aggrieved by any decision of the Board of Commissioners, in the manner and form provided by the statutes of the State of South Dakota, in such cases made and provided.

Section 500 - Road Classifications and Designated Maintenance:

A. County Highway System

Definition:

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The County Highway System will be the principal or primary highway system of roads in Pennington County. This system of roads provides access to the major geographical areas in the County. Roads included in this definition must be designated by resolution or official motion of the Board of Commissioners and approved by the South Dakota Department of Transportation.

B. County Secondary Highways

Definition:

County Secondary Highways are those roads that connect to County Highway System, or in some cases connect to roads on the State Trunk System. Generally, County Secondary Highways provide access to large land areas not served by the County Highway System.

County Secondary Highways may provide access to, but not into, cities, towns, developments and unincorporated residential areas. All roads defined as County Secondary Highways will be designated by resolution or official motion by the Board of Commissioners and recorded in its minutes.

C. Maintenance Levels Defined

Full Maintenance: Roads will be maintained per County Highway Department policy to the best standard possible, within the Highway Department's budget and staffing considerations. All asphalt pavement/concrete pavement roads will be Full Maintenance. Full Maintenance gravel surfaced roads have an average daily traffic (ADT) count, as collected by County Highway Department staff, of more than 30 cars or 10 trucks. All roads with a bridge on the National Bridge Inventory will be Full Maintenance.

Minimum Maintenance: Road maintenance and snow removal will be determined by the Highway Department as budget and staffing allows. In general, gravel surfaces will be maintained twice a year. Mowing operations will occur twice a year. Snow removal will occur when amounts meet a six-inch (6") minimum. Minimum Maintenance roads have an average daily traffic (ADT) count, as collected by County Highway Department staff, of less than 30 cars or 10 trucks.

No Maintenance: Removal of man-made obstructions will occur.

Section 600 - Amendments:

- A. The Amendment of this Ordinance may be initiated by the Board of Commissioners under the provisions of South Dakota Codified Laws, Chapter 7-18A-2, or by

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individual citizens, or groups of citizens under the provisions of South Dakota Codified Laws 7-18A-9.

Section 700 – Schedule of Fees:

- Application request for County Road designation: \$2,500.00 due upon application.
- Approach permit fee: \$250.00 per approach due upon application. The County Highway Superintendent or his designee may waive the approach permit fee for second approach applications if both applications are submitted concurrently for the same parcel of land.
- Approach permit surety deposit: \$2,500.00 cash or cashier's check per approach required following initial inspection, at the time the permit is approved. Surety deposit will be refunded upon approved, final inspection. Temporary logging approaches associated with Black Hills National Forest Service active timber sales are exempt from the surety deposit.
- Exception request fee: \$500.00 due upon application.

Approved on this 7th day of November, 2023.

/s/ Lloyd LaCroix, Chair
Pennington County Board of Commissioners

ATTEST: (SEAL)
/s/ Cindy Mohler, Auditor

Preliminary Approval: February 5 & 19, 1980
First Reading: March 4, 1980
Second Reading: March 11, 1980
Third Reading: March 25, 1980
Fourth Reading: April 8, 1980
Fifth Reading: April 29, 1980 (adopted)

Amendment 1 First Reading: December 6, 1988
Amendment 1 Second Reading: December 19, 1988
Amendment 1 Effective: January 24, 1989

Amendment 2 First Reading: February 4, 1992
Amendment 2 Second Reading: February 26, 1992
Amendment 2 Third Reading: March 4, 1992
Amendment 2 Published: March 19, 1992
Amendment 2 Effective: April 9, 1992

Amendment 3 First Reading: April 5, 2005

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Amendment 3 Second Reading: May 10, 2005

Amendment 3 Published: May 25, 2005

Amendment 3 Effective: June 13, 2005

Amendment 4 First Reading: May 17, 2022

Amendment 4 Second Reading: June 10, 2022

Amendment 4 Third Reading: June 21, 2022

Amendment 4 Published: July 6 & 7, 2022

Amendment 4 Effective: July 27, 2022

Amendment 5 First Reading: October 3, 2023

Amendment 5 Second Reading: October 17, 2023 (Continued)

Amendment 5 Second Reading and Final Adoption: November 7, 2023

Amendment 5 Published: November 22 & 23, 2023

Amendment 5 Effective: December 13, 2023

ITEMS FROM COMPENSATION COMMITTEE

A. **COUNTY EMPLOYEE WAGE STUDY UPDATE**: Informational Only.

MOVED by Drewes and seconded by Rossknecht to suspend the rules and limit public comment to three minutes for the rest of the meeting. Vote: The motion carried 3-2 with Hadcock and Lasseter voting no.

PUBLIC DEFENDER'S OFFICE FUNDING AND LOCATION(S) – LEGISLATIVE STUDY RESULTS: Informational only.

ITEMS FROM PUBLIC: Jim Hayward – County buildings, taxes, wages, cost of living; James Bialota – Property taxes, civil rights violation, 2nd Amendment, County Administrator, property assessments, corruption, notice of intent to sue; Taffy Howard – County budget, transparency, Elevate Rapid City; Tony Rhodes – County Administrator, county services; Tina Mulally – County Administrator; Matthew Monfore – Voting machine issues, homelessness; Phil Jensen – Roads/bridges, property taxes, notice of future plans; Tonchi Weaver – Public service, County Administrator, separate public and private entities, transparency.

MOVED by Drewes and seconded by Lasseter to take a ten-minute recess. Vote: Unanimous.

ITEMS FROM PLANNING & ZONING

PLANNING & ZONING CONSENT AGENDA ITEMS

A. Removed for separate consideration.

End of Planning Consent Agenda Items

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A. HARDROCK MINING RESEARCH UPDATE: MOVED by Hadcock and seconded by Lasseter to accept the memo from the State's Attorney Office as presented. Vote: Unanimous.

UNCONTESTED HEARING(S)

B. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 16-03: Dan and Nancy Evangelisto / Century Home Crafters, LLC; Century Land Holdings, LLC; and Summer Creek Inn, LLC. To review an existing Planned Unit Development to allow for a Specialty Resort Development to include uses, such as vacation home rentals, weddings, receptions, picnics, family reunions, single-family residences, bed and breakfast, storage, gift shop, spa, cabana, bistro, detached accessory structure with living quarters, duplex, etc., on the subject properties.

Lot 3 and that 1/2 of private drive adjacent to said lot; Lot 4; Lot 7 and that 1/2 of private drive adjacent to said lot; Lot 10 and that 1/2 of private drive adjacent to said lot; Lot 11 and that 1/2 of private drive adjacent to said lot; Lot 12 and that 1/2 of private drive adjacent to said lot; Lot 13 and that 1/2 of private drive adjacent to said lot; Lot 14 and that 1/2 of private drive adjacent to said lot; Lot 15 and that 1/2 of private drive adjacent to said lot; Lot 16 and that 1/2 of private drive adjacent to said lot; Lot 17 and that 1/2 of private drive adjacent to said lot; Lot 18 and that 1/2 of private drive adjacent to said lot; Lot 19 and that 1/2 of private drive adjacent to said lot; Lot 20 and that 1/2 of private drive adjacent to said lot; Lot 21, Lot 22 and that part of private drive adjacent to said lot; Lot 23B and that 1/2 of private drive adjacent to said lot; Lot 27 and that 1/2 of private drive adjacent to said lot; Lot 28 and that 1/2 of private drive adjacent to said lot; Lot 29 and that 1/2 of private drive adjacent to said lot; Lot 30 and that 1/2 of private drive adjacent to said lot; Lot 31 and that 1/2 of private drive adjacent to said lot, Lot 32 and that 1/2 of private drive adjacent to said lot; Lot 33 and that 1/2 of private drive adjacent to said lot; Lot 34 and that 1/2 of private drive adjacent to said lot; Lot 35 and that 1/2 of private drive adjacent to said lot; Lot 36 and that 1/2 of private drive adjacent to said lot; Lot 37 and that 1/2 of private drive adjacent to said lot; Lot 41 and that 1/2 of private drive adjacent to said lot; Lot 42 and that 1/2 of private drive adjacent to said lot; Lot 43 and that 1/2 of private drive adjacent to said lot; Lot 44, Lot 45 and that 1/2 of private drive adjacent to said lot; all located in Custer Trails Subdivision #1, Section 22, T1N, R5E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve the review of Major Planned Unit Development Amendment / PU 16-03 with forty-five (45) conditions. Vote: Unanimous. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Planning & Zoning Office).

C. PUBLIC HEARING OF REZONE / RZ 23-14: Adam and Jennifer Masters. To rezone from Agriculture District to Rural Residential District.

Unplatted Balance SW1/4SE1/4 in Pennington County, Section 12, T2N, R4E, BHM, Pennington County, South Dakota.

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MOVED by Hadcock and seconded by Lasseter to approve Rezone / RZ 23-14. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On November 7, 2023, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 23-14 (Adam and Jennifer Masters) to rezone from Agriculture District to Rural Residential District.

MOVED by Drewes and seconded by Lasseter to combine Items D and E for discussion purposes and to vote on Items D and E separately. Vote: Unanimous.

D. PUBLIC HEARING OF COMPREHENSIVE PLAN AMENDMENT / CA 23-10: Tanner and Shannah Loeffen. To change the Future Land Use from Agriculture District to Suburban Residential District.

Lot 6C, Block 1, Cordes II Subdivision, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.

MOVED by Drewes and seconded by Rossknecht to approve Comprehensive Plan Amendment / CA 23-10. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On November 7, 2023, the Pennington County Board of Commissioners approved by resolution an amendment to the official Comprehensive Plan “View to 2040” – Comprehensive Plan Amendment 23-10 (Tanner and Shannah Loeffen) to change the Future Land Use from Agriculture District to Suburban Residential District.

E. PUBLIC HEARING OF REZONE / RZ 23-15: Tanner and Shannah Loeffen. To rezone from Agriculture District to Suburban Residential District.

Lot 6C, Block 1, Cordes II Subdivision, Section 14, T2N, R8E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Hadcock to approve Rezone / RZ 23-15. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

On November 7, 2023, the Pennington County Board of Commissioners approved an amendment to the official Zoning Map: Rezone 23-15 (Tanner and Shannah Loeffen) to rezone from Agriculture District to Suburban Residential District.

