

**PENNINGTON COUNTY BOARD OF COMMISSIONERS
PROPOSED RETREAT & SPECIAL MEETING AGENDA
APRIL 3, 2020
9:00 A.M. & 3:00 P.M.
COMMISSION CONFERENCE ROOM & CHAMBERS
COUNTY ADMINISTRATION BUILDING**



*Deb Hadcock, Chair District 3
Gary Drewes, Vice Chair District 5*

*Ron Rossknecht, Commissioner District 1
Lloyd LaCroix, Commissioner District 2
Mark DiSanto, Commissioner District 4*

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 April 3rd, 2020 Board of Commissioners Retreat & Special Meeting.
Please silence cell phones, pagers and other electronic communication devices.
Agendas are located at the back of the Chambers.*

1. Call to Order
2. Review and approve agenda
3. Commission Retreat Workshop
 - a. Topics to be addressed: (list is not all inclusive)
 - i. County Budgets (2020 & 2021)
 - ii. Employees (Wage Study)
 - iii. Departments and Commissioners Goals

The Board will recess until 3:00 PM

4. Call to Order
5. Moment of Silent Reflection
6. Pledge of Allegiance
7. Items From Emergency Management
 - a. COVID-19 Update - Director Dustin Willett
8. Families First Coronavirus Response Act (HR 6201) – Pennington County Policies
9. Any and all other business related to the COVID-19 virus
 - County operations update
10. Adjourn

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.

Scan the code to access the agenda packet online.



Hennies Holli

From: Kristie Jacobsen <kris@sdcountycommissioners.org>
Sent: Friday, April 3, 2020 12:11 PM
Subject: DRAFT Letter to Gov from Mayors - April 3 2020
Attachments: DRAFT Letter to Gov from Mayors - April 3 2020.docx; DRAFT - SD Department of Health Order - SDML.docx; DRAFT - Governor Executive Order COVID-19 - SDML.docx

CAUTION: This email is from an outside source. Use caution before opening attachments, clicking links or providing confidential information.

Good afternoon,
Attached are two other draft documents as well as the previous letter emailed that was drafted to send to the Governor. SDACC will be providing the same information and would like to know ASAP if you would like your name included.

This will be distributed Monday morning to the Governor's office.

Kris Jacobsen
Deputy Director
211 E Prospect Avenue
Pierre, SD 57501
Office: (605) 224-4554
Cell: (605) 295-0713
www.sdcountycommissioners.org
www.sdcounties.org



April 6, 2020

The Honorable Kristi Noem
Office of the Governor
500 East Capitol Avenue
Pierre, SD 57501

Dear Governor Noem:

Thank you for your efforts to lead the State of South Dakota in its response to the COVID-19 pandemic. This is a difficult time for our leaders and all South Dakotans as they try to make the best decisions possible in the interest of the public health. We know you and your team are working diligently to keep us safe.

The authority currently available to municipalities, which dates back to 1939, is untested in this type of crisis. What little authority counties possess, which is also untested in these circumstances, is cumbersome at best. In these difficult times, local governments need to know with certainty they are able to adequately address the COVID-19 emergency and that all levels of government are working cooperatively. To accomplish this, it is imperative for you to encourage the Secretary of Health to declare a Public Health Emergency in South Dakota with your consent and exercise your authority under South Dakota Codified Law 34-22-43.

COVID-19 certainly meets the definition under SDCL 34-22-41 as an “imminent threat of an illness, health condition, or widespread exposure to an infectious or toxic agent that poses a significant risk of substantial harm to the affected population.” Numerous states in the nation have also taken the additional step of declaring a Public Health Emergency. The attached draft declaration and consecutive executive order would allow our local governments to carry out the provisions of Executive Order 2020-08.

Furthermore, a declaration of a public health emergency at the state or local level may be necessary for South Dakota to receive federal funding. The Families First Coronavirus Response Act, that became effective April 1, provides funds to states for the public health emergency created by COVID-19. This act requires a state to issue an emergency declaration to access funds for South Dakota households under its SNAP provision for emergency allotments to address temporary food needs. In addition, the recently enacted Coronavirus Aid, Relief, and Economic Security (CARES) Act creates a coronavirus relief fund that will grant South Dakota \$1,250,000,000 to use towards expenditures incurred due to the public health emergency. A declaration of a public health emergency would give South Dakota access to these, and potentially others, much needed funds.

