

THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M., March 17, 2009, pursuant to adjournment on March 10, 2009. Commissioners present were: Pekas, Hajek, Barth, Kelly, and Twedt. Also present were Sandy Kinder, Deputy Auditor, and Gordy Swanson, Chief Civil Deputy State's Attorney.

Chairman Pekas called the meeting to order.

AGENDA

MOTION by Hajek, seconded by Kelly to approve the Agenda. 5 ayes.

MINUTES

MOTION by Twedt, seconded by Hajek to approve the Minutes for March 10, 2009. 5 ayes.

VOUCHERS TO BE PAID

MOTION by Hajek, seconded by Twedt to approve the following bills totaling \$1,417,560.24 for payment. 5 ayes.

A & B Business Equip	Var. Depts	708.71	A to Z World Languag	St Atty	50.00
Accurint	Sheriff	30.00	Action Electric Co.	Hwy Constr	562.87
Advance Auto Parts	Sheriff	118.57	Albers, Tyrone	Sheriff	28.07
Allied Oil & Supply	Hwy Constr	4,053.00	American Ink Llc	Hwy Constr	4,158.96
Anderson, Elwood	Human Svcs	350.00	Anderson, Scott A.	Planning	888.00
Anesthesiology Assoc	Jail	192.00	Appeara / Dudley Lau	Hwy Constr	36.12
Architecture, Inc.	Cap Proj	2,444.68	Arena Motel	Human Svcs	210.00
Argus Leader	Var. Depts	757.67	Avera	Jail	175.93
Avera Heart Hosp of	Human Svcs	21,464.01	Avera McKennan Hosp/	Jail	69.54
Avera McKennan Hospi	Jail	4,969.87	Al Svc Inc/Laceys Ch	Hwy Constr	90.00
Bechtel, Donald J	Human Svcs	375.00	Belfer, Robert Md	Public Adv	500.00
Benning, Darin/Sara	Human Svcs	312.00	Billion Automotive -	Var. Depts	335.85
Billion Olds Toyota	Hwy Constr	27.90	Bob's Lock & Key	Jail	29.85
Brentwood Apts/Domin	Human Svcs	980.00	Brevik Law Office Pr	Mental Ill	198.56
Builders Supply Comp	Facilities	394.27	Bureau of Informatio	Var. Depts	1,282.98
Burkard, Michael/Inv	Human Svcs	400.00	Buskerud Constructio	Facilities	414.00
C & R Supply, Inc.	Hwy Constr	385.53	Campbell Supply Co I	Var. Depts	98.41
Campbell, Vicki	Human Svcs	500.00	Carlson, Lisa	Courts	71.40
CBM Food Service	Jail	21,029.82	Center For Family Me	Var. Depts	789.55
Century Business Pro	St Atty	100.00	Chapel Hill Funeral	Human Svcs	810.00
Chef Amys Cafe 334	Mus Entpr	34.75	Chemco, Inc.	Var. Depts	6,206.84
Cleveland Heights Ap	Human Svcs	1,470.00	Cliff Avenue Auto Pa	Hwy Constr	43.66
CM Information Spec/	St Atty	26.51	Cole Papers, Inc.	Jail	343.28
Cole's Petroleum Inc	Hwy Constr	12,308.06	Concrete Materials	Hwy Constr	21,887.65
Cooperative Extensio	Extension	4.96	Corp For Supportive	Human Svcs	80.00
Country Meadows Apts	Human Svcs	500.00	Country View MHC	Human Svcs	280.00
Culligan Water Condi	Var. Depts	72.00	Dakota Data Shred	Facilities	43.23
Dakota District Pipe	Mus Ops	100.00	Dakota Fluid Power,	Hwy Constr	2,439.89
Dakota Forensic Cons	Commission	226.01	Dakota Lettering Etc	Em Mgmt	79.84
Dakota Security Syst	Em Mgmt	12,344.82	Daniels-Olsen Bldg P	Mus Ops	131.43
Davies, Boone T	Human Svcs	495.00	Deneui, John D	Human Svcs	400.00
Dietrich, Donna K	Mental Ill	550.98	Donahue, David J	Human Svcs	400.00
Donovan's Hobby & Sc	Em Mgmt	78.37	DTN Corporation	Extension	147.00
Ebert's Properties,	Human Svcs	500.00	Eide Bailly LLP	Commission	15,000.00
Emdeon Business Serv	Human Svcs	39.95	Empire Plastics	Mus Ops	832.00
Family Service Inc	Human Res	130.00	Fastenal Company	Var. Depts	52.81
Fayette County(IA) S	St Atty	31.00	Federal Express Corp	Sheriff	8.27
Feezell, Elizabeth	Musm Entpr	150.00	Fireguard, Inc.	Em Mgmt	2,529.00
First Class Rentals	Human Svcs	400.00	First Dakota Title	Treasurer	150.00
First Premier Bank	Human Svcs	495.00	Formatop Co.	Mus Ops	908.52
Frerichs, Franz	Human Svcs	400.00	Golden Rule Const Co	Bldg Fund	15,317.00
Grainger, Inc.	Facilities	116.21	Gunner, Andrea	Courts	31.20
Guzman, Sandra V.	Var. Depts	125.00	HAY Inc DBA	Human Svcs	210.00