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of November 7, 2023

CONTESTED HEARING(S)

F. PLANNED UNIT DEVELOPMENT OVERLAY / PU 23-06: Horse Creek, LLC; Garret Kuchenbecker. To allow a Recreational Resort in a Commercial District.

Lot 17 Less Outlot 1 and Right-of-Way (also in Section 3) and Outlot 1 of Lot 17 and 30 feet Right-of-Way, all located in Saxon Placer MS 1250, Section 2, T1S, R8E, BHM, Pennington County, South Dakota.

MOVED by Rossknecht and seconded by Drewes to approve Planned Unit Development Overlay / PU 23-06 with twenty-four (24) conditions. Vote: Unanimous. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Planning & Zoning Office).

NOTICE OF FACT OF ADOPTION

On November 7, 2023, the Pennington County Board of Commissioners approved a Planned Unit Development Overlay for a Recreational Resort. Planned Unit Development Overlay 23-06 – Horse Creek, LLC; Garret Kuchenbecker.

G. PRELIMINARY PLAN / PPL 23-17: Dakota Land & Cattle. To create Lot 5R and Lot 6, Lot 7, Lot 8, and Lot 9 and Reservoir Lot 1 of Block 4 of The Ranch at Black Gap.

EXISTING LEGAL: Lot 5, Block 4, The Ranch at Black Gap of Section 8 and Water Lot Revised-2, The Ranch at Black Gap of Section 9, all located in T1S, R8E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 5R and Lot 6, Lot 7, Lot 8, and Lot 9 and Reservoir Lot 1 of Block 4 of The Ranch at Black Gap, Sections 8 and 9, T1S, R8E, BHM, Pennington County, South Dakota.

MOVED by Hadcock and seconded by Lasseter to approve Preliminary Plan / PPL 23-17 with eight (8) conditions. Vote: Unanimous. (Full conditions are available on the web at https://www.pennco.org/boc_agendas and in person at the Planning & Zoning Office).

H. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 23-12: Pennington County. To amend Section 313 “Access Easements” [to amend and supersede the existing Section 313 “Access Easements”] of the Pennington County Zoning Ordinance. MOVED by Drewes and seconded by Rossknecht to approve Ordinance Amendment / OA 23-12. Vote: Unanimous.

NOTICE OF FACT OF ADOPTION

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of November 7, 2023

On November 7, 2023, the Pennington County Board of Commissioners approved an amendment to the official Pennington County Zoning Ordinance: Ordinance Amendment 23-12. To amend Section 313 – Access Easements of the Pennington County Zoning Ordinance.

I. PUBLIC HEARING OF ORDINANCE AMENDMENT / OA 23-01: Pennington County. To amend Section 319 Vacation Home Rental [to amend and supersede the existing Section 319 Vacation Home Rental] of the Pennington County Zoning Ordinance.

MOVED by LaCroix and seconded by Drewes to amend Page 8, Item K.3. to \$250 every three years instead of \$1,000 every two years.

Substitute motion: MOVED by Hadcock and seconded by Lasseter to continue Ordinance Amendment / OA 23-01 to the November 21, 2023 meeting for clarification on conflict of interest. Vote: Unanimous.

APPROVAL OF VOUCHERS: MOVED by Hadcock and seconded by Lasseter to approve the vouchers entered below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment totaling \$449,972.34. Vote: Unanimous.

A & A Professional Property Management, 1,107.00; AT&T Mobility, 4,299.02; AT&T Mobility, 301.36; AT&T Mobility, 361.54; BH Electric Cooperative Inc, 136.96; BH Energy, 1,344.97; BH Energy, 181.63; BH Energy, 175.93; BH Energy, 529.49; Bluepeak, 119.95; Bluepeak, 1,454.38; Bluepeak, 297.56; Burnette Jr Arthur J., 510.00; Century Link, 162.08; City Of Hill City, 82.99; City Of Rapid City -Water, 25,365.59; City Of Rapid City -Water, 4,643.65; City Of Wall, 209.00; Delta Dental Of South Dakota, 41,255.18; Eagle Ridge Apartments Ii, 450.00; Executive Mgmt Fin Office, 46.50; Fidelity Security Life, 6,290.43; Global Tel'link, 4.34; Golden West Companies, 258.91; Kieffer Sanitation/A Waste Management Co, 4,905.80; Lakota Community Homes Inc, 973.00; Life Insurance Company Of North America, 2,815.88; Maplewood Townhouses, 459.00; Merrill Casey, 500.00; Midcontinent Communications, 2,422.45; Midcontinent Communications, 4,131.87; Midcontinent Communications, 864.34; Montana Dakota Utilities, 4,346.92; Montana Dakota Utilities, 669.20; Pennington County Housing & Redevelopment, 290.00; Pioneer Bank & Trust, 14,245.69; Pioneer Bank & Trust, 5,401.93; Pioneer Bank & Trust, 3,344.26; Pioneer Bank & Trust, 2,309.45; Rapid Valley Sanitary District, 85.31; Reliance Telephone Inc, 14.75; Reliance Telephone Inc, 3.25; Rollin Cash LLC, 510.00; Todd Properties LLC, 510.00; Travelodge - Rapid City, 420.00; Tzadik Lacrosse Apartments LLC, 360.00; Verizon Wireless, 1,149.00; Verizon Wireless, 657.18; Verizon Wireless, 258.82; Wellmark, 308,481.91; West River Electric, 253.87.

EXECUTIVE SESSION – SDCL 1-25-2

MOVED by Lasseter and seconded by Drewes to go into Executive Session pursuant to SDCL 1-25-2(1) for the purpose of discussing personnel matters and SDCL 1-25-2(3) for contractual/pending litigation. Vote: Unanimous. The Board remained in Executive Session from

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of November 7, 2023

12:37 p.m. until 2:57 p.m. MOVED by Rossknecht and seconded by Lasseter to come out of Executive Session. Vote: Unanimous.

MOVED by Lasseter and seconded by Rossknecht to authorize J. Anderson Davis to continue to represent Pennington County on legal matters associated with the National Opioid Litigation. Vote: Unanimous.

MOVED by Drewes and seconded by Lasseter to deny Joseph Miller, Highway Superintendent, request movement for DBM D62, Step 27 as HR intends to have all department head salary evaluations completed by end of January 2024. Vote: The motion carried 3-2 on a roll call: Drewes – yes; Hadcock – no; Lasseter – yes; Rossknecht – no; LaCroix – yes.

PAYROLL

Commissioners, 12,146.63; Elections, 8,166.00; Auditor, 14,853.35; Treasurer, 43,479.37; State's Attorney, 165,445.87; Public Defender, 89,428.33; Buildings & Grounds, 66,783.23; Equalization, 46,344.67; Register of Deeds, 15,829.18; IT, 29,876.40; Human Resources, 11,821.60; Sheriff, 303,463.08; Jail, 380,232.26; JSC, 133,140.48; JSC Juvenile Alternative, 3,165.66; CCADP, 124,370.19; Innovation Reentry Grant, 2,200.81; Economic Assistance, 40,124.58; Pivot Point, 5,071.01; Extension, 1,607.91; Natural Resources, 11,583.20; Planning & Zoning, 23,243.11; Road & Bridge, 156,579.06; Fire Administration, 5,734.40; Dispatch, 118,244.41; Emergency Management, 6,128.91; 24-7 Program, 3,795.22; MacArthur Safety & Justice, 3,939.95.

AUDITOR'S ACCOUNT OF THE TREASURER: To the Pennington County Board of Commissioners, I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer as of October 18, 2023: Total balances of checking/savings account, 16,949,980.51; Total balance of Treasurer's Office safe cash, 17,000.00; Wells Fargo Securities Investments, 17,815,874.59; Total Prime Value Investment, 68,860,624.60; Total petty cash, 17,690.00; NSF Checks, 1,445.86; Total long/short, (435.54); Total, 103,662,180.02. Submitted by Lori Wessel, Deputy Auditor.

PERSONNEL: Amounts listed are hourly, bi-weekly or per meeting depending on position.

Buildings & Grounds: Effective 10/29/2023: Davis Purcell, \$3,693.60; AnnDee Schmidt, \$21.74; Princess Thomas, \$15.13.

Care Campus: Effective 11/13/2023: Julian Gauna, \$19.41. Effective 11/27/2023: James Gentile, \$19.41.

Emergency Management: Effective 11/26/2023: Troy Blevins, \$22.25; Brooke Love, \$17.50.

Jail: Effective 11/13/2023: Natashja Armstrong, \$19.41; Faith Stoddard, \$19.41; Rachel Strom, \$24.30. Effective 11/27/2023: Mitchell Austin, \$24.55; Marcus Walton, \$24.55.

Planning & Zoning: Effective 11/12/2023: Jason Thuenissen, \$3,322.40.

Sheriff: Effective 10/29/2023: Mark Bartik, \$26.36; Ian Bridges, \$26.36; Thad Fitch, \$26.36; Michael Goeringer, \$26.36; Nicholas Kollias, \$26.36; Don Lampert, \$26.36; Jason Lind, \$26.36; Jonathan McCary, \$26.36; Kevin Sosa, \$26.36; Caleb Willard, \$26.36; Levi Woodard, \$26.36;

PENNINGTON COUNTY BOARD OF COMMISSIONERS
Meeting of November 7, 2023

Jonathan Zamora, \$26.36. Effective 11/26/2023: Kraig Wood, \$48.96. Effective 12/10/2023: Jason O’Cilka, \$38.11.

State’s Attorney: Effective 10/16/2023: Terri Anderson, \$21.74. Effective 11/27/2023: Robert Bennett, \$27.59.

WSDJSC: Effective 11/13/2023: Bradford Osborn, \$15.27. Effective 11/27/2023: Luke Bourne, \$24.55.

ADJOURN

MOVED by Lasseter and seconded by Hadcock to adjourn the meeting. Vote: Unanimous. The meeting was adjourned at 3:05 p.m.

/s/ Cindy Mohler, Auditor

Published once at an approximate cost of _____.

