

June 15, 2021

Union County Commissioners

The Union County Board of Commissioners met in regular session June 15, 2021 at the Courthouse in Elk Point, SD at 8:30 a.m.

Members present Dailey, Headid, Joffer, Kimmel and Ustad.

Motion by Dailey, second by Headid to approve the agenda. Carried.

Motion by Kimmel, second by Joffer to approve the minutes from June 1, 2021. Carried.

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER  
May 31, 2021

Total amount of deposits in bank	\$8,141,327.90
Total amount of actual cash	\$3,878.15
Total amount of checks and drafts in Treasurer's possession not exceeding three days	\$40,432.60
Investments	\$8,613,689.25
Cash Variance	\$66.39
Credit card outstanding	\$10,462.80
Total	\$16,809,857.09

\*Note: These figures include all funds administered by the county including city, schools & township revenue and other pass through accounts.

February Monthly Reports

Sheriff Office Federal Prisoner & INS room & board fees- \$9,188.99.

Nurse- \$.00 Donations.

Register of Deeds' reported \$11,367.00 in transfer tax and \$14,992.00 in fees.

Veteran Service- 52 Contacts (April).

Clerk of Courts- \$44,730.90 (April), \$33,835.65 (May).

Claims

Motion by Headid, second by Kimmel to approve claims. Carried. The Following Claims Have Been Audited, Approved, and Warrants Drawn on the Same: BW Payroll: 6/18/2021: \$79,396.31; Treasurer \$843.47; State's Attorney \$1308.46; Care of Poor \$276.16; Register of Deeds \$954.00; Sheriff \$15,856.95; Jail \$19,169.28; Communications \$12,487.00; Nurse \$254.25; WIC \$296.63; P&Z \$171.89; Highway \$23,495.36; Alliance Communication (Util) \$235.54; Alternative HRD (Services) \$4,589.10; Appera (Supp) \$73.82; Butler Machinery Co (Repairs) \$280.00; Capital One Trade Credit (Supp) \$178.47; Century Link (Util) \$448.19; Century Link (Util) \$6.32; Chesterman Co (Supp) \$152.00; City of Alcester (Util) \$65.01; Clay Rural Water System (Util) \$38.00; Clay-Union Electric Corp (Util) \$50.29; Concrete Materials (Supp) \$4,100.74; Continental Research Corp (Supp) \$552.48; Dakota Dunes North Sioux (Pub) \$283.20; Dakota Graphics (Maint) \$240.50; Dean Schaefer (Transcripts) \$72.00; Dept. of Revenue Division (Title Fees) \$16.00; Elk Point Ace Hardware (Supp) \$43.87; Family Bucking, Inc. (Deposit - Bull Riding) \$980.00; FedEx (Fed Ex) \$16.59; Filter Care (Supp) \$31.45; Force America Inc. (Shipping) \$17.67; Horizon Health Center (Dr) \$1,257.10; Hydraulic World Inc. (Supp) \$140.88; I-State Truck Center (Supp) \$557.00; Innovative Monitoring System (Supp) \$252.50; Jack's Uniform & Equip (Supp) \$49.95; Jensen Repair (Repairs) \$72.89; Jim Hawk Truck Trailers (Supp) \$1,035.70; Johnson Engineering Co (Services) \$5,168.36; Johnson Feed Inc. (Supp) \$921.12; Jones Food Center (Supp) \$15.32; L G Everist Inc. (Supp) \$742.33; Lacroix Law Office (MI) \$261.20; Language Line Services (Supp) \$89.87; Leader Courier (Pub) \$283.25; Lewis & Clark Bhs (MI) \$184.00; Lewis Family Drug LLC (Dr) \$325.11; Lincoln County (MI) \$692.47; Loffler Companies Physical (Maint) \$271.47; Loffler Companies, Inc. (Maint) \$1,430.14; Loren Fischer Disposal (Util) \$82.61; Microfilm Imaging System, (Maint) \$105.00; Midwest Card and Id Solution (Supp) \$250.00; Minnehaha County Regional (Housing) \$2,763.99; NDAA (Insurance) \$4,339.00; Ollies Drive Inn (Meals) \$10,180.75; Olson's Pest Technicians (Services) \$70.00; One Office Solution (Credit) \$921.71; Pedersen Machine, Inc. (Supp) \$1,076.88; Pete's Produce (Supp) \$30.96; Premier Communications (Util) \$266.86; Pressing Matters (Supp) \$72.00; Quill Corporation (Supp) \$210.45; Roto Rooter (Maint) \$390.00; Running Supply Inc. (Supp) \$132.35; Runnings (Supp) \$98.96; Sam's Club (Supp) \$222.12; Sanitation Products Inc. (Supp) \$1,216.40; Scott Sexton (Phone) \$363.84; Side Dump Trailer Sale (Repairs) \$3,916.90; Sioux Laundry (Laundry) \$859.95; Southeast SD Tourism Assn (Services) \$400.00; State of South Dakota (Util) \$278.89; Sturdevant's Auto Parts (Supp) \$1,191.37; The Akron Hometown