Hammer, Ralph	Hwy Admin	79.54	Harris, John W.	Human Svcs	350.00
Haugan, Raymond C	Human Svcs	500.00	Heartstarters LLC	JDC	30.00
Hellesvig, Roger	Mus Ops	550.00	Henry Carlson Compan	Cap Proj	506,995.00
Heritage Funeral Hom	Human Svcs	2,615.00	Hewlett-Packard Comp	Var. Depts	1,685.00
Highway Improvement,	Hwy Constr	35,805.00	Hobby Lobby Stores I	Mus Ops	25.45
Horn, Garrett	Mental Ill	216.00	Howalt-McDowell Insu	Hwy Constr	173.00
Hurtgen, Timothy T.	Human Svcs	50.00	Hy-Vee Accounts Rece	JDC	194.23
Infectious Disease S	Jail	167.79	Inland Truck Parts &	Hwy Constr	17.02
Interstate Office Pr	Var. Depts	607.58	Investors Mgmt & Mkt	Human Svcs	140.00
J & S Hospitality Db	Human Svcs	392.00	JCL Solutions-Janito	Var. Depts	392.84
Jefferson Partners L	Var. Depts	680.32	Jim Hawk Truck Trail	Hwy Constr	140.55
Johnson Controls, In	Facilities	29,205.00	Johnson Feed, Inc.	Hwy Constr	1,945.67
Kappenman, Timothy D	Jail	4,005.00	Kennedy, Renee S	Courts	30.40
Kleen Solutions, Inc	Jail	69.95	Koch Hazard Architec	Var. Depts	4,140.00
Kone, Inc.	Pettigrew	50.00	Kooistra, Nelva	Mental Ill	60.00
Kreislers, Inc.	Var. Depts	407.00	Krogstad, Glen	Extension	33.28
Kuchenreuther, Derek	Sheriff	216.00	L.G. Everist, Inc.	Hwy Constr	141.72
Language Line Servic	Var. Depts	173.58	Lason Systems, Inc.	Reg Deeds	215.25
Lassegaard, Samuel C	Human Svcs	800.00	LCM Pathologists PC	Coroner	28.00
Learning Zone Expres	Extension	27.96	Leonard, LLP	Human Svcs	225.00
Lewis & Clark BHS	Mental Ill	1,846.00	Lewis Drug Stores	Jail	9,983.04
Lexis-Nexis / Reed E	Var. Depts	290.00	Linweld, Inc.	Facilities	13.95
Mac's, Inc.	Facilities	25.00	Malloy Electric Bear	Facilities	255.19
Mathison Company	Hwy Admin	61.20	Meadowland Apts/SF L	Human Svcs	257.00
Medical X-Ray Center	Jail	104.96	Menards - East	Facilities	74.97
Metro Communications	Metro Comm	31,227.00	Micka, Randall L	Human Svcs	360.00
Midamerican Energy C	Var. Depts	3,430.48	Midcontinent Communi	Mus Ops	55.00
Midwest Alarm Compan	Var. Depts	332.10	Midwestern Mechanica	Mus Maint	124.56
Miller Funeral Home,	Human Svcs	2,775.00	Minnehaha Cnty Econo	MCEDA	10,000.00
Motorola, Inc.	Em Mgmt	233,080.00	Murray Const	Human Svcs	1,452.00
NACDL	Public Def	106.00	Neurology Associates	Jail	175.93
New World Systems	Var. Depts	257,485.00	Nobles County Sherif	St Atty	45.00
North Central Heart	Jail	1,675.60	North Ridge Apartmen	Human Svcs	400.00
Northern States Supp	Hwy Constr	207.54	Novak Sanitary Servi	Var. Depts	3,149.08
Nyberg's Ace Hardwar	Human Svcs	25.98	Ode, Gregg	Extension	24.55
Office Depot	Public Def	306.31	Office Depot, Inc.	Info Tech	3,530.91
Officemax	Var. Depts	316.10	Olson, Rhonda	Facilities	14.99
Olson's Pest Technic	Jail	151.75	Oreck Floor Care Cen	Hwy Admin	254.97
Orthopaedic Consulta	Jail	33.07	Orthopedic Institute	Jail	75.92
PBC Sioux Falls LLC	Human Svcs	169.95	Perspective Inc	Bldg Fund	2,592.00
Peters Distributing,	Em Mgmt	6,928.58	Pine Meadows/Univers	Human Svcs	550.00
Pride Neon, Inc	Hwy Constr	131.20	Printrak Internation	Jail	3,998.00
Qualified Resort Se	Dir of Eq	878.26	Quality Efficiencies	Human Svcs	965.00
Quest Engineering, I	Hwy Constr	473.80	Quill Corp.	Public Def	490.42
Qwest	Var. Depts	5,607.36	Raak Properties LLC	Human Svcs	500.00
Radio Shack Corporat	Mus Ops	65.79	Randall-Stanley Arch	Bldg Fund	300.00
Real Vision Software	Info Tech	4,500.00	Record Keepers, Inc.	Courts	3,989.02
Reh fuss, Cathy A	Mental Ill	60.00	River Run Apts / Sio	Human Svcs	400.00
River Tower Apartmen	Human Svcs	357.00	Ronning Commercial,	Human Svcs	750.00
Rosenberg, Craig	Extension	70.00	Rural Metro Ambulanc	Jail	218.63
Sacred Heart Hospita	Human Svcs	865.53	Sanford Clinic	Jail	69.67
Sanford Hospital	St Atty	160.00	Sanford Laboratories	Coroner	2,291.40
SD Assn County Weed	Hwy Admin	50.00	SD Assn of County We	Hwy Admin	335.84
SD Continuing Legal	Var. Depts	300.00	SD Human Services Ce	Public Def	551.40
SD Risk Pool	Human Svcs	563.65	SD Screen Printers	Mus Grants	218.00
SDN Communications	Info Tech	625.26	Seagull Software Sys	Info Tech	9,090.00
Security Labs, Ltd	Var. Depts	519.00	Sheehan Mack Sales &	Hwy Constr	429.51
Sherwin Williams	Facilities	47.09	Siemonsma, Sue	Extension	16.79
Simmons, Mike/Jessic	Human Svcs	200.00	Sioux Empire FCU/097	Sheriff	427.57
Sioux Empire FCU/108	Var. Depts	2,094.33	Sioux Empire FCU/109	Jail	197.42
Sioux Empire FCU/215	Sheriff	173.19	Sioux Empire FCU/260	Em Mgmt	1,793.40
Sioux Empire FCU/655	Hwy Constr	82.67	Sioux Empire FCU/675	24/7 Prog	16.31
Sioux Falls City Fin	Var. Depts	377.22	Sioux Falls Ford, In	Sheriff	10.19
Sioux Falls Rubber S	Reg Deeds	40.95	Sioux Falls Two Way	Sheriff	30.00
Sioux Valley Energy	Human Svcs	629.00	Skorczewski, Jena	Courts	106.60
Slowey, Yavonne C	Mental Ill	612.50	Software House Inter	Auditor	233.15
Solomon, Ghirmay	Courts	58.33	Southeast Technical	Mem Day	200.00
Stan Houston Equipme	Facilities	485.45	Staples	Auditor	59.98
Sunshine Foods	Human Svcs	30.55	Taylors Place LLC	Human Svcs	500.00