Publish: November 23, 2023



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MARTY J. JACKLEY
ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

July 31, 2024

Deb Hadcock
1203 Silverleaf Ave.
Rapid City, SD 57701

Travis Lasseter
PO Box 263
New Underwood, SD 57761

Re: In the Matter of Open Meeting Complaint 2024-07, Pennington County
Commissioners – Pennington County

Dear Ms. Hadcock and Mr. Lasseter,

This letter is to acknowledge receipt of an open meetings complaint filed by you against the Pennington County Commissioners. Lincoln County State's Attorney Office, Chief Civil Deputy Drew W. DeGroot forwarded the complaint to the Open Meetings Commission for its review. Enclosed is a copy of all the materials I have received. A copy of the complaint materials has also been submitted to the County Commission for their response. I have asked the County Commission to file a response no later than August 30, 2024. I have also requested that the County Commission mail you a copy of any response they file.

The Open Meetings Commission meets periodically and has not scheduled its next meeting. I will notify you of the date, time and location of the next Commission meeting.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Blair".

Steven R. Blair
Assistant Attorney General

SRB/jm

Enclosures

Cc w/o Encl: Lloyd LaCroix, Chair – Pennington County Commission
Drew W. DeGroot – Lincoln County State's Attorney Office

STATE OF SOUTH DAKOTA



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MARTY J. JACKLEY
ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

July 31, 2024

Lloyd LaCriox, Chair
Pennington County Commission
130 Kansas City St., Suite 100
Rapid City, SD 57701

Re: In the Matter of Open Meeting Complaint 2024-07, Pennington County
Commission – Pennington County

Dear Chair LaCriox,

I assist the South Dakota Open Meetings Commission with their duties. Lincoln County State's Attorney Chief Civil Deputy Drew DeGroot has forwarded to the Commission, pursuant to SDCL 1-25-6(3), a complaint concerning the Pennington County Commission. The complaint was signed by Deb Hadcock and Travis Lasseter. Enclosed is a copy of all the materials I have received.

If the County Commission wishes to file a response to the complaint, please send it to the above address on or before August 30, 2024. Please also send copies of any response to Deb Hadcock, 1203 Silverleaf Avenue, Rapid City, South Dakota 57701, Travis Lasseter, PO Box 263, New Underwood, South Dakota 57761, and to Lincoln County State's Attorney Chief Civil Deputy Drew DeGroot.

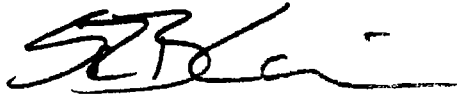
After I have received your response, all materials will be sent to the members of the Commission for their review. The Commission meets periodically and has not yet scheduled its next meeting. You will be given further notice of the meeting date, location, and time once the meeting has been scheduled.

July 31, 2024

Re: In the Matter of Open Meeting Complaint 2024-07, Pennington County Commission – Pennington County
Page 2

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "SRB", with a horizontal line extending to the right.

Steven R. Blair
Assistant Attorney General

SRB/jm
Enclosures

Cc w/o Encl: Deb Hadcock
Travis Lasseter
Drew W. DeGroot – Lincoln County State's Attorney Office

August 22, 2024

To: OFFICE OF ATTORNEY GENERAL / 1302 East Highway 14, Suite 1, Pierre, SD 57501-8501

From: Pennington County Chairman Lloyd LaCroix 605-545-4269

Attorney General

AUG 28 2024

Attention: Steven R. Blair Assistant Attorney General

Re: In the Matter of Open Meeting Complaint 2024-07, Pennington County Commissioners – Pennington county

Dear Assistant Attorney General Steven R. Blair,

I have been a Pennington County Commissioner for 7 years, was a Rapid City Councilman for 4 years previous and have good communications with our Attorneys in both positions. I have been in numerous Executive Sessions and this is the first time the executive session has been called into question.

I believe we followed the procedures of Executive Session under South Dakota State Law 1-25-2 as we motioned and voted to enter session under Codified Law 1-25-2 personnel. If at any time, there was a question or concern from individual commissioners or public our legal council Assistant Chief Deputy Attorney Jay Alderman made himself available to answer any concerns and attend most of the Executive Sessions since early June of 2023.

I believe the complaints are more internal disagreements on wage exceptions that were brought on from our local labor market, than procedure for executive session. We have done wage exceptions in executive session this way since I was elected 2017 and the two previous Chairs of the commission still serve on the commission.

Since this was an internal complaint Pennington County States Attorney Lara Roetzel deferred the complaint to Lincoln County States Attorney Chief Civil Deputy Drew DeGroot for investigation. I was surprised by the July 31, 2024 letter from the Office of Attorney General for response as myself and Ron Rossknecht were never interviewed by Drew DeGroot from Lincoln County and I was made aware that one of the complainants had more than one conversation with the investigator during the investigation.

I would respectfully ask the Open Meetings Commission to take comment from all who were present in the two meetings in question and that would be myself, Ron Rossknecht, Carol Bancroft and Jay Alderman.

I have attached the Executive Session Memos and our 2023 Executive Session Procedure for your review.

Respectfully,



Lloyd LaCroix, Pennington County Chair

Mailed 8/26/24
Blair ✓
Larseter
Hadrook
DeGroot



MEMORANDUM

DATE: June 6, 2023
FROM: Commissioner Deb Hadcock, District 3
TO: Board of Commissioners
Cc: Carol Bancroft, HR Director
RE: *Executive Session Item: Wage Review – Department Heads*

Commissioners - This is a request for a directive/consensus to continue the review of the compensation levels for our Department Head Team. With the recent adjustments made for several Elected Officials, I feel it is critical we have Carol continue the review to determine if any additional adjustments need to be made for our leadership team. This leadership group is critical to our operations and to the overall success of our employees and we must make sure we have the current data in order to make informed decisions going forward with compensation.

We are bringing this request for consensus in executive session as we are aware of the possible effect on the employee group of pulling out the Department Heads for a separate review and do not want to cause any undue concerns or misunderstandings.

Attached you will find a draft comparable report for the Department Head group recently prepared by Carol when the Elected Officials were being looked at. This is a good start however I would like to see additional information for each position including years of service, wage history, previous adjustments, etc.

The Compensation Committee is currently reviewing the employee group including the County's compensation philosophy, wage structure, related compensation policies and benefits.

At this time this request is just for the directive to continue the review for the Department Head group and to gather more information. No formal motion is required however I do request consensus from the Board for Carol to move forward with continuing the review and bring back the data. If it is determined adjustments are needed, they will be addressed separately by the Board.

Thank you for your consideration.



Executive Session Memo

DATE: November 7, 2023

FROM: Carol Bancroft, Human Resources Director

TO: Pennington County Board of Commissioners

CC: Joe Miller, Highway Superintendent

RE: Compensation Exception Request - Joe Miller, Highway Superintendent

Highway Superintendent Joe Miller is requesting a review of and exception to his and the Assistant Highway Superintendent compensation during his annual review.

As a reminder for the Board, the following definitions outline the different compensation processes:

- **Wage Study** - a process of analyzing the compensation paid to employees in an organization. It involves examining the pay structure, job descriptions, and market trends to determine if the organization is paying its employees fairly and competitively.
- **Market Analysis** - a process of evaluating the current market conditions to determine the viability of an organization's compensation structure, it involves analyzing salary and wage surveys to understand how an organization's compensation practices compare to those of similar organizations. Pay scale is based on relative sample size of median salary and wages for comparable positions in similar organizations.
- **Annual Review with Performance Steps** - a performance review is a regulated assessment in which managers assess an employee's work performance. It is a two-way, individualized conversation that aims to identify their strengths and weaknesses, offer feedback and assist with goal setting. A performance review is a critical component of a continuous performance management approach which benefits the employee, team, and the organization. A performance step(s) may be given to employees based on their skills and performance at work.

Pennington County compensation practices in 2023 and for 2024 provide an annual COLA with 1 step to all employees and Elected Officials.

Compensation adjustments are made for employees under *Policy 3.18 Compensation Administration* with relevant procedures for: New Hires, Promotions, Demotions, Transfers, and Performance Steps. (Refer to Attached Policy) Additionally, Board exceptions for consideration are requested for 3 types of circumstances: 1) internal compression concerns which have resulted from the Gallagher Wage Study, 2) as a result of business re-organization as approved by User Boards, and 3) new position creation based on business needs.

At the direction of the Board of Commissioners in Executive Session on June 6, 2023, I was assigned the task of completing a Department Head Wage Study and Market Analysis separate from the 2025 Wage Study for County Employees. Both of these studies and analyses are underway but have not been completed to date.

This information is respectfully being provided for your decision-making in the event the Board wants to make exception(s) to the current compensation practices.

Recommendation: It is my recommendation to the Board at this time to allow for the current Department Head Wage Study and Market Analysis to be completed before considering any compensation exceptions for Department Head level positions. This will allow for a complete and comprehensive analysis to be used as the foundation when considering any future adjustments and exceptions. It is important to have complete analysis to avoid future compression issues or other unintended consequences. It is my goal to have this completed by January 2024.

If the Board chooses to consider Joe Miller's request for compensation exceptions at this time, I am unable to recommend the exceptions be granted at the DBM and Steps being requested for both the Highway Superintendent and Assistant Highway Superintendent. An initial review indicates the positions are placed at the correct DBM and compensated appropriately based on the current position descriptions in place, the years of service completed, and the current status of the remaining Department Heads and DBM C44 positions.

Attached as reference are internal comparisons for the DBM C44 positions and an internal comparison for Department Head salaries.

I am happy to answer any questions you may have concerning this data and my recommendation.

Thank you,

A handwritten signature in cursive script that reads "Carol Bancroft".

