

## Gregory County Commission Proceedings

The regular meeting of the Gregory County Commission was held Tuesday, December 19, 2023, at 9:00 a.m. in Burke with the following members present: Jessy Biggins, Byrain Boes, Doug Janousek, Lance Matucha and Jeff Johnson. Also present: Julie Bartling, Gregory County Auditor, Amy Bartling Jacobsen, Gregory County State's Attorney, and Patty Connealy, Gregory Times Advocate.

Chair Jessy Biggins called the meeting to order and all present recited the Pledge of Allegiance.

**Approval of Agenda:** Motion by Lance Matucha, second by Byrain Boes to approve the agenda with the following addition: Ed Dostal and guest will come in at 9:30 a.m. to discuss renewable energy. All members present voted aye. Motion carried.

**Approval of Minutes:** Motion by Jeff Johnson, second by Doug Janousek to approve the minutes of the December 5, 2023 meeting as read. All members present voted aye. Motion carried.

**Conflicts of Interest:** The Chair asked if there were any conflicts of interest from members present. None were notated.

**Ex-Parte Communications:** The Chair inquired if there have been any ex-parte communications by any member present. None were notated.

**Public Input:** The Commission Chair opened the floor for public input. No one appeared at the meeting.

**Online Equipment Auction Sale Approval:** Motion by Lance Matucha, second by Byrain Boes to approve and accept the following auction results from the sale of Big Iron Auction held November 29, 2023:  
1978 Miller Tilt Flatbed Trailer-\$3,026.00  
All members present voted aye. Motion carried.

**Jail Contract Amendment:** Motion by Jeff Johnson, second by Byrain Boes to approve the following jail contracts amended for 2024:

- Hughes County (Juvenile) - \$375.00 per prisoner/per day
- Winner Municipal Jail – Increase prisoner transport fees based upon CPI

All members present voted aye. Motion carried.

**Planning & Zoning Discussion:** Mr. Christy Burkholder and Mr. Joseph Yoder met with the Board to discuss Section 513 of the Gregory County Zoning Ordinances, which allows for additional dwellings if approved through the conditional use permit process.

Mr. Burkholder also inquired as to the process for applying for a building permit once a deed has been filed in the ROD office but not received by the DOE office. The group also discussed that pouring a concrete slab does not require a building permit.

On behalf of Mr. Joseph Yoder, a question was asked regarding the denial of a variance to build on a parcel less than 40 acres. Betty Jo Hoffman, P&Z Administrator, arrived at the meeting and explained that the variance request will be taken up once again after the 1<sup>st</sup> of the year.

Also present for the planning & zoning discussion was Sonny Plugge and John Jacobsen, members of the P&Z Board, and Amy Bartling Jacobsen, States Attorney.

**Renewable Energy Discussion:** Mr. Ed Dostal and Mr. Joel Keierleber met with the Board to discuss permitting for wind towers and the fees recently approved, citing that the high fee of \$5/\$1,000 of construction costs will prohibit any development of wind farms.

It was also discussed that perhaps the county cannot supercede State or Federal laws and regulations regarding wind towers.

The Board was informed that discussions are just beginning around renewable energy projects.

**Executive Session:** Motion by Lance Matucha, second by Jeff Johnson to enter into Executive Session at 9:55 a.m. to discuss personnel. All members present voted aye. Motion carried.

Motion by Lance Matucha, second by Byrain Boes to adjourn from Executive Session at 10:18 a.m. with no action taken. All members present voted aye. Motion carried.

**Parking Lot Issues:** The Commission requested that the State's Attorney and Auditor pursue a claim against the contractor who poured the Courthouse parking lot through his Performance Bond due to failed material and failure to provide a remedy.

**Tax Deed Update:** Kathy Serr, Treasurer, informed the Board regarding the current tax deed properties.

**Golden West Application for Occupancy:** Motion by Doug Janousek, second by Byrain Boes to approve the following application from Golden West Telecommunications for placement of cable to 29858-358<sup>th</sup> Ave., Bonesteel, South Dakota. All members present voted aye. Motion carried.