(Supp) \$54.00; The Home Depot Pro (Supp) \$671.02; The Lodge at Deadwood (Rooms) \$678.00; Transunion (Supp) \$75.00; Ulteig Engineers, Inc. (Services) \$16,747.16; Union County (Fuel) \$17,608.43; Union County Electric (Util) \$248.00; Vast Broadband (Util) \$210.19; Verizon (Cameras) \$861.39; Verizon Wireless (Util) \$211.17.

#### Personnel

Motion by Dailey, second by Kimmel to approve a .15 cent increase for Anthony Aranov and Myien House starting 5-30-2021 for evening shift leaders in the Jail. Discussion. Joffer, Kimmel, Dailey and Ustad voting yea and Headid nay. Carried.

#### New Hire

Motion by Dailey, second by Headid to approve the following: Kenna Curry- Weed at \$14.97 June 4, 2021. Carried.

#### Fuel Quotes

Motion by Headid, second by Dailey to accept the low fuel quotes from Vollan Oil \$2.2548 to Elk Point maintenance shop for # 2 (Dyed) Diesel Fuel not to exceed 8,500 gallons. Carried. Other quote Southeast Farmers Elevator Coop \$2.2740

#### Adopt Procurement and Conflict of Interest Policy

Motion by Joffer, second by Headid to adopt the following policy and renew it every year at the Organizational Meeting. Carried.

### **UNION COUNTY, SOUTH DAKOTA**

#### **PROCUREMENT AND CONFLICT OF INTEREST POLICY**

The requirements for procurement are commonly contained in the Federal Uniform Guidance, program legislation, Federal awarding agency regulations, State bid laws and/or the terms and conditions of the award. To ensure compliance with these requirements, **Union County**, hereinafter referred to as the **County**, will adhere to the following policies and procedures when utilizing public funds:

1. Purchasing and procurement related to Federal funds will be subject to the general policies and procedures of South Dakota Bid Law (SDBL), unless federal requirements are more restrictive, then federal requirements and bidding thresholds will take precedence. (§5-18A-32 and §200.318(a))
2. Pursuant to §5-18A-14 the **County** shall adhere to three bid limits when entering into purchase contracts. (§5-18A-14) If the purchasing agency intends to enter into a contract for any public improvement that involves the expenditure of one hundred thousand (\$100,000) dollars or more, an equipment purchase in excess of fifty thousand (\$50,000) dollars or any contract for the purchase of supplies or services, other than professional services, that involves the expenditure of twenty-five thousand (25,000) dollars or more, all as amended, the purchasing agency shall advertise for bids or proposals with the exception of exempt items. (§5-18A-22)
3. The **County** will maintain oversight to ensure that contractors perform in accordance with the terms, conditions and specifications of contracts or purchase orders. (§200.318(b) and (§5-18B-14))
4. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents can neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. If the financial interest is not substantial or the gift is an unsolicited item of nominal value, no further action will be taken. However, disciplinary actions will be applied for violations of such standards otherwise. (§200.318(c)(1) and (§5-18A-17.5)
5. The **County** will avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any

other appropriate analysis to determine the most economical approach. (§200.318(d)). The **County** will also analyze other means, as described in §200.318(d), to ensure appropriate and economic acquisitions.