Carol Bancroft
Human Resources Director

Name	Department	Position	DBM Rating	Step	Year of Service in Position with PennCo	Years of Service with PennCo	Total Career Years in level of current position	2023 Annual Salary	2024 Annual Salary
Laura Dowdy	TR	Chief Deputy	C44	1	0	11	0	\$ 74,339	\$ 78,242
George Grassby	SAO	Senior Deputy State's Attorney	C44	12	0	0	0	\$ 85,238	\$ 89,713
Brittany Cook Olesen	PDO	Senior Deputy Public Defender	C44	12	1	4	1	\$ 85,238	\$ 89,713
Jason Thomas	SAO	Senior Deputy State's Attorney	C44	12	1	1	1	\$ 85,238	\$ 89,713
Lori Goad	PDO	Senior Deputy Public Defender	C44	12	1	5	1	\$ 85,238	\$ 89,713
Matthew Mirabella	PDO	Senior Deputy Public Defender	C44	12	1	4	1	\$ 85,238	\$ 89,713
Megan Krueger	SAO	Senior Deputy State's Attorney	C44	12	1	4	1	\$ 85,238	\$ 89,713
Olivia Siglin	SAO	Senior Deputy State's Attorney	C44	12	1	3	1	\$ 85,238	\$ 89,713
Sean Smith	Hwy	Assistant Superintendent	C44	12	2	3	2	\$ 85,238	\$ 89,713
Evan Hoel	PDO	Senior Deputy Public Defender	C44	13	1	5	1	\$ 86,299	\$ 90,830
Candice Lucklum	SAO	Senior Deputy State's Attorney	C44	14	2	4	2	\$ 87,381	\$ 91,968
Ole Olesen	PDO	Senior Deputy Public Defender	C44	14	2	6	2	\$ 87,381	\$ 91,968
Alex Purcell	HHS	Assistant Director-HHS	C44	14	4	10	4	\$ 87,381	\$ 91,968
Brenda Dahlke	HHS	Assistant Director-HHS	C44	16	2	22	2	\$ 89,586	\$ 94,289
Martha Rossiter	PDO	Senior Deputy Public Defender	C44	16	3	6	3	\$ 89,586	\$ 94,289
Alexandra Weiss	SAO	Senior Deputy State's Attorney	C44	17	3	7	3	\$ 90,688	\$ 95,449
Mike Iversen	IT	Assistant Director-IT	C44	17	5	10	5	\$ 90,688	\$ 95,449
Roxanne Hammond	SAO	Senior Deputy State's Attorney	C44	18	3	3	3	\$ 91,832	\$ 96,653
Daniel Leon	PDO	Senior Deputy Public Defender	C44	18	6	10	6	\$ 91,832	\$ 96,653
Paul Pietz	PDO	Senior Deputy Public Defender	C44	18	6	7	6	\$ 91,832	\$ 96,653
Angela Shute	SAO	Senior Deputy State's Attorney	C44	20	4	7	4	\$ 94,141	\$ 99,083
Holli Hennies	Comm	Commission Mngr	C44	20	14	14	14	\$ 94,141	\$ 99,083
Kevin Burton	B&G	Construction Manager	C44	21	2	2	23	\$ 95,326	\$ 100,331
Stephanie Olson	911/User Board	Deputy Director	C44	22	5	25	5	\$ 96,512	\$ 101,579
Tedd Ruffledt	911/User Board	Deputy Director	C44	24	8	33	8	\$ 98,945	\$ 104,140
Bryan Andersen	PDO	Senior Deputy Public Defender	C44	27	6	23	6	\$ 102,690	\$ 108,081
Roxanne Erickson	SAO	Senior Deputy State's Attorney	C44	33	4	21	4	\$ 110,635	\$ 116,444

Name	Department	Position	DBM Rating	Step	Years of Service in Position	Years of Service with PennCo prior to promotion	Total Career Years in level of current position	2023 Annual Salary	2024 Annual Salary
Shannon R	EQ	Director	C45	23	8	2	8	\$ 106,038	\$ 111,605
Davis P	B&G	Director	D61	11	0	0	5	\$ 91,874	\$ 96,697
Brittney M	P&Z	Director	D61	15	4	11	4	\$ 100,922	\$ 106,220
Scott G	Nat Res	Director	D61	15	25	0	25	\$ 100,922	\$ 106,220
Carol B	HR	Director	D62	13	1	0	32	\$ 102,544	\$ 107,928
Joe M	HWY	Superintendent	D62	15	5	0	5	\$ 105,123	\$ 110,642
Laurie W	IT	Director	D62	19	8	13	8	\$ 110,490	\$ 116,290
Barry T	HS	Director	D62	19	9	9	9	\$ 110,490	\$ 116,290
Eric W	Pub Def	Public Defender	D64	24	10	0	10	\$ 129,938	\$ 136,759

EXECUTIVE SESSION PROCEDURE AS OF DECEMBER 2022:

SDCL § 1-25-2. Executive or closed meetings--Purposes--Authorization--Violation as misdemeanor.

Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:

- a. Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;
- b. Emergency management or response;
- c. Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed
- d. Cyber security plans, computer or communications network schema, passwords, or user identification names
- e. Guard schedules;
- f. Lock combinations; and
- g. Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and
- h. Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a Class 2 misdemeanor.

Source: SL 1965, ch 269; SL 1980, ch 24, § 10; SL 1987, ch 22, § 1; SL 2014, ch 90, § 2; SL 2019, ch 2, § 1; SL 2022, ch 4, § 2.

All materials for an Executive Session item are to be submitted to the Commission Office for placement on the agenda.

- ***If the executive session item is for (1) personnel, the materials submitted should also be sent to Human Resources (HR) and the Auditor's Office (Payroll) if dealing with wages.***

All materials submitted for discussion under Executive Session will be marked as **Confidential** and as 'Executive Session Materials' in the Board's meeting packet and will not be included in the public packet.

EXECUTIVE SESSION PROCEDURE AS OF DECEMBER 2022:

(1) Personnel Items:

(An Executive Session under *personnel* is used to discuss a specific employee(s) and their qualifications and/or challenges. It is not to be used to discuss a position.)

- All *personnel* documents for Executive Session must be routed thru HR prior to submission to the Commission Office for placement on the agenda. HR will work with the requesting Department and Payroll for proper preparation to ensure all information required is included.
 - The following documentation is required for a Compensation Exception request:
 - Compensation Request Form
 - Employee Data Sheet:
 - Employee name, position title, hire date
 - Current wage information (DBM/Step)
 - Proposed new wage information (DBM/Step)
 - Complete wage history for employee
 - Job description (current or proposed)
 - Department Organizational Chart
- HR will present the current wage scale and a recommendation for approval or denial to the Board for their consideration including, but not limited to, potential compression impact across the band including data for all other employees in the same position, market data, other potential County impacts, etc.
- The Department Head and/or representative must present the request to the Board. A representative from HR will also be present during the executive session discussion.
- The Board will return to open session to make the proper motions with HR's assistance if deemed appropriate.
 - A proper motion must include the following: *Name, DBM/Step, rate and effective date.*
 - Example: Move to place [Employee name] at DBM B24, Step 16, \$29.30/hr., effective Oct. 31, 2021.
 - If the employee is an hourly employee – include the hourly rate.
 - If the employee is an exempt employee - use the bi-weekly rate.

(3) Pending Litigation or Contractual Matters:

All materials for pending litigation or contractual matters must be accompanied by a memo explaining the item/situation and what action is being asked of the Board.

*All Departments are strongly encouraged to work with the States Attorney Office prior to requesting placement on the agenda for Executive Session for pending litigation or contractual.

Materials submitted will be provided to the SAO in their meeting packet.

EXECUTIVE SESSION PROCEDURE AS OF DECEMBER 2022:

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to the items listed.

All materials discussing information pertaining to the protection of public or private property must be accompanied by a memo explaining the item/situation and what action is being asked of the Board.

Materials submitted for Executive Session under subsection (6) fall under SDCL 1-27-1.5 (8) and (17) are considered records that are not open to public inspection and copying.

Materials submitted will be provided to the SAO in their meeting packet.

EXECUTIVE SESSION PROCEDURE AS OF OCTOBER 2023:

The Pennington County Board of Commissioners may enter into Executive Session for any of the following three (3) reasons under South Dakota Codified Law:

SDCL § 1-25-2. Executive or closed meetings--Purposes--Authorization--Violation as misdemeanor.

Executive or closed meetings may be held for the sole purposes of:

- (1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;
- (3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;
- (6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:
 - a. Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;
 - b. Emergency management or response;
 - c. Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed
 - d. Cyber security plans, computer or communications network schema, passwords, or user identification names
 - e. Guard schedules;
 - f. Lock combinations; and
 - g. Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and
 - h. Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a Class 2 misdemeanor.

Source: SL 1965, ch 269; SL 1980, ch 24, § 10; SL 1987, ch 22, § 1; SL 2014, ch 90, § 2; SL 2019, ch 2, § 1; SL 2022, ch 4, § 2.

(1) Personnel Items:

*(An Executive Session under **Personnel** is used to discuss **a specific employee(s)** and their qualifications and/or challenges. It is not to be used to discuss a position or for group compensation policy exceptions.)*

*** NOTE:** Documentation must be prepared for each individual employee a compensation policy exception is being requested for. Group exceptions (larger than 6 employees) can be prepared together as one packet.

EXECUTIVE SESSION PROCEDURE AS OF OCTOBER 2023:

- **Personnel** related documents for **compensation policy exceptions** must be routed thru the Auditor's Office and Human Resources (HR) prior to submission to the Commission Office for placement on the agenda. **The deadline for submission to the Auditor and HR is Monday at 12 p.m. (noon) prior to the Wednesday Commission agenda deadline.** The Auditor and HR will review the documents and work with the requesting Department and Payroll for proper preparation to ensure all of the information required is included and formatted properly.
- The following documentation is required for a compensation policy exception request:
 - Compensation Request Form
 - Employee Data Sheet:
 - Employee name, position title, hire date
 - Current wage information (DBM/Step)
 - Proposed new wage information (DBM/Step)
 - Complete wage history for employee
 - Job description (current or proposed)
 - Department Organizational Chart
- HR will present the current wage scale and a written recommendation for approval or denial to the Board for their consideration in executive session including, but not limited to, potential compression impact across the band including data for all other employees in the same position, market data, other potential County impacts, etc.
- The Department Head and/or representative must present the exception request to the Board in executive session. A representative from HR will also be present during the executive session discussion.
- The Board will return to open session to make the proper motions with HR's assistance if deemed appropriate.
 - A proper motion must include the following: *Name, DBM/Step, rate and effective date.*
 - Example: Move to place [Employee name] at DBM B24, Step 16, \$29.30/hr., effective Oct. 31, 2021.
 - If the employee is an hourly employee – include the hourly rate.
 - If the employee is an exempt employee - use the bi-weekly rate.