Teamlogicit LLC	Sheriff	2,397.96	Tenth Street, Inc.	Dir of Eq	49.25
The Eye Doctors PC	Jail	1,911.00	Thorin, Deyanira T	Var. Depts	225.00
Thyssenkrupp Elevato	Jail	2,177.11	Timberland Village A	Human Svcs	400.00
Tipton, John	Human Svcs	400.00	Tires,Tires,Tires In	Var. Depts	425.77
Tomacelli's Pizza	Courts	128.19	Tractor Supply Co.	Hwy Constr	21.99
Travelhost of Sioux	Mus Ops	153.00	United Truck & Equip	Hwy Constr	1,192.88
University Products,	Reg Deeds	79.55	US Postal Service	Extension	180.00
Valley Rental Servic	Human Svcs	400.00	Valley West Apartmen	Human Svcs	475.00
Vanroekel, Jennifer	Sheriff	53.00	VB Falls Park Apts	Human Svcs	500.00
Velgersdyk, Dr. Scot	Human Svcs	700.00	Velvet Uniforms, Inc	Em Mgmt	1,580.00
Verizon Wireless	Var. Depts	5,271.24	Vision Care Associat	Human Svcs	227.01
Volunteers of Americ	Var. Depts	3,523.97	Vugate, Inc.	Jail	706.24
Wal-Mart Pharmacy	Human Svcs	72.93	Wall Lake Sanitary D	Hwy Admin	70.00
Walsh, Mike	Sheriff	36.00	Weldetensae, Mengste	Human Svcs	500.00
West Group	Var. Depts	3,566.70	Wiesner, Mark	Human Svcs	495.00
Williams, Paul	Human Svcs	400.00	Wilsey, Thomas M	Hwy Admin	29.00
Wipf, Ray	Human Svcs	725.00	Xcel Energy, Inc.	Var. Depts	3,867.86
Yankton County Sheri	Mental Ill	200.00	Yankton Medical Clin	Human Svcs	76.49
Zabel Steel Co.	Hwy Constr	23.41	Zdorovtsov, Christin	Extension	13.09

REPORTS

The following reports were received and placed on file in the County Auditor's Office: Minnehaha County Regional Juvenile Detention Center Report and Minnehaha County Register of Deeds Official Statement of Recording, Transfer, Marriage and Express Fees, and Overages for February, 2009.

PERSONNEL

MOTION by Hajek, seconded by Barth to approve the following personnel changes. 5 ayes.

1. To promote Josh Anhalt from Computer Support Technician (16/B) to Senior Computer Support Technician (17/B) for Information Technology at \$20.5451/hour effective 3-17-09.

Step Increases Due:

1. Donald Hanson – Senior Trial Attorney – State's Attorney's Office – 23/K to 23/L, 3-19-09, \$3,123.33/bi-weekly
2. James Iosty – Senior Trial Attorney – State's Attorney's Office – 23/K to 23/L, 3-19-09, \$3,123.33/bi-weekly
3. Pamela Tiede – Senior Trial Attorney – State's Attorney's Office – 23/K to 23/L, 3-19-09, \$3,123.33/bi-weekly
4. Sidney Dunn – Correctional Officer – Jail – 13/H to 13/I, 3-20-09, \$20.0440/hour
5. Karman Johnson – Correctional Officer – Jail – 13/H to 13/I, 3-20-09, \$20.0440/hour
6. Connie Malone – Senior Property Technician – Equalization – 11/H to 11/I, 3-21-09, \$18.1589/hour

ABATEMENTS

Commissioner Kelly recused himself for this agenda item.

The following abatements were recommended by Eli Whitney, Director of Equalization:

MOTION by Hajek, seconded by Twedt to approve the following abatement: City of Sioux Falls, 2008

property taxes including drainage and maintenance, ID 25815 - \$359.87, ID 25816 - \$343.55, ID 25817 - \$352.70, ID 25818 - \$309.30, ID 25819 - \$340.16, ID 25820 - \$620.47, ID 25822 - \$369.18, ID 25823 - \$392.88, ID 25824 - \$375.36, ID 25825 - \$185.68, and ID 25826 - \$397.00. 4 ayes.

MOTION by Hajek, seconded by Barth to approve the following abatements: City of Sioux Falls, 2008 property taxes including drainage and maintenance, ID 73237 - \$2,029.51, ID 11477 - \$270.60, ID 54437 - \$178.62, ID 35075 - \$429.17, ID 80386 - \$4,244.38, ID 14522 - \$327.70, and ID 14528 - \$510.84. 4 ayes.

On the recommendation of Pam Nelson, County Treasurer, MOTION by Twedt, seconded by Hajek to approve the following 2008 property tax abatements as part of the elderly Freeze Program: Erma Richert, ID 55267, \$1,454.50; Janice Menholt, ID 43421, \$1,123.35; Darlene Luther, ID 39883, \$366.47; Alberta Stoneback, ID 22547, \$1,212.96; and Lorraine Veldkamp, ID 18264, \$86.63. 4 ayes.

Commissioner Kelly returned.

NOTICE

MOTION by Twedt, seconded by Barth to authorize the Auditor to publish Notice to Bidders for a new commercial 4-wheel drive front mount mower. 5 ayes.

LIEN

Commissioner Barth, County Aid Lien Liaison, briefed the Commission on a request to compromise DPNO 40073 in the amount of \$2,278.59. The lienee was in the process of purchasing a home when the lien, for Public Defender services recorded between 9/98 and 9/01, was noted during the title search. The lienee has made prior payments totaling \$193.50 bringing the account to its current balance. Commissioner Kelly questioned the practice of compromising at 50% and noted the untimely payment history on the account. MOTION by Barth, seconded by Twedt to approve Resolution MC09-06. 4 ayes, Kelly – nay.