6. The **County** will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. (§200.318(h) and (§5-18B))
7. Federal program files will document the significant history of the procurement, including the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis of contract price. (§200.318(i))
8. The **County** may use time and material type contracts only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. (§200.318(j) and SDBL)
9. Procurement will provide for full and open competition. (§200.319 and (§5-18A-3))
  - A. Firms who develop or draft specifications requirements, statements of work, and invitations for bids or requests for proposals will be excluded from competing for such procurements or contracts Contractors. (§200.319 (b))
  - B. Other restrictive practices are prohibited:
    1. Placing unreasonable requirements on firms for them to qualify to do business (§200.319 (b) (1));
    2. Requiring unnecessary experience and excessive bonding (§200.319 (b) (2));
    3. Noncompetitive pricing practices between firms or between affiliated companies (§200.319 (b) (3));
    4. Noncompetitive contracts to consultants that are on retainer contracts (§200.319 (b) (4));
    5. Organizational conflicts of interest (§200.319 (b) (5));
    6. Specifying only a 'brand name' product instead of allowing 'an equal' (§200.319 (b) (6)); and
    7. Any arbitrary action in the procurement process. (§200.319 (b) (7)).
  - C. The **County** will conduct procurements in a manner that prohibits state, local, or tribal geographical preferences. In the case of architectural or engineering services, geographic location may be a selection criterion provided it leaves an appropriate number of qualified firms, given the nature and size of the project. (2 CFR § 200.319(c)).
10. The **County** must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include (2 CFR § 200.321(b)(1)):
  - A. Placing qualified small and minority businesses and women's business enterprises on solicitation lists (2 CFR § 200.321(b)(1));
  - B. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources (2 CFR § 200.321(b)(2));
  - C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises (2 CFR § 200.321(b)(3));
  - D. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; (2 CFR § 200.321(b)(4));
  - E. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce (2 CFR § 200.321(b)(5)); and,
  - F. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section (2 CFR § 200.321(b)(6)).
11. The **County** will use the procurement methods as outlined by (2 CFR §200.320) which are summarized as follows:
  - A. Micro purchases, aggregate amounts up to four thousand (\$4,000) dollars or as amended. No quotations or bids will be required if a majority of the Board of City Commissioners considers the price to be reasonable. To the extent practicable, the **County** will distribute micro- purchases

equitably among qualified suppliers;

All purchases between four thousand (\$4,000) and twenty-five thousand (\$25,000) or as amended require three (3) quotations or documented efforts thereto. (§5-18A-11)

- B. Small Purchases, contracts between twenty-five thousand (\$25,000) dollars for supplies and services, fifty thousand (\$50,000) dollars for the purchase of equipment or one hundred thousand (\$100,00) dollars for public improvements and two hundred forty-nine thousand nine hundred and ninety-nine (\$249,999) dollars or as amended the **County** shall obtain quotations from three (3) qualified sources or documented efforts thereto yet must follow South Dakota Bid law as referenced in items #1 and #2, whichever is more restrictive;
- C. Purchases exceeding the Simplified Acquisition Threshold of two hundred fifty thousand (\$250,000) dollars or as amended shall require the preparation of a cost analysis. Based on the facts and circumstances of each procurement, the **County** will follow one of the following three procurement methods while adhering to South Dakota Bid law as referenced in items #1 and #2 whichever is more restrictive.

D. Bidding and Proposals

1. Sealed Bids

- a. Bids are publicly solicited, and a lump sum or unit price contract is awarded to the responsible lowest bidder who conforms with all the material terms and conditions (§5-18A-5(7));
- b. The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them adequate response time prior to the date set for opening the bids (§5-18A-14);
- c. The invitation for bids, which will include any specifications and pertinent attachments must define the items or services for the bidder to properly respond (§5-18A-5(2));
- d. All bids will be publicly opened at the time and place prescribed in the invitation for bids (§5-18A-5(4));
- e. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder; (§5-18A-15); and
- f. Any or all bids may be rejected if there is a sound documented reason. (§5-18A-12).