(3) Pending Litigation or Contractual Matters:

All materials for pending litigation or contractual matters must be accompanied by a memo explaining the item/situation and what action is being asked of the Board.

*All Departments are strongly encouraged to work with the States Attorney Office prior to requesting placement on the agenda for Executive Session for pending litigation or contractual.

Materials submitted will be provided to the SAO in their meeting packet marked as '**Confidential**' and as '**Executive Session Materials**'.

EXECUTIVE SESSION PROCEDURE AS OF OCTOBER 2023:

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to the items listed.

All materials discussing information pertaining to the protection of public or private property must be accompanied by a memo explaining the item/situation and what action is being asked of the Board.

Materials submitted for Executive Session under subsection (6) fall under SDCL 1-27-1.5 (8) and (17) are considered records that are not open to public inspection and copying.

Materials submitted will be provided to the SAO in their meeting packet.

EXECUTIVE SESSION DOCUMENTS:

All materials for an Executive Session item are to be submitted to the Commission Office for placement on the agenda once review has been completed by the Auditor's Office, Human Resources and/or the State's Attorney if applicable.

*All materials submitted for a qualifying Executive Session item will be marked as **Confidential** and as **'Executive Session Materials'** in the Board's meeting packet and will not be included in the public packet.*

EXECUTIVE SESSION PROCEDURE AS OF JANUARY 2024:

The Pennington County Board of Commissioners may enter into closed or executive session under South Dakota Codified Law § 1-25-2. Executive session is permissive and the Board will determine whether or not they will take items under consideration in executive or closed session or out in open session in public.

SD State law allows for executive or closed session for the following three purposes:

Executive or closed meetings may be held for the sole purposes of:

- (1) Discussing the qualifications, competence, performance, character or fitness of any *public officer or employee* or prospective public officer or employee. The term, employee, does not include any independent contractor;
- (3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;
- (6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:
 - a. Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;
 - b. Emergency management or response;
 - c. Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed
 - d. Cyber security plans, computer or communications network schema, passwords, or user identification names
 - e. Guard schedules;
 - f. Lock combinations; and
 - g. Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and
 - h. Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a Class 2 misdemeanor.

Source: SL 1965, ch 269; SL 1980, ch 24, § 10; SL 1987, ch 22, § 1; SL 2014, ch 90, § 2; SL 2019, ch 2, § 1; SL 2022, ch 4, § 2.

EXECUTIVE SESSION PROCEDURE AS OF JANUARY 2024:

Pennington County's internal procedure for handling executive session items is as follows:

(1) **PERSONNEL ITEMS:**

An Executive Session under **Personnel** is used to discuss **a specific employee(s)** and their qualifications, competence, performance, character or fitness. This includes compensation exception requests for specific individuals.

*It is not to be used to discuss a job position or for group compensation exception requests.

Group compensation exception requests: Group exception requests will be placed on the regular agenda and discussed in public as it does not qualify for executive session.

Example: Re-grading or moving all positions such as correctional officers, mechanics, etc.

TIMELINE FOR SUBMISSION

- **Personnel** related documents for compensation exceptions must be routed through the Auditor's Office and Human Resources (HR) **PRIOR** to submission to the Commission Office for placement on the agenda. **The deadline for submission to the Auditor and HR is Monday at 12 p.m. (noon) prior to the Wednesday Commission agenda deadline.** The Auditor and HR will review the documents and work with the requesting Department and Payroll for proper preparation to ensure all of the information required is included and formatted properly.

DOCUMENTATION REQUIRED

Documentation must be prepared for each individual employee a compensation exception is being requested for. The documentation is marked confidential and is only provided to the Auditor, HR and the Board.

Documentation for an **individual** compensation exception requests must include the following:

- Compensation Exception Request Form
- Employee Data Sheet:
 - Employee name, position title, hire date
 - Current wage information (DBM/Step)
 - Proposed new wage information (DBM/Step)
 - Complete wage history for employee
- Position description (current or proposed)
- Department Organizational Chart

Item of note: Only one copy of the Position Description and/or Department Organizational Chart is needed if it applies to multiple requests.

The documentation for **group exceptions** can be prepared together as one packet and will be made public. Documentation for **group exceptions** must include the following:

- Compensation Exception Request Form

EXECUTIVE SESSION PROCEDURE AS OF JANUARY 2024:

- A list of the affected employees including their name, position title, hire date, current wage information (DBM/Step), and proposed new wage information (DBM/Step)

HR will present the current wage scale and a written recommendation for approval or denial to the Board for their consideration. The recommendation will contain, but is not limited to, potential compression impact across the band including data for all other employees in the same position, market data, other potential County impacts, etc.

MOTION FORMAT

- All proper motions must include the following at a minimum: *Name, DBM/Step, rate and effective date.*
 - If the employee is an hourly employee – include the hourly rate.
 - If the employee is an exempt employee - use the bi-weekly rate.

Example 1: Move to place [Employee name] at DBM B24, Step 16, \$29.30/hr., effective Oct. 31, 2021.

Example 2: Move to grant the compensation policy exception request and rehire [Employee name] at DBM C44, Step 17, \$3,627.20 bi-weekly, effective [insert hire date].

BOC CONSIDERATION

- For group exception requests, the Elected Official, Department Head and/or Representative must present the request to the Board in open session as a regular agenda item.
- For individual exception requests, the Elected Official, Department Head and/or Representative must present the request to the Board in executive session. A representative from HR will also be present during the executive session discussion.
 - The Board will return to open session to make the proper motions with HR's assistance if necessary.

(3) PENDING LITIGATION OR CONTRACTUAL MATTERS:

DOCUMENTATION REQUIRED

All materials for pending litigation or contractual matters must be accompanied by a memo at a minimum explaining the item/situation and what action is being asked of the Board.

*All Departments are strongly encouraged to work with the States Attorney Office prior to requesting placement on the agenda for Executive Session for pending litigation or contractual.

Materials submitted to the Commission Office will be provided to the SAO and the Board in their meeting packets marked as '**Confidential**' and as '**Executive Session Materials**'.

EXECUTIVE SESSION PROCEDURE AS OF JANUARY 2024:

(6) DISCUSSING INFORMATION PERTAINING TO THE PROTECTION OF PUBLIC OR PRIVATE PROPERTY AND ANY PERSON ON OR WITHIN PUBLIC OR PRIVATE PROPERTY SPECIFIC TO THE ITEMS LISTED.

DOCUMENTATION REQUIRED

All materials discussing information pertaining to the protection of public or private property must be accompanied by a memo at a minimum explaining the item/situation and what action is being asked of the Board.

Materials submitted for Executive Session under subsection (6) fall under SDCL 1-27-1.5 (8) and (17) are considered records that are not open to public inspection and copying.

Materials submitted to the Commission Office will be provided to the SAO and the Board in their meeting packets marked as '**Confidential**' and as '**Executive Session Materials**'.

EXECUTIVE SESSION DOCUMENTS:

All materials for an Executive Session item are to be submitted to the Commission Office for placement on the agenda once review has been completed by the Auditor's Office, Human Resources and/or the State's Attorney if applicable. The final deadline for agenda submission is 4:00 p.m. the Wednesday prior to a regularly scheduled Commission Meeting.

*Materials submitted for a qualifying Executive Session item will be marked as **Confidential** and as '**Executive Session Materials**' in the Board's meeting packet and will not be included in the public packet. The State's Attorney does not receive (1) Personnel related documents.*

Group compensation exception requests are not confidential and will be included in the public packet.



Compensation Exception Request

Documentation required for Executive Session:

- *Compensation Request Form*
- *Employee(s) Data Sheet: Name, position title, hire date, current DBM/Step & wage, proposed DBM/Step & wage, complete employee wage history*
- *Job Description (Current or proposed)*
- *Department Organizational Chart*

Compensation Request Form

BOC Meeting Date: Click or tap to enter a date.

Dept./Requestor: Click or tap here to enter text.

Wage Exception Request Description:

Click or tap here to enter text.

Reasoning and Data Source:

Click or tap here to enter text.

of Employees Impacted: Click or tap here to enter text.

Total Annual Budget \$ Impact: Click or tap here to enter text.

Proposed effective date: Click or tap to enter a date.

Will you absorb the cost within your approved budget? Yes No

If no, how will you cover the cost? Click or tap here to enter text.

Proposed Motion:

(Motion must include the employee name, DBM & Step, \$ rate and the effective date.)

Click or tap here to enter text.



Compensation Exception Request

Employee Data Sheet

Employee Name: Click or tap here to enter text.

Position Title: Click or tap here to enter text.

Hire Date: Click or tap to enter a date.

Current DBM, Step and Wage: Click or tap here to enter text.

Proposed DBM, Step and Wage: Click or tap here to enter text.

Complete employee wage history: *(Insert wage history since hire date with effective dates)*

<i>Example:</i> Revision	Effective Date	DBM	Step	Hourly Rate	Bi-Weekly Wage/Salary
1	12/27/2020	C44	3	35.90	\$2,872.00
2	1/2/2022	C44	3	36.44	\$2,915.20
3	6/26/2022	C44	6	39.53	\$3,162.40
4	12/25/2022	C44	14	42.01	\$3,360.80

Employee Name: Click or tap here to enter text.

Wage History:

Click or tap here to enter text.

Lloyd LaCroix
PO Box 616D
Rapid City, SD 57709

Attorney General

AUG 28 2024

Office of Attorney General
Attn: Steven R. Blair
1302 East Highway 14, Ste. #1
Pierre, SD 57501-8501

K Croix

6160
y, SD 57709

Attorney General

AUG 28 2024

Office of Attorney General
Attn: Steven R. Blair
1302 East Highway 14, Ste. #1
Pierre, SD 57501-8501

Ron Rossknecht
Pennington County Commissioner District #1
Pennington County Administration Office
130 Kansas City Street
Rapid City, South Dakota 57701

Attorney General

AUG 29 2024

Steven Blair - Assistant Attorney General
Attorney General's Office
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501

August 26, 2024

Re: Open Meeting Complaint 2024-07, Pennington County Commissioners

Dear Mr. Blair,

I'm echoing off of Pennington County Commissioner Lloyd LaCroix's response dated August 22nd, 2024, relative to the response of the purported Open Meeting Complaint 2024-07 filed by Commissioners Hadcock and Lasseter claiming our commission knowingly and purposely violated the procedures of Executive Session under South Dakota Codified Law 1-25-2.