RESOLUTION MC09-06

WHEREAS, a County Aid Lien in the amount of \$2,278.59 purports to exist in favor of Minnehaha County and against DPNO 40073 as Lienee, and

WHEREAS, said lienee has filed an application with the County Auditor stating such facts as provided for by Law,

NOW, THEREFORE, BE IT RESOLVED that after due consideration of the circumstances the Board of County Commissioners finds it advisable and proper to authorize the Chairman of the County Board and the County Auditor to execute the following:

Compromise and release the lien upon payment of \$1,139.30. If payment is not made within one year from approval, this agreement is null and void.

Dated at Sioux Falls, South Dakota, this 17th day of March, 2009.

APPROVED BY THE COMMISSION:
John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

PUBLIC COMMENT

District 11 Representative Darrell Solberg, commented on a report from last week on the resignation of the Wayne Township board members. He reported that he has been contacted by constituents who would like to see representation from all areas of Wayne Township, not clustering, if a new board is formed. He also commented on a proposed bill he is drafting for possible presentation at next years' legislative session related to monies collected for township maintenance. Sue Roust, County Auditor, reported that all resignations have been submitted and the township records turned over to her office for safeguarding.

HEARING

Sue Roust, County Auditor, was present for the scheduled hearing to consider various adjustments to the 2009 budget. Commissioner Kelly questioned a request from Human Services to transfer \$100,000 in unspent 2008 funds to the 09 HS budget and asked why those monies were not being returned to the General Fund and supplemented later if needed. Commissioners Hajek and Twedt supported the request because of the unique situation in which the funds are needed citing the impact the current economy is having on the community. George Hahn, realtor, supported moving the funds to ensure continuity in providing services to those desperately in need. MOTION by Twedt, seconded by Hajek to approve Resolution MC09-07. MOTION by Kelly to amend by removing the Human Services transfer and vote on the action separately. Motion to amend dies for a lack of a second. VOTE on the main motion: 4 ayes, Kelly – nay.

RESOLUTION MC09-07
FOR SUPPLEMENTAL BUDGET

WHEREAS it is necessary to supplement the 2009 Annual Budget in order to carry on the indispensable functions of Minnehaha County; and

WHEREAS, the adoption of a proposed Supplemental Budget was duly considered by the Minnehaha County Commission on March 17, 2009, at 9:15 a.m., in the Commission Meeting Room, pursuant to due notice; now, therefore, be it

RESOLVED by the Minnehaha County Commission that the following Supplemental Budget is hereby approved:

From fund:	To budget:	Amount
<u>2008 carryovers</u>		
General	Auditor	3,676.70
	Facilities	70,188.00
	Jail	24,773.36
	JDC	221.92
	Mental Illness	1,846.00
	Sheriff	13,284.81
	Extension	<u>6,578.17</u>
		\$120,347.04
Highway	Highway Construction	947,786.28
Building	Building Fund	267,956.45

Capital Projects	Capital Projects	811,118.04
Emergency Management	Emergency Management	14,748.06
Museum Grants	Museum Grants	38,165.48

Additional actions –

Supplement of unobligated, unspent 2008 funds:		
Human Services	ASN 17359 & 17361	100,000.00

Other supplements:

Sheriff	ASN 16500 – added pay costs	84,320.00
Jail	ASN 16600 – added pay costs	41,620.00
Building Fund	ASN 19660 – land purchase	253,020.24

and transfer \$253,020.24 from the General Fund to the Building Fund to support the above item.

Dated this 17th day of March, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor

AGREEMENT

Trae Umstead, IT Director, presented an addendum to the agreement with New World Systems for the purchase of 4 Aegis Law Enforcement Mobile Unit Software licenses to support mobile messaging for various volunteer ambulance services in Minnehaha County at a cost of \$5,800. MOTION by Hajek, seconded by Barth to authorize the Chairman to sign the Additional Software License Agreement. 5 ayes.

PER DIEM

Warden Tim Devlin presented the proposed 2009 inmate housing contract rates for surrounding counties. He recommended setting the rate at \$78.73 per day for jail and \$32 per day for work release, an increase from the 2008 rate of \$78.32. He also recommended setting the guaranteed contract rate for Lincoln County at \$73 per day. The 2008 rate was \$70 per day. The 2009 agreements will be effective 4/1/09 through 3/31/10. MOTION by Kelly, seconded by Barth to approve the 2009 jail contract rate of \$78.73 for the counties of Aurora, Brookings, Deuel, Gregory, Hanson, Hutchinson, Jerauld, Kingsbury, Lake, McCook, Miner, Moody, Pennington, Sanborn, Turner, and the Santee Sioux Tribe. 5 ayes. MOTION by Hajek, seconded by Twedt to approve the 2009 jail contract rate of \$73 per day for Lincoln County with a 12 bed guarantee and the \$32 per day work-release rate. 5 ayes.

COURTHOUSE

Meredith Larson with Henry Carlson Company presented Certificates of Substantial Completion for the Courthouse Remodeling Project setting the date of substantial completion for the 5th and 6th floor expansion at 11/22/08 and the completion date for work on the basement, 4th floor remodel, and energy plant (excluding elevator 3 and lobby) at 2/6/09. More detailed discussion was held during the Building Committee meeting. MOTION by Hajek, seconded by Barth to authorize the Chairman to sign the Certificates of Substantial Completion. 5 ayes.

PROCLAMATION

Steve Munk, Extension Educator, introduced West Central teacher Regina Lebeda and students, Katie Larson, Kamryn Lindskov, and Steven Zacharias, who performed a skit on the water cycle. Phil Kappen, Assistant Planning Director, read a proclamation recognizing March 24th & 25th, 2009 as Sioux Empire Water Festival Days. MOTION by Hajek, seconded by Kelly to approve the Proclamation. 5 ayes.