Cases of COVID-19 have been confirmed in nearly half of South Dakota’s counties, and community spread numbers are rising every day. In a situation like this, time is of the essence and swift action on this declaration is necessary to prepare and limit impact as much as possible.

Thank you, Governor Noem, for your consideration of this matter.

Name, Mayor, City
Name, Mayor, City
Name, Mayor, City
Name, Mayor, City

**SOUTH DAKOTA DEPARTMENT OF HEALTH
ORDER DECLARING PUBLIC HEALTH EMERGENCY**

WHEREAS, The World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and the Secretary of the U.S. Department of Health and Human Services have declared the outbreak of COVID-19 as a public health emergency; and

WHEREAS, The CDC and health experts have recommended social distancing to slow the spread of COVID-19; and

WHEREAS, Social distancing is a method of slowing down or stopping the spread of a contagious disease by reducing the probability of contact between infected persons and those not infected in order to minimize disease transmission; and

WHEREAS, In response to the need to implement social distancing all schools in the state have been closed for at least two weeks; and

WHEREAS, On March 16, 2020, the White House issued guidance recommending that social gatherings of more than ten people be avoided and that people avoid eating or drinking at bars, restaurants, and food courts; and

WHEREAS, On March 13, 2020, the President of the United States declared a national emergency in response to the global pandemic of COVID-19; and

WHEREAS, Executive Order 2020-04 declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19.

NOW THEREFORE, I, KIM MALSAM-RYSDON, Secretary of Health for the State of South Dakota, by the authority vested in me by SDCL ch. 34-22, and the Laws of this State, together with the consent of Governor Kristi Noem, hereby declare that a public health emergency exists in the State of South Dakota, and order as follows:

1. Pursuant to SDCL ch. 34-22, the South Dakota Department of Health has the authority to establish and enforce a system of quarantine against the introduction into the state of any plague or other communicable disease, and may establish and enforce the operations of a state-wide system for communicable disease prevention, control, and treatment.
2. Pursuant to SDCL § 34-22-14, it is the duty of the South Dakota Department of Health to provide for the enforcement of regulations for the control and eradication of communicable diseases, such as COVID-19, through isolation, prevention, and treatment.
3. The disease COVID-19, which is caused by the novel coronavirus, is a severe respiratory disease which is transmitted by person-to-person contact via both airborne and fecal-oral transmission, or by contact with surfaces contaminated by the virus. In

some cases, especially among older adults and persons with serious underlying health conditions, COVID-19 can result in serious illness requiring hospitalization, admission to an intensive care unit, and death.

4. The South Dakota Department of Health has adopted administrative rules which have established that Corona Virus Respiratory Syndromes, which includes COVID-19, are Category 1 reportable diseases subject to the existing rules and regulations of the South Dakota Department of Health.
5. An outbreak COVID-19 has been confirmed in more than 100 countries, including the United States. Additionally, there are various confirmed cases evidencing the spread of COVID-19 throughout the state of South Dakota.
6. Thus, further spread of COVID-19 is imminent and poses a risk of substantial harm to the affected population as well as the entirety of the state of South Dakota.
7. Pursuant to SDCL § 34-22-43, the South Dakota Department of Health has primary jurisdiction, responsibility, and authority to coordinate and collaborate the response to this public health emergency between state and local authorities and has the power to promulgate rules to implement this response.
8. Each community and political subdivision throughout the state of South Dakota has varying exposures and unique causes of the transmission of the COVID-19 virus within their community.
9. Therefore, due to the unique needs of each political subdivision, and pursuant to the authority set forth in SDCL § 34-22-43 and the remainder of SDCL ch. 34-22, the Department of Health hereby authorizes the various political subdivisions throughout the state of South Dakota to implement preventative measures, consistent with those measures set forth in SDCL ch. 34-22 and the administrative rules thereunder, to control and lessen the spread of COVID-19 in their local communities.

Dated in Pierre, South Dakota this ___ Day of April, 2020.