I have served as a Pennington County Commissioner for five plus years doing my very best to respond to the various needs of the taxpayers of Pennington County as well as operating my commercial real estate appraisal company and our summer report located on Sheridan Lake. I will be the first to admit, that I do not know all there is to South Dakota law and procedures, however, if there are two commissioners who claim they do, I suggests it was/is their duty as county commissioners to point out any discrepancies in procedures and provide the guidance needed to follow such statues instead of laying blame on those of us who are trying our best as public servants in providing the services promised to our constituents and the citizens of South Dakota when we ran for office.

Furthermore, it is my belief that there was no "*Intent*" or "*Prejudice*" by myself or Commissioner LaCroix relative to violating any South Dakota statutes relative to the Open Meeting Laws of South Dakota. I further believe we need to take a closer look at the lack of transparency and communication between the commissioners partly triggered by different views and opinions. This is where I believe the focus should be on going forward opposed to laying blame on us who choose to run for public office and took an oath doing so. I'm available for any questions you may have going forward.

Respectfully,



Ron Rossknecht
Pennington Vice County Chair
(605) 391-1162

Ron Rossknecht
Pennington County Commissioner District #1
Pennington County Administration Office
130 Kansas City Street
Rapid City, South Dakota 57701

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

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

Phone (605) 773-3215

Fax (605) 773-4106

<http://atg.sd.gov>

MARTY J. JACKLEY
ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

October 21, 2024

Deb Hadcock
1203 Silverleaf Ave.
Rapid City, SD 57701

Travis Lasseter
PO Box 263
New Underwood, SD 57761

Lloyd LaCriox, Chair
Pennington County Commission
130 Kansas City St., Suite 100
Rapid City, SD 57701

Re: In the Matter of Open Meeting Complaint 2024-07, Pennington County
Commission – Pennington County

Dear Ms. Hadcock, Mr. Lasseter & Mr. LaCriox,

Enclosed please find a Notice of Hearing regarding the above referenced open meetings complaint. Also enclosed, please find a courtesy copy of the proposed agenda for the Commission's November 25, 2024 meeting. As you can see from the agenda, presentations regarding complaints will begin at 9:00 a.m. central time, or as soon thereafter as matters may be heard.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "SRB".

Steven R. Blair
Assistant Attorney General

SRB/jm
Enclosure

STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2024-07
MEETINGS COMPLAINT AGAINST)	
PENNINGTON COUNTY)	NOTICE OF HEARING
COMMISSION – PENNINGTON)	
COUNTY)	

TO: Deb Hadcock 1203 Silverleaf Avenue, Rapid City, SD 57701; Travis Lasseter, PO Box 263, New Underwood, South Dakota 57761; and Lloyd LaCriox, Chair, Pennington County Commission, 130 Kansas City St, Suite 100, Rapid City, SD 57701:

Please take notice that a hearing regarding the above referenced open meetings complaint will be held before the South Dakota Open Meetings Commission, at the Matthews Training Center – Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota, on Monday, November 25, 2024. Oral presentations regarding pending complaints will commence at 9:00 a.m. central time, or as soon thereafter as matters may be heard, and proceed in the order noted in the attached agenda.

Dated this 21st day of October, 2024.



Steven R. Blair
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501
Telephone: (605) 773-3215

SOUTH DAKOTA OPEN MEETINGS COMMISSION

AGENDA

Matthews Training Center – Foss Building
523 E. Capitol Avenue
Pierre, South Dakota 57501

November 25, 2024
9:00 a.m. Central Time

1. Approval of the Agenda
2. Public Comment period as per SDCL 1-25-1
3. Consideration of Pending Complaints

A. In the Matter of Open Meeting Complaint 2024-06 Carlyle Township

Oral Presentations:

Complainants Terry and Todd Koerner -15 minutes (a portion of this time may be reserved for rebuttal)

Carlyle Township -15 minutes

B. In the Matter of Open Meeting Complaint 2024-07 Pennington County Board of Commissioners

Oral Presentations:

Complainants Deb Hadcock and Travis Lasseter -15 minutes (a portion of this time may be reserved for rebuttal)

Pennington County Board of Commissioners -15 minutes

C. In the Matter of Open Meeting Complaint 2024-08 Sturgis City Council

Oral Presentations:

Complainant Tammy Bohn -15 minutes (a portion of this time may be reserved for rebuttal)

Sturgis City Council -15 minutes

D. In the Matter of Open Meeting Complaint 2024-09 City Of Lead Commission

Oral Presentations:

Complainant Gordon Phillips -15 minutes (a portion of this time may be reserved for rebuttal)

City of Lead Commission -15 minutes

[LUNCH BREAK 12:00-1:00 P.M CENTRAL TIME]

E. In the Matter of Open Meeting Complaint 2024-10 Green Valley Sanitary District

Oral Presentations:

Complainant Steven Myers -15 minutes (a portion of this time may be reserved for rebuttal)

Green Valley Sanitary District -15 minutes

F. In the Matter of Open Meeting Complaint 2024-11 Charles Mix County Commission

Oral Presentations:

Complainants Jeff and Jolene Stewart -15 minutes (a portion of this time may be reserved for rebuttal)

Charles Mix County Commission -15 minutes

G. In the Matter of Open Meeting Complaint 2024-12 Tripp City Council

Oral Presentations:

Complainants Cody Fischer -15 minutes (a portion of this time may be reserved for rebuttal)

Tripp City Council -15 minutes

8. Discussion regarding future meeting.

All items are scheduled for 09:00 a.m. Central Time. Scheduled items may be delayed or moved to a later agenda item at the discretion of the OMC.

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Attorney General's Office, 605-773-3215, at least 48 hours before the meeting if you have a disability for which special arrangements must be made.

STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2024-07
MEETINGS COMPLAINT AGAINST)	
PENNINGTON COUNTY)	CERTIFICATE OF SERVICE
COMMISSION – PENNINGTON)	
COUNTY)	

The undersigned hereby certifies that a true and correct copy of the Notice of Hearing and proposed Agenda in the above-captioned matter, were served by United States mail, first class, postage prepaid upon Deb Hadcock 1203 Silverleaf Avenue, Rapid City, SD 57701; Travis Lasseter, PO Box 263, New Underwood, South Dakota 57761; and Lloyd LaCriox, Chair, Pennington County Commission, 130 Kansas City St, Suite 100, Rapid City, SD 57701 on this 21st day of October 2024.



Steven R. Blair
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501
Telephone: (605) 773-3215

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

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

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Fax (605) 773-4106

<http://atg.sd.gov>

MARTY J. JACKLEY
ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

November 4, 2024

Deb Hadcock
1203 Silverleaf Ave.
Rapid City, SD 57701

Travis Lasseter
PO Box 263
New Underwood, SD 57761

Lloyd LaCriox, Chair
Pennington County Commission
130 Kansas City St., Suite 100
Rapid City, SD 57701

Re: In the Matter of Open Meeting Complaint 2024-07, Pennington County
Commission – Pennington County

Dear Ms. Hadcock, Mr. Lasseter & Mr. LaCriox,

Enclosed please find a courtesy copy of the revised proposed agenda for the Commission's November 25, 2024 meeting. A Microsoft Teams link has been arranged that will allow the parties to appear remotely if they desire. Please let me know, as soon as possible, if you intend to appear remotely or in person. Also, please provide your email address and phone number so that you can be reached if technical difficulties arise. I can be reached at steven.blair@state.sd.us. As previously indicated, presentations regarding complaints will begin at 9:00 a.m. central time or as soon thereafter as matters may be heard.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Blair".

Steven R. Blair
Assistant Attorney General

SRB/jm
Enclosure

SOUTH DAKOTA OPEN MEETINGS COMMISSION

AGENDA

Matthews Training Center – Foss Building
523 E. Capitol Avenue
Pierre, South Dakota 57501

November 25, 2024
9:00 a.m. Central Time

1. Approval of the Agenda
2. Public Comment period as per SDCL 1-25-1
3. Consideration of Pending Complaints

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Oral Presentations:

Complainants Terry and Todd Koerner -15 minutes (a portion of this time may be reserved for rebuttal)

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Oral Presentations:

Complainant Tammy Bohn -15 minutes (a portion of this time may be reserved for rebuttal)

Sturgis City Council -15 minutes

D. In the Matter of Open Meeting Complaint 2024-09 City Of Lead Commission

Oral Presentations:

Complainant Gordon Phillips -15 minutes (a portion of this time may be reserved for rebuttal)

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[LUNCH BREAK 12:00-1:00 P.M CENTRAL TIME]

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Oral Presentations:

Complainants Jeff and Jolene Stewart -15 minutes (a portion of this time may be reserved for rebuttal)

Charles Mix County Commission -15 minutes

G. In the Matter of Open Meeting Complaint 2024-12 Tripp City Council

Oral Presentations:

Complainants Cody Fischer -15 minutes (a portion of this time may be reserved for rebuttal)

Tripp City Council -15 minutes

8. Discussion regarding future meeting.

All items are scheduled for 09:00 a.m. Central Time. Scheduled items may be delayed or moved to a later agenda item at the discretion of the OMC.

If you wish to join this meeting by **Microsoft Teams** please join meeting at:

Meeting ID: 237 127 537 841

Passcode: YmqUmF

Or to join by **telephone** dial:

(605) 679-7263 with Phone conference ID: **212 419 247#**

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Attorney General's Office, 605-773-3215, at least 48 hours before the meeting if you have a disability for which special arrangements must be made.