PER DIEM

Todd Cheever, JDC Director, requested an increase in the JDC non-member per diem rates from \$200 to \$215 effective 6/1/09. The rate has not changed since 7/1/07. Mr. Cheever supported the increase due to the rising costs for food, utilities, and personnel. MOTION by Twedt, seconded by Hajek to set the non-member per diem rate for JDC at \$215 effective 6/1/09. 5 ayes.

PLANNING

Scott Anderson, Planning Director, briefed the Commission on proposed updates to the Flood Plain Management Ordinance that will incorporate the updated flood maps for Minnehaha County. A hearing and first reading will be scheduled in the near future.

ORDINANCE

Pursuant to deferral on February 24th, the Commission considered various amendments to Ordinance MC31-02, An Ordinance for Licensing Surface Ambulance Service in Minnehaha County. Ken McFarland, Commission Administrative Officer, reviewed the proposed amendments by section and reported comments submitted by the Minnehaha County Ambulance Association, Med-Star Ambulance, Dr. Jeff Luther, Metro Communications, and Emergency Management. Commissioner Barth expressed concerns that the ordinance may not be the best way to serve the public noting that the county has changed since the original adoption in 2002. He believed codifying the boundaries would make future changes more difficult. MOTION by Hajek, seconded by Twedt to amend Section 1-1 by adding the words “of Section 1-1” after the word provisions in the second sentence, and adding “as long as it is only operating within that municipality” after the word municipality in sentence 1). 5 ayes. MOTION by Kelly, seconded by Twedt to replace transport units with agencies in Section 1-6 (2). 4 ayes, Barth – nay. MOTION by Kelly, seconded by Hajek to remove the deletion of Section 1-6 (7). SUBSTITUTE MOTION by Kelly, seconded by Hajek to remove the deletions from section 1-6 (7) and strike “a fully executed agreement with” from the third sentence. 4 ayes, Barth – nay. MOTION by Kelly, seconded by Hajek to add “This will be limited to one (1) disaster exercise per year; the exercise may be table top, functional, or full-scale in nature.” to Section 1-6 (8). 5 ayes. MOTION by Hajek, seconded by Kelly to remove the overstrikes from Section 1-8 (11). 4 ayes, Barth – nay. MOTION by Kelly, seconded by Twedt to add a comma after “training” in Section 1-8(9). 5 ayes. MOTION by Hajek, seconded by Twedt to adjust the numbering in Section 1-6. 5 ayes. MOTION by Kelly, seconded by Twedt to approve Ordinance MC31-2-09 as amended by the preceding actions. 5 ayes.

AN ORDINANCE FOR LICENSING SURFACE AMBULANCE SERVICE IN MINNEHAHA COUNTY

Ordinance MC 31-2-09

BE IT ORDAINED BY THE MINNEHAHA COUNTY BOARD OF COMMISSIONERS:

SECTION 1. DEFINITIONS

Whenever any of the following terms are used in the body of this Ordinance, the following meanings shall apply unless its use clearly indicates otherwise:

1. County- Minnehaha County, South Dakota
2. County Commission- The Minnehaha County Board of County Commissioners
3. Ground Ambulance License- A license issued by the County authorizing the holder to provide ground ambulance services within a specific geographical location within the County.
4. Holder of a Ground Ambulance License (Holder)- The entity licensed by the County to provide ground ambulance services within a specific geographical location with the County.

SECTION 1-1. LICENSE REQUIRED

No person shall operate a ground ambulance service transporting patients from within the County, nor advertise or offer such service to the public, unless the operator of such service shall have first obtained a ground ambulance license from the County. However, the following shall be exempt from the provisions of Section 1-1 of this ordinance: 1) an ambulance service that is licensed by a municipality within the County to provide ground ambulance services solely within that municipality, as long as it is only operating within that municipality; 2) a service that is transporting patients from within the County only pursuant to written mutual aid agreements with licensed providers, or intercepts; or 3) an entity that is providing air ambulance services. A ground ambulance license, once issued, shall be for a specific geographical location within the County, but shall not prohibit operation outside of that specific geographical location in the event of emergency, a request for mutual aid, or disaster. The geographical areas for current county licenses are as attached in Appendix A, and made a part of this Ordinance by this reference. The map which serves as Appendix A shall have the response zones designated primarily by number. Any references to ambulance providers on the map shall be for convenience only.

SECTION 1-2. LICENSE TERM

Ground ambulance licenses are issued for a four (4) year period. The requirements and procedures set forth in this Ordinance apply both to initial licensure and renewal licensure.

SECTION 1-3 NOTIFICATION OF CHANGE IN LEGAL STATUS

The holder of a ground ambulance license shall notify the County when any substantial change is made in the legal status of the organization or shareholders of the organization. In addition, the holder of a ground ambulance license shall notify the County within ten (10) days if any information contained in the application shall change or for any reason become inaccurate.

SECTION 1-4 DISPLAY OF LICENSE

The holder of a ground ambulance license shall display a copy of the license on the premises of the business at all times.

SECTION 1-5 QUALITY ASSURANCE REQUIRED

The County may enter into a contractual agreement with a person or agency for the purposes of performing an evaluation of any application for a ground ambulance license and for continued quality assurance review for the holder of ground ambulance license. Initial evaluation and continued quality assurance review shall evaluate all aspects of an applicant's or licensee's ground ambulance services, including, but not limited to: licensing requirements, vehicle and equipment inspections, personnel certification, compliance with the ordinances, rules and regulations of County, and compliance with the

rules, regulations and policies of the quality assurance agency, if appropriate.

Quality assurance review, as established by this Ordinance, shall require the following:

1. Random review of twenty-five per cent (25%) of the ambulance service's monthly ambulance runs, except for non-emergency patient transports.
2. Review of all ambulance runs where a death of a patient occurs prior to transport, during transport, or within twenty-four hours after transport.
3. Review of all ambulance runs involving a pediatric patient. For purposes of this Ordinance, a pediatric patient is defined as any patient under the age of eighteen (18) years.
4. Review of ambulance runs involving a life threatening situation, including, but not limited to:
 - A. Cardiac arrest,
 - B. Ineffective breathing,
 - C. Unconscious patient(s),
 - D. Stroke patients,
 - E. Trauma patients,
 - F. bloodborne pathogen exposure that may require treatment for responders, and
 - G. Exposure to hazardous materials where a haz-mat team participates in the incident response.
5. Review of all ambulance runs where the patient is transported Code Three, lights and sirens, at any time during the ambulance run.
6. Review of all ambulance runs where the patients are not transported for treatment.