**Policy Manual Updates:** Motion by Doug Janousek, second by Byrain Boes to approve the following Gregory County Personnel Policy changes, effective as of 1-1-2024.

#### **TIME RECORDS AND PAY PERIODS**

- A. All County Employees, with the exception of the Elected Officials, are required to clock in and clock out using a timekeeping system purchased by the County. For accuracy in payroll, employees must clock in at the beginning of the day and upon returning from the required lunch break; and must clock out at the beginning of the required lunch break and at the end of the day. If any employee leaves during the day for personal reasons, they must also clock in and out.
- B. Each County Department Head will instruct their employees on time record policies. To comply with US Department of Labor requirements regarding hours worked in a pay period, work periods will be from the 25<sup>th</sup> of the month through the 10<sup>th</sup> of the next month and from

the 11<sup>th</sup> of the month through the 24<sup>th</sup> of the month. Time records shall be turned into the Auditor's office payroll department on the next working day (by 4:00 p.m.) following the cutoff dates of the 10<sup>th</sup> and 24<sup>th</sup>. Time records must reflect hours worked, PTO taken, and, for 10-month employees, required time off taken.

#### **COURTHOUSE HOURS**

- A. The hours of the Gregory County Courthouse shall be from 7:30 a.m. through 12:00 noon and 12:30 p.m. through 4:00 p.m., Monday through Friday, except on designated holidays.
- B. Lunch periods are unpaid breaks and are 30 minutes in length. Offices shall be closed during the lunch breaks unless the public is already present in the office.
- C. Morning and afternoon breaks will no longer be granted, unless the employee is working more than 4 hours over the regular 8 hour day.
- D. Taking a longer time for a lunch break may result in disciplinary action.

#### **COMPENSATORY TIME**

- A. Compensatory time will be granted to any Courthouse employee working more than 40 hours per week, with the exception of the Elected Officials, the Deputy Sheriffs, the Highway Superintendent and any employee deemed to be part-time. The Administrative Assistant for the Highway Department is also eligible for compensatory time. Compensatory time will be calculated at a rate of 1.5 times that of regular time, and must be taken off within 30 days of the accumulation date. All compensatory time must be approved by the Department Supervisor.

#### **PERSONAL TIME OFF (PTO)**

- A. Beginning with the first day of employment, eligible employees, as defined in the employee classifications of Section IV, will begin to accrue Personal Time off leave. These defined employees will earn PTO hours in the following manner:

|                       |  |
|-----------------------|--|
| 0-6 months            | Employee earns 4 hours per pay period                          |
| 6 months to 1 year    | Employee earns initial 40 hours, plus 7.5 hours per pay period |
| 1-5 years inclusive   | Employee earns 7.50 hours per pay period                       |
| 6-10 years inclusive  | Employee earns 8.33 hours per pay period                       |
| 11-15 years inclusive | Employee earns 9 hours per pay period                          |
| 16-19 years inclusive | Employee earns 10.33 hours per pay period                      |
| 20 years on           | Employee earns 11 hours per pay period                         |
- B. All other employees are not eligible for PTO leave benefits.
- C. The maximum amount of PTO leave an employee may have is 480 hours, effective January 1, 2024. Employees who have over 240 hours as of this date will be paid for the excess hours on the last pay period of December 2023, and shall begin to earn PTO based upon the new schedule beginning January 1, 2024.
- D. Employees who reach the maximum amount will not accrue further leave until their bank falls below the maximum amount allowed.

- E. An employee utilizing PTO should give as much notice as possible to the employee's supervisor. PTO used for scheduled time off should have advance notice and supervisor approval. PTO must be scheduled in advance and be approved by the employee's supervisor.
- F. For any department with more than one employee, it may be necessary to limit the number of employees taking PTO at any one time.
- G. In the event the employee leaves the employ of the County for any reason, they shall receive accrued PTO paid out per the Separation Benefits schedule.
- H. Any county employee, who is a veteran, will be allowed to participate in the funeral service of another veteran without having to use PTO or lose pay. This was made effective March 20, 2001, by Board action.