Pennington County Board of Commissioners

County Administration Building

Physical: 130 Kansas City Street, Ste 100, Rapid City, SD 57701

Mailing: PO Box 6160, Rapid City, SD 57709-6160

(605) 394-2171 • www.pennco.org • pcboc@pennco.org

November 19, 2024

SD Open Meetings Commission
Mr. Steven Blair, Assistant Attorney General
Office of the Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501-8501

RE: Open Meetings Complaint 2024-07 Pennington County Board of Commissioners

Dear Mr. Blair,

Please find enclosed the following documents in regards to Open Meetings Complaint 2024-07 Pennington County Board of Commissioners:

1. Memorandum dated June 6, 2023 authored by Commissioner Deb Hadcock, District 3;
2. 2022/2023 Management Self-Assessment for Performance Review completed by Joe Miller, Highway Superintendent dated 10/31/2023;
3. Complete memorandum and corresponding documents dated November 7, 2023 authored by Carol Bancroft, Human Resources Director.

These documents will be referred to during the hearing scheduled for Monday, November 25th, 2024.

Respectfully submitted,

Lloyd LaCroix, Chair
Pennington County Board of Commissioners

Enclosures: 3

Cc: Commissioner Deb Hadcock
Commissioner Travis Lasseter
Chief Civil Deputy Drew DeGroot

Packet Materials
for 6/6/2023



MEMORANDUM

DATE: June 6, 2023
FROM: Commissioner Deb Hadcock, District 3
TO: Board of Commissioners
Cc: Carol Bancroft, HR Director
RE: *Executive Session Item:* Wage Review – Department Heads

Commissioners - This is a request for a directive/consensus to continue the review of the compensation levels for our Department Head Team. With the recent adjustments made for several Elected Officials, I feel it is critical we have Carol continue the review to determine if any additional adjustments need to be made for our leadership team. This leadership group is critical to our operations and to the overall success of our employees and we must make sure we have the current data in order to make informed decisions going forward with compensation.

We are bringing this request for consensus in executive session as we are aware of the possible effect on the employee group of pulling out the Department Heads for a separate review and do not want to cause any undue concerns or misunderstandings.

Attached you will find a draft comparable report for the Department Head group recently prepared by Carol when the Elected Officials were being looked at. This is a good start however I would like to see additional information for each position including years of service, wage history, previous adjustments, etc.

The Compensation Committee is currently reviewing the employee group including the County's compensation philosophy, wage structure, related compensation policies and benefits.

At this time this request is just for the directive to continue the review for the Department Head group and to gather more information. No formal motion is required however I do request consensus from the Board for Carol to move forward with continuing the review and bring back the data. If it is determined adjustments are needed, they will be addressed separately by the Board.

Thank you for your consideration.

Elected Official	Department	Yrs of Svc	Prior Annual	New Annual	Annual Increase	% Increase	Adjusted Base	Over/Under Base
Brian	Sheriff/Coroner	27	\$ 125,000	\$ 150,000	\$ 25,000	17%	\$ 135,000	\$ 15,000
Lara	State's Attorney	26	N/A	\$ 135,000	N/A	N/A	\$ 135,000	\$ -
Cindy	Auditor	24	\$ 98,101	\$ 125,000	\$ 26,899	22%	\$ 91,000	\$ 34,000
Janet	Treasurer	24	\$ 109,000	\$ 125,000	\$ 16,000	13%	\$ 91,000	\$ 34,000
Audra	Register	7	\$ 91,008	\$ 91,042	\$ -	0%	\$ 91,000	\$ 42
				Subtotal Cost	\$ 67,899			

***EO are eligible for 2024 COLA if granted to PennCo EEs**

Director	Department	Annual Salary	Comparable EO	V Dir & EO	V% Dir & EO
Eric W	Pub Def	\$ 129,938	\$ 135,000	\$ (5,062)	4%
Mike K	B&G	\$ 124,654	\$ 125,000	\$ (346)	0%
Barry T	HHS	\$ 110,490	\$ 125,000	\$ (14,510)	12%
Laurie W	IT	\$ 110,490	\$ 125,000	\$ (14,510)	12%
Rob Y	Jail	\$ 107,765	\$ 125,000	\$ (17,235)	14%
Shannon R	EQ	\$ 106,038	\$ 125,000	\$ (18,962)	15%
Carol B	HR	\$ 102,544	\$ 125,000	\$ (22,456)	18%
Brittney M	P&Z	\$ 100,922	\$ 125,000	\$ (24,078)	19%
Joe G	JSC	\$ 100,922	\$ 125,000	\$ (24,078)	19%
Scott G	Nat Res	\$ 100,922	\$ 125,000	\$ (24,078)	19%
Jerome H	Fire	\$ 88,462	\$ 125,000	\$ (36,538)	29%
Holli	Commission	\$ 87,381	\$ 125,001	\$ (37,620)	30%
Dustin W	City of RC	\$ 103,553	\$ 125,000	\$ (21,447)	17%
Kevin K	State Employee	\$ 98,173	\$ 125,000	\$ (26,828)	21%



*Packet Materials
for 11/7/2023*

2022/2023

Management Self-Assessment for Performance Review

This assessment is designed to help you prepare for the evaluation session and receive maximum benefit from it. Think about your own personal performance, progress and plans for future improvement. Evaluate yourself. When completed, submit this review to Human Resources **no later than 5 pm the date requested so it can be submitted for the Commission meeting you have been scheduled for.** Please retain a copy for your records.

Employee Name: Joe Miller	Review Period: 2022-2023	Position Title: Superintendent
Department: Highway	Date: 10/31/2023	



Answer each question in the space provided. An extra sheet may be attached if needed; please number responses accordingly.

What goals from your last review have you accomplished? Describe why you believe you were successful in accomplishing this/these goals.

1. Get South Rochford Road to construction in the spring of 2023.
We were successful in doing this the project is currently under construction the first mile is nearly complete.
2. Keep roads safe and continue making sure our crews are safe when they're working on the roads.
The highway department crew once again did a fantastic job of this.
3. Update our utility permit and make sure the county liability is covered as we've been burned a couple times by different contractors.
This is currently complete just need to get the final product over to SAO for their review before going to the BOC
4. Continue learning and growing as a leader.
Have signed up for the Sheriff's leadership class, have also attended any and all conferences available.
5. Help lead the Compensation Committee help our County as a whole come up with a compensation philosophy that will attract and retain talented help.
I think I've done a good job of helping guide the discussion for this with a new and different perspective.
6. Continue looking for new ways to do things and new things to try.
Sean and Myself are tossing around the idea of putting a bridge crew back together to start doing some of our bridges in house.
7. Help our Project Manager grow more comfortable in his role and making high-level decisions.
The individual has left employment with Pennington County to go back to California. This was a big loss to our department. We put a candidate from within our department into the roll and he is doing excellent.
8. Get our Highway Handbook updated so it is current.
Unfortunately this is still on the back burner, doesn't seem to be enough time in the day.
9. Get to full staff and retain our staff.
Currently full staffed other than a traffic operations technician due to promotions.
10. Complete our Master Transportation Study.
This is currently underway and is set to be complete in March.
11. Complete the corridor study for Radar Hill Road and Highway 1416.
Currently underway and is set to be complete in March/April, in time to submit for RAISE grant application.
12. Find a software that will work for our type of project management to help automate and keep better notes on our in-house projects.
We have found a software that will work for us and is within our budget. We are working through the details on how we want to utilize it prior to implementation.
13. Continue to work towards making Pennington County Highway a desirable and fun place to work.
I think this goal has been mostly achieved as we still have work to do.
14. Lead our Health Care Trust Board going into 2023 to help keep Pennington County's benefits the best they can be.
I think our HCTB has made great strides in the last year and has made some tough decisions that will hopefully lead it to be prosperous for years to come.
15. Implement 360 review for all of our managers.
This is one goal that is still on my mind but we haven't completed it as of yet.



What steps have you taken to effectively manage and maximize the talents of your staff?

I think putting people in places where they will succeed is one of the biggest challenges we face as managers. Often times people are extremely good at what they're currently doing we think they can take on the new challenges and sometimes it doesn't always work out. So far we as a team have been lucky that the people we've put in positions have been wildly successful. I think allowing staff to make decisions and be apart of the decision-making process is and has been one of the most effective ways to maximize our staffs talents. I've found that when you allow staff to make the decisions they have ownership and buy in on the project/process and look to succeed because of it.

Most recently we've also sent our entire leadership team to the Local Roads Conference this was a great opportunity for them to learn and also a great team building opportunity. The team took some valuable information back to hopefully implement into their perspective operations.

Describe how you plan to develop expertise or what types of training will you seek out to keep proficient with the skills necessary to do your job.

I continue to be a part of South Dakota Association of County Highway Superintendents (SDACHS) I think networking is a huge factor in keeping up with what is going on in the world around us. There are many highway supts in the state that are continually trying new things. Sean and myself have also attended the County Convention as well as a Midwest Bridge Preservation conference this year both of these were valuable conferences as we brought back ideas from both of them. The bridge conference had a speaker from Michigan that started a bridge crew from scratch and has installed 2 new bridges with county forces. This has inspired myself to figure out how to make this happen in Pennington County as I think there is an opportunity to save tax dollars and be innovative at the same time.

Complete the following sentence. I believe I make the greatest contribution to my department and to Pennington County's Mission by:

Continuing to be the best leader I can be and making sure our team has the proper tools and means necessary to do their job. While allowing them to be innovative and find new ways to do things.

Team Highway's Culture Statement:

The Pennington County Highway Department is a high performing organization dedicated to providing a safe and efficient highway system through integrity, teamwork, innovation and positivity. With great communication, progressiveness, continued training and employee recognition, our skilled and committed staff strive to be the regions pace setter in highway maintenance.



Describe your management philosophy with regard to departmental budgets and personnel levels.

This hasn't changed, we are continually trying new things to make our dollar go further. We are also trying to look at and implement new policies and procedures to make the best use of our budget each and every year. I think to keep up with the demands of the public we will need to add a couple motorgraders and people in both the Wall and New Underwood divisions.

What areas of your performance (behaviors and results) you could improve upon? Please describe.