The County may, at its election by action of the County Commission, retain the services of a Quality Assurance Director for Ambulance Services to perform the duties set forth in this Section. The duties of the QA Director for Ambulance Services shall be established by contract between the parties which shall include at a minimum, the performance of all quality assurance review as set forth in this Ordinance. Additional duties established by contract may include approval authority on all medical procedures and protocols adopted by the holder of a ground ambulance license and establishing and approving additional training of ambulance personnel when appropriate. If the County does retain the services of a QA Director for Ambulance Services, the person must be a physician licensed by the State of South Dakota, knowledgeable in the area of emergency medicine. In addition and in order to assure that licensed ground ambulance services are receiving the best medical direction possible, the QA Director for Ambulance Services may, at the election of the holder of a ground ambulance license and by separate agreement with the holder of a ground ambulance license, act as Medical Director for the holder of the ground ambulance license.

SECTION 1-6 REQUIREMENTS FOR COUNTY LICENSURE OF GROUND AMBULANCE SERVICES

1. Vehicle specifications: Vehicles utilized as surface ambulances must meet the State of South Dakota standards and requirements for ground ambulances at all times during the license term.
2. Availability: All ground ambulance services licensed within the County must be available for

- services twenty- four (24) hours a day, seven (7) days per week. Call answering, staffing and vehicle availability must be maintained to meet this requirement. All county licensed EMS agencies must be accounted for on the status board of the Metro Communications dispatch center.
3. **Response and Level of Service:** Requests for ground ambulance service shall be acknowledged within sixty (60) seconds of notification of the request for at least ninety per cent (90%) of the calls for service, with a maximum call acknowledged to time en-route of no more than ten (10) minutes from notification, as evidenced by having a fully staffed and stocked ambulance en-route within that time frame, unless the request is for a scheduled transfer for which alternate requirements are specified by the calling party. If the timeframes contained above are not met, or if a responder indicates that it cannot meet the timeframes, Metro Communications shall automatically dispatch the provider(s) who are secondary response for the location of the incident. The ten (10) minute requirement for ambulance en-route may be waived by the County in the event of unusual circumstances, which shall be considered on a case-by-case basis.
 4. **Staffing Requirements:** The holder of a ground ambulance license shall for every ambulance run, comply with all staffing minimums specified by the State of South Dakota for licensure. These staffing requirements shall only apply when patient care and transport are occurring.
 5. **Equipment/ Medications:** All ground ambulance units shall for every ambulance run, comply with the State requirements for equipment and supplies. In addition, all ground ambulance units shall for every run, carry such additional equipment and supplies as specified by the QA Director for the ambulance service. All ambulance units shall be equipped to use the State Digital Radio System. By applying for a license, each holder agrees to allow the County's QA Director to inspect its equipment and medications any time s/he reasonably determines necessary.
 6. **Indirect Medical Control:** The holder of a ground ambulance license must have a Medical Director to provide indirect medical control. The Medical Director must have a medical license issued by its State of origin, a D.B.A. Certificate, and staff privileges, in good standing, with at least one acute-care hospital in the County, City of Sioux Falls, South Dakota, or in close proximity in a neighboring State or County.
 7. **Direct Medical Control:** The holder of a ground ambulance license must have procedures in place to receive direct (on-line) medical control by a physician(s) licensed in the State of South Dakota who shall have staff privileges, in good standing, with at least one acute-care hospital in the County or City of Sioux Falls, South Dakota. Direct medical control must be available twenty-four (24) hours a day and seven (7) days per week. This direct medical control may be provided by at least one acute-care hospital within the County or City of Sioux Falls; or alternative arrangements may be made for the provision of direct medical control, subject to review and approval by the County.
 8. **Insurance Requirements:** The holder of a ground ambulance license must maintain a certificate of policy of insurance issued by a responsible insurer, covering the vehicles to be operated and personnel employed by or working for the service. A current certificate or policy of insurance must be on file with the County at all times for the period during which the service holds a surface ambulance service license. The liability insurance shall provide the following coverage as a minimum:

General liability coverage of comprehensive form with the following minimum limits:
Property damage of five hundred thousand dollars (\$500,000) per incident
Personal injury for one person of five hundred thousand dollars (\$500,000) per incident
Personal injury for one accident of one million dollars (1,000,000) in the cumulative
Umbrella policy of one million dollars (\$1,000,000) per incident
Employee profession liability coverage of one million dollars (\$1,000,000) per incident.

9. All persons responding to calls for service to a County-licensed ambulance provider must complete necessary National Incident Command System Training. All licensed providers must participate at no cost to the County when the County conducts disaster training exercises. This will be limited to one (1) disaster exercise per year; the exercise may be table top, functional or full-scale in nature.

SECTION 1-7 COMPLIANCE WITH REGULATIONS

An application for a ground ambulance license is considered to be an agreement with and acceptance of all record-keeping requirements and other provisions of this Ordinance both now and as it may from time to time be amended in the future. Failure to comply with the provisions of this Ordinance or unsatisfactory quality assurance reviews from the County's quality assurance agency may subject the licensee to suspension and possible revocation of the license to operate surface ambulance services in the County.

SECTION 1-8. LICENSE APPLICATION

Each prospective licensee for a ground ambulance license with the County shall make application, in writing, to the County which shall be filed with the Minnehaha County Auditor's Office. The application shall be verified by the person making the application and shall contain the following information:

1. The geographical location for which licensure is sought.
2. The full name and address of the applicant; and if a partnership, the name and address of each partner; and if a corporation, the names and addresses of the officers and members of the board of directors thereof; and the name and addresses of the general manager of the applicant's surface ambulance service.
3. The address of the principal place of business of the applicant.
4. A resume of the experience of the applicant in the experience of operating an ambulance service.
5. A detailed statement of the type of ambulance service which the applicant proposes to operate in the County.
6. A certified copy of the ambulance service license of the applicant, which has been issued by the State of South Dakota.
7. A detailed listing of vehicles to be utilized as ground ambulances.
8. A written plan for staffing levels to provide ground ambulance service meeting the response

and level of service requirements set forth in this Ordinance.