Kim Malsam-Rysdon
Secretary of Health

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2020-_____**

WHEREAS, An outbreak of the disease COVID-19, which is caused by the novel coronavirus, has been confirmed in more than 100 countries, including the United States; and

WHEREAS, COVID-19 is a severe respiratory disease transmitted by person-to-person contact via both airborne and fecal-oral transmission, or by contact with surfaces contaminated by the virus. In some cases, especially among older adults and persons with serious underlying health conditions, COVID-19 can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

WHEREAS, The World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and the Secretary of the U.S. Department of Health and Human Services have declared the outbreak of COVID-19 as a public health emergency; and

WHEREAS, Cases of COVID-19 have been confirmed in several counties in South Dakota; and

WHEREAS, The CDC and health experts have recommended social distancing to slow the spread of COVID-19; and

WHEREAS, Social distancing is a method of slowing down or stopping the spread of a contagious disease by reducing the probability of contact between infected persons and those not infected in order to minimize disease transmission; and

WHEREAS, In response to the need to implement social distancing all schools in the state have been closed for at least two weeks; and

WHEREAS, On March 16, 2020, the White House issued guidance recommending that social gatherings of more than ten people be avoided and that people avoid eating or drinking at bars, restaurants, and food courts; and

WHEREAS, On March 13, 2020, the President of the United States declared a national emergency in response to the global pandemic of COVID-19; and

WHEREAS, On March 13, 2020, Executive Order 2020-04 declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19; and

WHEREAS, On March 23, 2020, Executive Order 2020-08, provided guidance and strategies to South Dakota citizens and businesses to reduce the likelihood of spreading COVID-19; and

WHEREAS, Pursuant to SDCL § 34-22-42, Kim Malsam-Rysdon, Secretary of the Department of Health for the State of South Dakota, with the consent of the Governor, declared a public health emergency regarding the spread and of COVID-19; and

WHEREAS, The Order Declaring Public Health Emergency requires coordination of public health emergency response between state and local authorities; and

WHEREAS, The political subdivisions of the state are experiencing varying rates of exposure and unique causes of the transmission of the COVID-19 virus; and

WHEREAS, Each political subdivision within South Dakota is experiencing unique conditions and should be provided the authority to implement its own measures to control and contain the spread COVID-19; and

WHEREAS, Strict compliance with the provisions of South Dakota administrative rule that would limit or restrict the ability of each political subdivision to proscribe methods for prevention measures would prevent, hinder, or delay necessary action with coping with this disaster within each political subdivision.

NOW THEREFORE, I KRISTI NOEM, Governor of the State of South Dakota, by the authority vested in me by the Constitution and the Laws of this State, including but not limited to SDCL Chapters 34-22 and 34-48A, hereby order and direct the following:

Section 1 Emergency Management: Pursuant to SDCL § 43-48A-2, I recognize the authority of the executive heads or governing bodies of the political subdivisions of this state to implement and carry out the emergency powers conferred upon them by SDCL Chapter 43-48A.

Section 2 Contagious Disease Control:

- (a) Pursuant to SDCL Chapter 34-22, as part of a state-wide system for communicable disease prevention, control and treatment, as well as SDCL § 9-32-1, I authorize the political subdivisions of this state to enact regulations through ordinance or resolution to prescribe procedures to control and contain the spread of COVID-19.
- (b) Pursuant to SDCL § 34-48A-5(4), I temporarily suspend the regulatory provisions of ARSD 44:20 which would limit or restrict the ability of a political subdivision to participate in state-wide system for communicable disease prevention, control and treatment under the authority of SDCL Chapter 34-22.
- (c) Pursuant to its participation in a state-wide system for communicable disease prevention, control and treatment, each political subdivision shall provide information and updates regarding COVID-19 to the South Dakota Department of Health as required by law or as otherwise requested by the Secretary of the Department of Health.

Section 3 State Control: Nothing in this Order should be read or interpreted to prevent the state of South Dakota from enacting state-wide measures for the prevention and containment of the spread of COVID-19 or other infectious diseases.

BE IT FURTHER ORDERED, This Executive Order shall be in effect immediately and shall continue for ninety (90) days until expiration on June 22, 2020, unless sooner terminated or extended in writing.

Dated in Pierre, South Dakota this ___th Day of April, 2020.