I think everyone always has things to work on. I've always been someone that wants to get something done and get it off my plate. Since becoming the Superintendent in 2018, I continue to struggle with how slow things move and how difficult it is to navigate some of the "red tape" that the State and Federal levels of government have. This is still an issue but we are working through them and pushing to get projects complete.

I think everyone could also use help on their communications skills. Sometimes I don't feel that I communicate effectively what I want and what my goals and or expectations are. This is something I will continue to work on going forward. Still continuing to work on this.

Though I have improved on the following there is still room for more improvement.

I have improved upon making sure that during meetings that my phone stays in my pocket and that I am engaged in the conversation at hand. I still often times catch myself reading emails etc. when I should be paying attention to the conversation at hand.

Please list your goals for the upcoming year and how you plan to achieve them.



1. Successfully complete South Rochford road in 2024, currently I think this is a long shot and something that is out of my control but I still think it's a good goal to have.
2. Implement with the help of Sean a strategic plan for the highway department. We have a plan for everything else but have failed to get a strategic plan in place for a vision for the Highway Department.
3. Implement software for inspections, we have chosen Procore for this software just need to get it implemented.
4. Continue to work towards becoming the President of SDACHS.
5. Work towards becoming the President of NACE.
6. Get our Utility Permits updated
7. Update our Highway Handbook
8. Successfully obtain RAISE grant for Highway 1416 and Bombing Range Road.
9. Get a site and engineering complete for a new Hill City Shop
10. Keep roads safe and continue making sure our crews are safe when they're working on the roads.
11. Continue to learn and grow as a leader
12. Get completely full staffed and maintain
13. Complete Master Transportation Study
14. Complete Highway 1416/Radar Hill Corridor Study
15. Continue to work towards making Pennington County Highway a desirable and fun place to work.
16. Implement 360 review for all of our managers.
17. Continue to help in anyway I can to help Pennington County as a whole be successful
18. Help guide the compensation committee into it's first endeavor with a wage study.
19. Update our MAG water policy to allow putting MAG water on any road with over a 150 ADT.
20. Update Snow Policy
21. Continue to be innovative with processes and materials.
22. Come up with a plan to implement these goals.
23. Update ordinance 32
24. Get a universal digital file system in place for county highway.

Signature:

Date:

10/31/2023

Thank you for taking the time to complete the Management Self-Assessment for Performance Review.



Packet Materials
for 11/7/2023

Executive Session Memo

DATE: November 7, 2023
FROM: Carol Bancroft, Human Resources Director
TO: Pennington County Board of Commissioners
CC: Joe Miller, Highway Superintendent
RE: Compensation Exception Request - Joe Miller, Highway Superintendent

Highway Superintendent Joe Miller is requesting a review of and exception to his and the Assistant Highway Superintendent compensation during his annual review.

As a reminder for the Board, the following definitions outline the different compensation processes:

- **Wage Study** - a process of analyzing the compensation paid to employees in an organization. It involves examining the pay structure, job descriptions, and market trends to determine if the organization is paying its employees fairly and competitively.
- **Market Analysis** - a process of evaluating the current market conditions to determine the viability of an organization's compensation structure, it involves analyzing salary and wage surveys to understand how an organization's compensation practices compare to those of similar organizations. Pay scale is based on relative sample size of median salary and wages for comparable positions in similar organizations.
- **Annual Review with Performance Steps** - a performance review is a regulated assessment in which managers assess an employee's work performance. It is a two-way, individualized conversation that aims to identify their strengths and weaknesses, offer feedback and assist with goal setting. A performance review is a critical component of a continuous performance management approach which benefits the employee, team, and the organization. A performance step(s) may be given to employees based on their skills and performance at work.

Pennington County compensation practices in 2023 and for 2024 provide an annual COLA with 1 step to all employees and Elected Officials.

Compensation adjustments are made for employees under *Policy 3.18 Compensation Administration* with relevant procedures for: New Hires, Promotions, Demotions, Transfers, and Performance Steps. (Refer to Attached Policy) Additionally, Board exceptions for consideration are requested for 3 types of circumstances: 1) internal compression concerns which have resulted from the Gallagher Wage Study, 2) as a result of business re-organization as approved by User Boards, and 3) new position creation based on business needs.

At the direction of the Board of Commissioners in Executive Session on June 6, 2023, I was assigned the task of completing a Department Head Wage Study and Market Analysis separate from the 2025 Wage Study for County Employees. Both of these studies and analyses are underway but have not been completed to date.

This information is respectfully being provided for your decision-making in the event the Board wants to make exception(s) to the current compensation practices.

Recommendation: It is my recommendation to the Board at this time to allow for the current Department Head Wage Study and Market Analysis to be completed before considering any compensation exceptions for Department Head level positions. This will allow for a complete and comprehensive analysis to be used as the foundation when considering any future adjustments and exceptions. It is important to have complete analysis to avoid future compression issues or other unintended consequences. It is my goal to have this completed by January 2024.

If the Board chooses to consider Joe Miller's request for compensation exceptions at this time, I am unable to recommend the exceptions be granted at the DBM and Steps being requested for both the Highway Superintendent and Assistant Highway Superintendent. An initial review indicates the positions are placed at the correct DBM and compensated appropriately based on the current position descriptions in place, the years of service completed, and the current status of the remaining Department Heads and DBM C44 positions.

Attached as reference are internal comparisons for the DBM C44 positions and an internal comparison for Department Head salaries.

I am happy to answer any questions you may have concerning this data and my recommendation.

Thank you,

A handwritten signature in cursive script that reads "Carol Bancroft".

Carol Bancroft
Human Resources Director

Name	Department	Position	DBM Rating	Step	Year of Service in PennCo	Years of Service with PennCo	Total Career Years in level of current position	2023 Annual Salary	2024 Annual Salary
Laura Dowdy	TR	Chief Deputy	C44	1	0	11	0	\$ 74,339	\$ 78,242
George Grassby	SAO	Senior Deputy State's Attorney	C44	12	0	0	0	\$ 85,238	\$ 89,713
Brittany Cook Olesen	PDO	Senior Deputy Public Defender	C44	12	1	4	1	\$ 85,238	\$ 89,713
Jason Thomas	SAO	Senior Deputy State's Attorney	C44	12	1	1	1	\$ 85,238	\$ 89,713
Lori Goad	PDO	Senior Deputy Public Defender	C44	12	1	5	1	\$ 85,238	\$ 89,713
Matthew Mirabella	PDO	Senior Deputy Public Defender	C44	12	1	4	1	\$ 85,238	\$ 89,713
Megan Krueger	SAO	Senior Deputy State's Attorney	C44	12	1	4	1	\$ 85,238	\$ 89,713
Olivia Siglin	SAO	Senior Deputy State's Attorney	C44	12	1	3	1	\$ 85,238	\$ 89,713
Sean Smith	HWY	Assistant Superintendent	C44	12	2	3	2	\$ 85,238	\$ 89,713
Evan Hoel	PDO	Senior Deputy Public Defender	C44	13	1	5	1	\$ 86,299	\$ 90,830
Candice Lucklum	SAO	Senior Deputy State's Attorney	C44	14	2	4	2	\$ 87,381	\$ 91,968
Ole Olesen	PDO	Senior Deputy Public Defender	C44	14	2	6	2	\$ 87,381	\$ 91,968
Alex Purcell	HHS	Assistant Director-HHS	C44	14	4	10	4	\$ 87,381	\$ 91,968
Brenda Dahlke	HHS	Assistant Director-HHS	C44	16	2	22	2	\$ 89,586	\$ 94,289
Martha Rossiter	PDO	Senior Deputy Public Defender	C44	16	3	6	3	\$ 89,586	\$ 94,289
Alexandra Weiss	SAO	Senior Deputy State's Attorney	C44	17	3	7	3	\$ 90,688	\$ 95,449
Mike Iversen	IT	Assistant Director-IT	C44	17	5	10	5	\$ 90,688	\$ 95,449
Roxanne Hammond	SAO	Senior Deputy State's Attorney	C44	18	3	3	3	\$ 91,832	\$ 96,653
Daniel Leon	PDO	Senior Deputy Public Defender	C44	18	6	10	6	\$ 91,832	\$ 96,653
Paul Pietz	PDO	Senior Deputy Public Defender	C44	18	6	7	6	\$ 91,832	\$ 96,653
Angela Shute	SAO	Senior Deputy State's Attorney	C44	20	4	7	4	\$ 94,141	\$ 99,083
Holli Hennies	Comm	Commission Mngr	C44	20	14	14	14	\$ 94,141	\$ 99,083
Kevin Burton	B&G	Construction Manager	C44	21	2	2	23	\$ 95,326	\$ 100,331
Stephanie Olson	911/User Board	Deputy Director	C44	22	5	25	5	\$ 96,512	\$ 101,579
Tedd Ruffedt	911/User Board	Deputy Director	C44	24	8	33	8	\$ 98,945	\$ 104,140
Bryan Andersen	PDO	Senior Deputy Public Defender	C44	27	6	23	6	\$ 102,690	\$ 108,081
Roxanne Erickson	SAO	Senior Deputy State's Attorney	C44	33	4	21	4	\$ 110,655	\$ 116,444

Name	Department	Position	DBM Rating	Step	Years of Service in Position	Years of Service with PennCo prior to promotion	Total Career Years in level of current position	2023 Annual Salary	2024 Annual Salary
Shannon R	EQ	Director	C45	23	8	2	8	\$ 106,038	\$ 111,605
Davis P	B&G	Director	D61	11	0	0	5	\$ 91,874	\$ 96,697
Brittney M	P&Z	Director	D61	15	4	11	4	\$ 100,922	\$ 106,220
Scott G	Nat Res	Director	D61	15	25	0	25	\$ 100,922	\$ 106,220
Carol B	HR	Director	D62	13	1	0	32	\$ 102,544	\$ 107,928
Joe M	HWY	Superintendent	D62	15	5	0	5	\$ 105,123	\$ 110,642
Laurie W	IT	Director	D62	19	8	13	8	\$ 110,490	\$ 116,290
Barry T	HS	Director	D62	19	9	9	9	\$ 110,490	\$ 116,290
Eric W	Pub Def	Public Defender	D64	24	10	0	10	\$ 129,938	\$ 136,759