**SEPARATION BENEFITS**

- A. When an employee leaves the employment of Gregory County under voluntary terms and with notice required, separation benefits will be payable based on their accumulated PTO leave balance.
- B. Voluntary terms for the purpose of this policy are defined as an employee terminating employment with Gregory County through one of the following:
  - 1. Voluntary termination;
  - 2. Retirement; or
  - 3. Death.
- C. If the reason for leaving the employment is voluntary termination or retirement, the employee must have given the County written notice of such, as outlined in the resignation section of this handbook. Failure to have given such written notice will disqualify the employee from receiving separation benefits.
- D. Benefits under this policy shall be calculated on the employee's rate of pay upon termination or retirement.
- E. Based upon the number of years of employment by the County, as calculated from the employee's retirement benefit enrollment date, the employee will be entitled to a monetary payout of PTO hours accumulated to the date of termination or retirement in accordance with the following schedule:

| <u>Years of Employment</u> | <u>% of PTO Hours Earned</u> |
|----------------------------|------------------------------|
| 0-3 years incl.            | 0%                           |
| 4-9 years incl.            | 25%                          |
| 10-15 years incl.          | 35%                          |
| 16 years on                | 50%                          |

- F. In the case of death of the employee, payment will be made to the beneficiary of accrued benefits in accordance with the above schedule.

#### **DONATION OF PTO BENEFITS FOR MEDICAL REASONS**

- A. An employee may receive donated PTO leave from another employee if the following requirements are met:
  - 1. They are employed in a permanent position for at least one year and are eligible for the accumulation of leave.
  - 2. They have made a written request for and have obtained the approval of the County Commission to receive donated leave.
  - 3. They have exhausted all but (3) three days of their own PTO leave.
- B. Donated leave benefits for medical reasons cease after 2,080 hours of donated leave has been used by an employee who is terminally ill; 1,040 hours of donated leave has been used by an employee who is suffering from a life-threatening illness or injury or recuperating from illness or hospitalization; when other public disability benefits have been approved for the recipient employee; or upon the death of the recipient employee.
- C. The rate of payment of donated leave is the recipient employee's current base pay. The recipient employee may earn and accrue PTO while on donated leave.
- D. For every hour donated, the recipient employee receives one hour. The minimum donation is four hours, and must be donated in four hour increments. The donating employee may donate his/her leave if said leave balance exceeds 120 hours, and donating employee must retain a minimum of 120 hours after donation.

#### **CLOTHING ALLOWANCE**

- A. Gregory County Department Supervisors shall budget for clothing for their employees that falls into the following parameters, which will annually be approved by the Commission:
  - 1. Highway Department laborers will receive reflective safety vests, gloves, vision and hearing protective gear.
  - 2. Courthouse employees and the Highway Department Administrative Assistant may receive clothing with their office insignia embroidered.
  - 3. Sheriff's Department employees shall receive appropriate clothing as required for their office positions.

#### **SMOKING PROHIBITED**

- A. Smoking is prohibited inside all Gregory County buildings and county owned vehicles.
- B. The ban on smoking applies to employees, customers and visitors.

All members present voted aye. Motion carried.

**Executive Session:** Motion by Doug Janousek, second by Byrain Boes to enter into Executive Session at 11:20 a.m. to discuss legal matters. All members present voted aye. Motion carried.

Motion by Jeff Johnson, second by Doug Janousek to adjourn from Executive Session at 12:00 p.m. with no action taken. All members present voted aye. Motion carried.

**Adjourn:** Motion by Jeff Johnson, second by Byrain Boes to adjourn. All members present voted aye. Motion carried.

ATTEST: \_\_\_\_\_  
Julie Bartling, Gregory Co. Auditor

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Jessy Biggins, Chair