Kristi Noem
Governor of South Dakota

ATTEST:

Steve Barnett
Secretary of State

34-22-9. State-wide system for prevention, control, and treatment of communicable disease--
Promulgation of rules. The department shall establish and direct the operations of a state-wide system for communicable disease prevention, control, and treatment. The department may promulgate rules, pursuant to chapter 1-26, to:

- (1) Conduct communicable disease surveillance which includes detection, assessment, and analysis;
- (2) Prescribe criteria for communicable disease case definitions;
- (3) Prescribe procedures for communicable disease case and contact notification, referral, and management;
- (4) Prescribe methods and procedures for the prevention and control of communicable disease;
- (5) Prescribe methods and procedures for the control of communicable disease patients and carriers, including the monitoring, quarantine, and isolation of any patient or carrier;
- (6) Prescribe medical and posttreatment supervision measures for communicable disease patients and carriers;
- (7) Prescribe methods and procedures for the prevention and control of occupationally-related communicable diseases; and
- (8) Prescribe procedures for infection prevention measures for communicable disease control and prevention.

Source: SL 1963, ch 380, § 5 (1); SL 1992, ch 246; SL 2015, ch 181, § 7.



Memorandum

DATE: March 26, 2020
FROM: Jon Morrill
TO: Pennington County Board of Commissioners
RE: Personal Travel During COVID-19 Period

Following multiple conference calls and training webinars in the past weeks, I'd suggest the Board of County Commissioners consider issuing a formal directive suggesting limited employee personal travel to areas of heightened COVID-19 infection. This would limit potential exposure incidents and reduce overall risks to the health of County employees and the citizens we serve.

The directive would include provisions outlining processes for employees to communicate to their Department Head or Elected Official of their interest in travel to areas with COVID-19 infections. The reason for travel should be considered by the Department Head or Elected Official, and used in their decision to support or not support the travel request. i.e. to pick up a child from college because the campus is closed until further notice, etc.

The process could follow this structure:

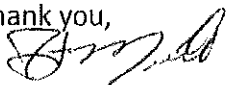
1. Employee makes Dept. Head/Elected Official aware of their intent to travel, including general purpose of the travel.
2. Dept. Head/Elected Official makes employee aware of potential health risks, and outlines the return to work procedures.
3. Employee travels, returns from travel, and notifies their Dept. Head/Elected Official of any details regarding the trip that would be related to COVID-19 exposure. i.e. no contact with virus, no temp upon return, etc.
4. Employee returns to work as scheduled in cases where no symptoms or exposure.
5. Employee is asked to stay away from the workplace for up to 14 days in cases of symptoms or potential exposure. During the time away employee would be able to access accrued sick or vacation leave hours to provide pay for the period away from the workplace.

Suggested motion could be as follow:

1. I move to implement the personal travel provisions outlined in this memo effective immediately and continuing through the current COVID-19 outbreak or until December 31, 2020, whichever comes first.

I will be present at the March 27, 2020 Board of Commissioners meeting to answer any questions you may have.

Thank you,


Jon Morrill-Human Resources Director
Pennington County



Memorandum

DATE: March 26, 2020
FROM: Jon Morrill
TO: Pennington County Board of Commissioners
RE: Travel and Hiring Guidance During COVID-19 Period

Per recent discussions with County Commissioners and COVID-19 experts, it's recommended the Board of County Commissioners consider issuing a formal directive limiting all business-related travel. This would limit potential exposure incidents and reduce overall risks to County employees and the citizens we serve.

The directive could include a provision to allow essential travel related to law enforcement activities or court-related activities that could potentially harm the County, employees or citizens of the County if delayed or prevented.

In addition, it's also recommended the Board of County Commissioners reduce or eliminate the hiring of new or replacement employees during the COVID-19 period. This action would reduce or eliminate any additional financial burden to the County during this period of uncertainty, and help ensure continued efficient use of available or anticipated future financial resources.

Suggested motions would be as follow:

1. I move to restrict all business-related travel, with the exception of required law enforcement or court-related activities until further notice.
2. I move to halt the hiring of new or replacement employees into County positions without Board of Commissioners approval until further notice.

I will be present at the March 27, 2020 Board of Commissioners meeting to answer any questions you may have.

Thank you,

Jon Morrill
Human Resources Director
Pennington County