9. A list of employees expected to be employed by the applicant, along with their EMT certifications, training, and credentials.
10. Documentation that all ambulances are equipped with adequate equipment and medications to meet the standards of the State.
11. Verification of availability of direct and indirect medical control, as evidenced by agreement, letter or some other writing which shall include the certifications of the Medical Director, and the name of the acute-care facility at which the Medical Director has staff privileges, and proof of on-line medical control twenty-four (24) hours a day, seven (7) days a week.
12. A plan to comply with the sanitary and safety standards set forth in this Ordinance, including vehicle and equipment inspections as specified.
13. Insurance verification as set forth in this Ordinance, including a list of vehicles insured or proof of blanket coverage.
14. Payment of the fee for licensure, the amount of which shall be established by separate Resolution of the Minnehaha County Commission.
15. Such other information as County may require, which shall be set forth in the application form.

SECTION 1-9. INITIAL AND SUBSEQUENT APPLICATION PROCESS

After the expiration of the initial four (4) year licensure, all ambulance services seeking to be re-licensed by County shall be subject to review by the County's quality assurance agency or Medical Director prior to issuance of the ground ambulance license. License applications must be received no later than September 1st of the year the existing licenses expire.

Any application for ground ambulance licensure shall be approved or denied by County within sixty (60) days of its submission. Any decision relating to the issuance of a license for ground ambulance services shall be made by the Minnehaha County Commission and may be appealed to circuit court in accordance with the statutes of South Dakota.

SECTION 1-10. GEOGRAPHICAL BOUNDARIES

It is the stated purpose of this Ordinance, that all persons residing within Minnehaha County have access to ambulance services meeting the minimum standards set forth herein. In order to accomplish this stated purpose and in order to protect the health, safety and welfare of the citizens of the County, all ground ambulance services licenses issued by the County shall be for a specific geographical area within the County which shall be identified in the license. To the extent possible, these geographical areas shall not overlap, but instead shall be contiguous. It is an express condition of any ground ambulance license issued by the County that the license holder must respond to all ambulance service calls within its licensed area in accordance the standards and requirements set forth in this Ordinance. It is a further express condition of this Ordinance that a license holder may respond to ambulance calls in the County, but outside of its licensed area, only in the event of emergency, a request for mutual aid, or disaster.

The County will consider additional applications for ground ambulance licenses for geographical areas already served by an existing license holder upon the expiration of the existing license holder's license term. However, under such circumstances, the applicant will be required to show by demonstrable evidence, that a need exists for more than one ambulance service in the area and that the issuance of more than one ground ambulance license for that area will not unduly impact the ability of the current license holder to perform ambulance services mandated by this Ordinance. Any decision of the County Commission regarding the approval or denial of an application for ground ambulance services may be appealed to the circuit court in accordance with the statutes of the State of South Dakota, by any interested party.

SECTION 1-11 SAFETY AND SANITARY STANDARDS

Licenseses shall comply with the following standards for sanitation and safety, in addition to any other standards that may be imposed by the State of South Dakota as a condition of licensure:

1. The interior of the ambulance and the equipment on the ambulances shall be clean, sanitary and maintained in good working order.
2. Exterior surfaces of the ambulance shall be cleaned routinely.
3. Oxygen masks, cannulas, humidity containers, suction catheters, tubing or any airway designed to be inserted in a patient's nose or mouth shall be single service, and must be properly stored and handled. Equipment and supplies identified by the manufacturer as single use of disposable shall not be reused and shall be properly disposed of in appropriate bio-medical waste containers.
4. Immediately after an ambulance has been utilized to transport a patient, the patient compartment and any non-disposable equipment must be thoroughly cleaned and disinfected prior to reuse, according to standard infection control practices.
5. Freshly laundered linens or disposable linens shall be used on cots and pillows. Clean linen shall be used for each patient.
6. Smoking and eating is prohibited in ambulances. Consuming beverages is prohibited in the patient compartment module at all times except as part of patient care. Consuming beverages is prohibited in the driver's compartment of an ambulance during an ambulance run.
7. Body substance isolation procedures, universal precautions and personal protective equipment shall be used by personnel participating in patient care activities.
8. The holder of a ground ambulance license shall train all of its members concerning infection control policies and procedures and records of such training shall be maintained as part of the continuing education records of the service.
9. The holder of a ground ambulance license shall have written policies concerning infection control which shall include, at a minimum, pre-exposure precautions; post-exposure procedures; and procedures for decontamination and/or disposal of all contaminated equipment and supplies.

10. Vehicles, medical devices, radio communication devices and rescue equipment must be maintained in accordance with manufacturer's specifications and shall be in operational condition at all times. Emergency vehicle warning lights and audible warning devices must function in the manner in which they were designed. Each ambulance vehicle shall be checked monthly to determine that it is in proper working order and a notation on the maintenance records shall be made of the monthly review.
11. Maintenance records must be maintained for all medical equipment, to include defibrillators, glucometers, infusion pumps, and any other electronic equipment. Maintenance records shall contain the date, the name of the person performing each routine equipment check, changes, additions, service, repair, and response to complaints of equipment operators. Maintenance records shall record all mechanical checks and repairs of each piece of equipment.
12. Each defibrillator shall be checked at least monthly to determine that it is in proper working order and a notation made in the maintenance records shall be made of the check. Each defibrillator shall be checked at least annually to determine that it is correctly calibrated in accordance with manufacturer's recommendations and shall be re-calibrated if necessary and a notation made in the maintenance records.

SECTION 1-12. RECORD KEEPING

A patient record will be completed for each call to which the surface ambulance service responds, even if there is not a patient transport, and for each patient assessed or treated by the service, including responses to routine transfers. This patient care record must meet the standards of the State of South Dakota. For all patients transported a copy of the patient care report must be left with the patient when the patient arrives at destination. A copy of all patient care records must be made available to the County or its designee, upon request for quality assurance purposes.