2. Competitive Proposals

- a. Normally conducted with more than one source submitting an offer (§5-18A-6);
- b. Either a fixed price or cost-reimbursement type contract will be awarded;
- c. Will generally be used when conditions are not appropriate for the use of sealed bids;
- d. The following requirements will apply;
  - 1) Requests for proposals will be publicized and identify all evaluation factors and their relative importance in accordance with these requirements and SDBL (§5-18A-7(1));
  - 2) Proposals will be solicited from an adequate number of qualified sources;
  - 3) The **County** will have a written method for conduction of technical evaluations of the proposals received and for selecting recipients;
  - 4) Contracts will be awarded to the responsible firm whose proposal is most advantageous to the **County**, with price and other factors considered; and,
  - 5) The **County** may use competitive proposal procedures for qualifications- based procurement of architectural or engineering (A/E) services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. This method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed service.

3. Noncompetitive proposals (2 CFR §200.320(f) and SDBL 5-18A-(9), (10))

Will be used only when one or more of the following factors apply. The factors to be considered include:

- a. The item is available only from a single source (§5-18A-10);
- b. The public exigency or emergency for the requirement will not permit a delay

- resulting from competitive solicitation (§5-18A-9);
- c. The Federal awarding agency (or pass-through entity) expressly authorizes this method in response to a written request from the **County** (§5-18A-37);
  - d. After solicitation of several sources, competition is determined inadequate (§5-18A-12);
  - e. The proposed activity is completed in accordance with the bid laws of the State of South Dakota; and
  - f. **The County** will maintain written documentation of the process.
  - g. **The County** shall perform a cost or price analysis pursuant to §200.320(c)(2)(iv) for every procurement action more than the Simplified Acquisition Threshold of two hundred fifty thousand (\$250,000) dollars.

#### Recess

Chairman declared a recess from 8:45 a.m. to 8:50 a.m.

#### Budget

The board met with various department heads throughout the meeting to discuss their 2022 budget requests.

#### Architecture Inc.

Andrew Eitrem met with the board via phone on the expansion of the courthouse. Discussion took place.

#### Department Head Report

Nurse McInerney, Extension/Fair/ Weed Manager Lingle Extension presented their monthly report.

#### Highway

Hwy Supt Buum met with board to discuss various matters. Brad Stangoehr was also present.

Motion by Dailey, second Kimmel to authorize Chairman Ustad to sign the R.O.W. permits for Northern Natural Gas for several crossings. 1. CR #9, 2. CR# 25/317<sup>th</sup> St, 3. CR #6, 4. CR #25/ 475<sup>th</sup> St, 5. CR #1B, 6. CR #25/475<sup>th</sup> Ave, 7. CR #25/475<sup>th</sup> Ave (308<sup>th</sup> St), 8. CR #15/307<sup>th</sup> St, 9. CR #13/302<sup>nd</sup> St, 10. CR #25/475<sup>th</sup> Ave, 11. CR #25/475<sup>th</sup> Ave (SD 46). Carried.

#### State's Attorney

States Attorney Miller, Deputy State's Attorneys Bates and Zenner, Interims Cotter and Cross. Discussion on medical Cannabis. Jeff Dooley was also present.

#### Executive Session

Motion by Headid, second by Dailey to enter into executive session for legal matters per SDCL 1-25-2 at 10:39 am. Carried. Chairman declared the board out of executive session at 11:09 a.m.

#### Recess

Chairman declared a recess from 11:09 a.m. to 11:12 a.m.

#### Budget

Discussion on 2022 budget.

#### Recess

Chairman declared a recess from 12:21 p.m. to 12:30 p.m.

#### Graham Air Park

Eric Christensen and Stephen Jones met with the board to ask for a letter of support. The Commissioners will have a letter for them on June 29<sup>th</sup>. Also present were Sheriff Limoges and Highway Superintendent Buum.

#### Budget

Discussion on 2022 budget.

Recess

Chairman declared a recess from 1:20 p.m. to 1:46 p.m.

Budget

Discussion on 2022 budget.

Executive Session

Motion by Headid, second by Dailey to enter into executive session for personnel matters per SDCL 1-25-2 at 2:04 p.m. Carried. Chairman declared the board out of executive session at 2:41 p.m. Commissioner Headid left if the meeting at 2:41.

Budget

Discussion on 2022 budget.

Adjournment

Motion by Kimmel, second by Dailey to adjourn at 3:22 p.m. until the special meeting on June 21, 2021 at 8:30 am. Carried.

ATTEST: \_\_\_\_\_

Jackie Sieverding, Auditor  
Union County

\_\_\_\_\_  
Milton Ustad, Chairman  
Union County Board of Commissioners

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