SECTION 1-13. RECORD RETENTION

Written or transcribed service records as required by this ordinance shall be kept by the surface ambulance service for a minimum of five (5) years and shall be available for inspection by the County or its designee upon request.

SECTION 1-14. CONFIDENTIALITY

Confidentiality of both patient and employee records shall be maintained by the ambulance service, by the County, and by the individual, agency, or review boards designated by the County as its entity or entities for quality assurance review. These records may not be released nor may the information in them be shared with any other person, entity or governmental body without the express written consent of the patient or in compliance with the order of a court of competent jurisdiction.

SECTION 1-15. SUSPENSION AND REVOCATION OF LICENSE

Violations of this Ordinance and the supporting requirements, regulations, rules and policies may require that action be taken which may result in the suspension or revocation of the ground ambulance license. Any action which may result in the suspension or revocation of the ground ambulance license by the County shall follow the procedure set forth in Section 1-16 of this Ordinance and the administrative procedures required in Section 1-24 of the statutes of the State of South Dakota.

SECTION 1-16. PROCEDURES FOR SUSPENSION AND REVOCATION OF LICENSE FOR GROUND AMBULANCE SERVICES; NOTICE, HEARING AND APPEAL

In the event that a violation or violations of this Ordinance by the holder of a ground ambulance license shall be deemed by the County or its designated quality assurance agency, sufficient so as to warrant immediate action to protect the health, safety, or welfare of the citizens of the County, the following procedure shall be followed:

1. Upon receipt of a recommendation of suspension or revocation from its quality assurance review agency, the County shall cause written notice of the recommendation to be served upon the holder of a ground ambulance license (holder). The notice shall state the nature of the recommendation and the reasons for the recommendation in sufficient detail so as to allow the holder the ability to respond. In cases of extreme risk to the citizens of the County, the notice may include an immediate order to suspend all ambulance services within the County pending further review. Any holder receiving notice of a recommendation of suspension or revocation, shall respond in writing within twenty-four hours from the date and time of the receipt of the notice. The response shall include any information that the holder believes material to the recommendation, and may include a corrective action plan for violations that the holder admits have occurred. Within ten (10) working days after receipt of the holder's written response, the Minnehaha County Commission, with at least a quorum present, shall hold a hearing to determine whether the recommendation of suspension or revocation should be implemented. In the event the notice shall require immediate suspension of ambulance service pending County Commission review, the hearing shall be held as soon as is possible, but in no event more than three (3) days after receipt of the ambulance service's written response, unless the service shall request an extension of time to prepare for the hearing.
2. Written notice of the hearing on the proposed suspension or revocation of the license due to alleged violations of this Ordinance shall be served upon the licensee at least twenty-four hours in advance of the scheduled hearing. The written notice shall comply with the provision of SDCL 1-24 (the South Dakota Administrative Procedures Act) regarding contents of notice in contested cases.
3. At such hearing, opportunity shall be afforded all parties to respond and present evidence on issues of fact and argument relevant to the issues. A party to the proceeding may appear in person, or by counsel, or by both, may be present during the giving of all evidence, may have a reasonable opportunity to inspect all documentary evidence, may examine and cross-examine witnesses, may present evidence in support of his position, and may have subpoenas issued to compel the attendance of material witnesses and for the production of material evidence. All witnesses shall be sworn and there shall be a verbatim record of the proceedings kept by the County.
4. Informal disposition may be made if agreed by the holder and the County.
5. The formal record of the hearing shall include all pleadings, notices, motions, and written rulings, if any; all evidence received and considered; and a statement of the issues raised by the County which were challenged by the holder; proposed findings of fact and decision and objections to the proposed findings of fact and decision; and the final findings of fact and decision of the County Commission. In addition, all evidence received or offered and not received shall be maintained in the formal record of the proceedings.

6. Any final decision of the County Commission shall take into consideration the totality of the evidence presented and shall be based upon a determination of what best serves the health and safety of the citizens of Minnehaha County. Any final decision of the County Commission may be appealed by any person aggrieved by the decision, to the Circuit Court, Second Judicial Circuit, in accordance with the statutes of the State of South Dakota. Failure of the County to issue written decision within thirty (30) days of the date of hearing shall be treated as a decision adverse to the holder and holder shall have the right of appeal from the record as it then exists.

SECTION 1-17. GENERAL PROVISIONS

1. Any ground ambulance service that is licensed by the County or any municipality within the County shall receive, as a part of such licensure, the privilege of 911 dispatch services from Metro Communications.
2. Any time that the contents of this Ordinance are referred to within its body, the referral shall include any amendments, policies, procedures, rules or regulations which implement or carry out the provisions of this Ordinance.

SECTION 1-18. ENFORCEMENT

1. Any person or entity which conducts ground ambulance services within Minnehaha County without first obtaining a ground ambulance license, shall be guilty of a class 2 misdemeanor.
2. The provisions of this Ordinance may be enforced by injunction or other appropriate civil proceeding.

Adopted this 17th day of March, 2009.

BOARD OF COUNTY COMMISSIONERS:

John Pekas, Chairman
 Anne Hajek
 Jeffrey Barth
 Dick Kelly
 Carol Twedt

ATTEST:

Sandy Kinder, Deputy Auditor

UPDATE

Ken McFarland, Commission Administrative Officer, briefed the Commission on proposed legislation affecting county government. Tim Rave, SD Speaker of the House, commented on the 2009 session.

NEW BUSINESS

Commissioner Twedt announced that the State requested flags be flown at half-staff in remembrance of Turner County Deputy Chad Mechels. She offered condolences to his family and the residents of Turner

3/17/09

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County.

Commissioner Barth asked for time on next week's agenda to give a report on the NACO conference.

MOTION by Barth, seconded by Hajek to adjourn into Executive Session for personnel discussion. 5 ayes. Following the Executive Session, the Commission adjourned until 9:00 a.m. on Tuesday, March 24, 2009.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor