

Yankton County Planning Commission
Yankton County Board of Adjustment

Applicant

ARTICLE 5 AMENDMENTS

MOTIONS FROM PLANNING COMMISSION:

Move to accept amendments to Section 519 under AFO definitions

MOTION	Harens	SECOND	Hansen	
BY:		BY:		
				<input checked="" type="checkbox"/> FRENG <input checked="" type="checkbox"/> HANSEN <input checked="" type="checkbox"/> HEVLE <input checked="" type="checkbox"/> KLIMISCH <input checked="" type="checkbox"/> MICHAEL <input checked="" type="checkbox"/> SCHULTZ <input checked="" type="checkbox"/> WILLIAMS <input checked="" type="checkbox"/> HEALY <input checked="" type="checkbox"/> HARENS
				9-0

Motion under proposed changes to 519 9A move to have verbiage "specific to the applicable permit application" in the sentence that ends" completed prior to county permit application"

MOTION	Healy	SECOND	Harens	
BY:		BY:		
				<input checked="" type="checkbox"/> FRENG <input checked="" type="checkbox"/> HANSEN <input checked="" type="checkbox"/> HEVLE <input checked="" type="checkbox"/> KLIMISCH <input checked="" type="checkbox"/> MICHAEL <input checked="" type="checkbox"/> SCHULTZ <input checked="" type="checkbox"/> WILLIAMS <input checked="" type="checkbox"/> HEALY <input checked="" type="checkbox"/> HARENS
				9-0

Move we recommend Article 5 to County Commission with changes

MOTION	Harens	SECOND	Hevle	
BY:		BY:		
				<input checked="" type="checkbox"/> FRENG <input checked="" type="checkbox"/> HANSEN <input checked="" type="checkbox"/> HEVLE <input checked="" type="checkbox"/> KLIMISCH <input checked="" type="checkbox"/> MICHAEL <input checked="" type="checkbox"/> SCHULTZ <input type="checkbox"/> WILLIAMS <input type="checkbox"/> HEALY <input checked="" type="checkbox"/> HARENS
				7-2; Williams and Healy vote nay

Planning Commission date:
Board of Adjustment date: 08/04/20

Time:
Time: 7:00 pm

-DEFINITIONS

Definitions

For the purpose of this Ordinance, unless otherwise stated, words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word shall means mandatory, not discretionary; the word **may** is permissive; the word person includes a firm, association, organization, partnership, trust, company or corporation, as well as, an individual; the word **lot** includes the word plat or parcel; and the words used or occupied include the words intended, designed, or arranged to be used or occupied.

Agriculture - The planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards along with the raising and feeding of livestock and/or poultry shall be considered an agricultural use. **All Concentrated Animal Feeding Operations (CAFO) and Animal Feeding Operations (AFO) above 49 animal unit or more than 200 total animals require a conditional use permit (CUP).** Grain elevators or Agricultural Product Processing Facilities shall not be considered an agricultural use if such use constitutes the main or principal use on a lot or parcel.

Animal – a living creature including but not limited to, cattle, sheep, horses, swine, turkeys, chickens, ducks, geese, goats or other livestock.

Animal Feeding Operation: An animal feeding operation (**AFO**) is a lot or facility where an established number of animal units are confined, stabled, fed, or maintained in either an open or housed lot for a total of for more than 45 days or more in any 12-month period. The open lot does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more facilities under common ownership are a single animal operation if they adjoin each other (within one mile), or if they use a common area or system for the disposal of manure.

~~For the purposes of these regulations, Animal Feeding Operations are divided into the following classes:~~

Class	Animal Units
Class A	5,000—10,000
Class B	3,000—4,999
Class C	2,000—2,999
Class D	1,000—1,999
Class E	300—999
Class F	1—299

The following chart will be used for animal class classifications.

Class	Animal Units
Class A	5,000 - 10,000

Class B	3,000 - 4,999
Class C	2,000 - 2,999
Class D	1,000 500- 1,999
Class E	300—999 200 - 499
Class F	1—299 50 - 199

~~Animal Feeding Operation or CAFO, New—An animal feeding operation or CAFO, (see definitions), constructed after the effective date of this ordinance or any subsequent amendment of applicable Articles or Sections. Operations in existence upon adoption or prior to future amendments may be considered a new operation if the facility is expanded to facilitate an increase of more than three hundred (300) animal units. Any new construction relating to an expansion must comply with the applicable performance standards. The Planning Commission and Board of Adjustment shall have the authority to decrease or waive any standard deemed contradictory to the intent of the zoning ordinance upon review and in accordance with the conditional use and variance process described herein.~~

Animal Feeding Operation or CAFO, Existing – Operations in existence upon adoption or prior to future amendments.

1. If any such nonconforming use of land ceases, for any reason, for a period of more than five (5) years, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;

Animal Units - A unit of measure for livestock equated as follows; one head is equivalent to animal units:

The following chart will be used for animal unit calculations.

		1 A.U. Equivalent
Cow, feeder, or slaughter beef animal, excluding calves under 300 pounds	1.0 A.U.	1 cow
Horse	2.0 A.U.	.5 horse
Mature dairy cattle, excluding dairy calves under 300 pounds	1.4 A.U.	.7 cattle
Farrow-to-finish sows	3.7 A.U.	.3 sows
Swine in a production unit	0.47 A.U.	2.1 swine
Nursery swine less than 55 pounds	0.1 A.U.	10 swine
Finisher swine over 55 pounds	0.4 A.U.	2.5 swine
Sheep or lambs	0.1 A.U.	10 sheep
Laying hens or broilers	0.033 A.U.	30.3 hens
Ducks and/or geese	0.2 A.U.	5 ducks
Turkeys	0.018 A.U.	55.6 turkeys

~~Animal Unit Conversion Table—A conversion table designed to integrate the definition of animal feeding operations with the animal unit definition. (Amended 06/08/06)~~

Species Animal	Class A	Class B	Class C	Class D	Class E
Cow, feeder or slaughter beef animal, excluding calves under 300 pounds	10,000—5000	4,999—3,000	2,999—2,000	1,999—1,000	999—300
Horses	5,000—2,500	2,499—1500	1,499—1,000	999—500	499—150
Mature dairy cattle, excluding calves under 300 pounds	7,143—3,571	3,570—2,143	2,142—1,429	1,428—714	713—214
Farrow to finish sows	2,703—1,351	1,350—811	810—541	540—270	269—81
Swine in a production unit	21,276—10,638	10,637—6,382	6,381—4,255	4,254—2,128	2,127—638
Nursery swine less than 55 pounds	100,000—50,000	49,999—30,000	29,999—20,000	19,999—10,000	9,999—3,000
Finisher swine over 55 pounds	25,000—12,500	12,499—7,500	7,499—5,000	4,999—2,500	2,499—750
Sheep	100,000—50,000	49,999—30,000	29,999—20,000	19,999—10,000	9,999—3,000
Laying hens	303,030—151,515	151,514—90,909	90,908—60,606	60,605—30,303	30,302—92090
Ducks and/or geese	50,000—25,000	24,999—15,000	14,999—10,000	9,999—5,000	4,999—1,500
Turkeys	555,555—277,777	277,776—166,666	166,665—111,111	111,110—55,555	55,554—16,666

Farm, Ranch, Orchard - An area of not less than twenty (20) acres of unplatted land, or is a part of a contiguous ownership of not less than eighty (80) acres of unplatted land, which is used for growing usual farm products, vegetables, fruits, trees, and grain, and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, hogs and sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises; but

excluding an Animal Feeding Operations AFO and Concentrated animal feeding operation (CAFO). The processing and storage of raw agricultural products, such as grain elevators and ethanol plants, shall not be considered a farm, ranch or orchard if such constitutes the main or principal use on the lot or parcel.

Irrigation Systems - This term shall include all canals, ditches, piping, center pivot, and other methods utilized to irrigate cropland. This term does not include systems designed to land apply waste or water from animal feeding operations or Concentrated Animal Feeding Operations as defined herein. All irrigation systems shall comply with local, state, and federal regulations.

Swimming Pool – A water filled enclosure, permanently constructed ~~or portable~~, having a depth of more than twenty four inches below the level of the surrounding land, or ~~an~~ a permanent above ground pool, having a depth of more than thirty inches, designed, used and maintained for swimming ~~and bathing~~.

ARTICLE 5

AGRICULTURAL DISTRICT (AG)

Section 501 Intent

The intent of Agricultural Districts (AG) is to protect agricultural lands and lands consisting of natural growth ~~from incompatible land uses~~ in order to preserve land best suited to agricultural uses and land in which the natural environment should be continued and to limit ~~residential~~, commercial, and industrial development to those areas where they are best suited for reasons of practicality and service delivery.

Section 503 Permitted Principal Uses and Structures

The following principal uses and structures shall be permitted in an Agricultural District (AG):

1. Agriculture;
2. Cemeteries;
3. Day cares, family;
4. Dwellings, single-family;
5. Dwellings, two-family
6. Farms, ranches, or orchards as defined herein;
7. Farm buildings;

8. Historic sites;
9. Horticulture;
10. Manufactured homes, pursuant to Section 1509;
11. Modular homes;
12. Utility facilities; and
13. Veterinary services.

Section 505 Permitted Accessory Uses and Structures

The following accessory uses and structures shall be permitted in an Agricultural District (AG):

1. Accessory ~~agricultural~~ structures;
2. Customary water irrigation systems, other than manure irrigation equipment;
3. Farm drainage systems;
4. Home and farm occupations;
5. Roadside stands;
6. Shelterbelts;
7. ~~Swimming pools, Residential;~~
8. Signs, banner;
9. Signs, directional on-site;
10. Signs, directional off-site;
11. Signs, easement and utility;
12. Signs, exterior off-site, pursuant to Article 14;
13. Signs, flag;
14. Signs, name and address plate;
15. Signs, on-site;

16. Signs, real estate; and

17. Stock dams.

Section 507 Conditional Uses

After the provisions of this Ordinance relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in an Agricultural District (AG):

1. Animal feeding operations **above 49 animal units and/or 200 or more total animals;**
2. **Concentrated Animal Feeding Operations;**
3. Agricultural, fertilizer, and chemical sales and applications;
4. Agricultural product processing facilities;
5. Aquaculture;
6. Auction yards and barns;
7. Bars;
8. Bed and breakfast operations;
9. Buying stations;
10. Churches;
11. Construction services;
12. Day cares, group family home;
13. Dwellings, additional farm in excess of one (1), pursuant to Sections 513(5) and 1509;
14. Exhibition areas;
15. Fairgrounds;
16. Fireworks sales;
17. Game farms;
18. Game lodges;
19. Golf courses;

20. Grain elevators;
- ~~21. Individual septic or sewage treatment facilities, pursuant to Section 1513;~~
22. Indoor shooting/archery ranges;
23. Kennels;
24. Landing Strips;
25. Manufacturing, light;
26. Motor vehicle tracks or play areas;
27. Manure irrigation;
28. Municipal, commercial, or residential central containment, sewage disposal, treatment, or application sites;
29. Open sales areas;
30. Outdoor shooting/archery ranges;
31. Parks;
32. Portable processing plants;
33. Private recreation areas;
34. Private shooting preserves;
35. Quarries, pursuant to Section 1515;
36. Remote fuel depots;
37. Repair shops, auto-body;
38. Repair shops, motor vehicle and equipment;
39. Riding stables;
40. Rodeo arenas;
41. Salvage yards;
42. Sanitary landfills or restricted use sites, permitted by the Department of Environment and Natural Resources (DENR);

43. Subdivisions as defined herein;
44. Spreading, injection, or other application of manure or animal waste generated by an Animal Feeding Operation or Concentrated Animal Feeding Operation as described herein, ~~or other livestock production means located outside of Yankton County pursuant to Section 519 (11) (12);~~
- ~~45. Spreading, injection, or other application of manure or animal waste from any livestock production means located outside of Yankton County;~~
- ~~46. Swimming pools;~~
47. Temporary construction facilities; and
48. Towers, pursuant to Article 25 & Article 26;
49. Wildlife and game production areas; and
50. Wind energy systems, pursuant to Article 26.

Section 509 Classification of Unlisted Uses

In order to insure that the zoning ordinance will permit all similar uses in each district, the Planning Commission and Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a Agricultural District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed. The review shall be heard at a regular meeting of the aforementioned bodies and may be required to adhere to the notification requirements as described in Section 1803(3-5).

Section 511 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 509 shall be prohibited.

Section 513 Minimum Lot Requirements

1. The minimum lot area shall be twenty (20)
2. The minimum lot width shall be five hundred (500) feet
- ~~3. The Zoning Administrator may allow a smaller minimum lot requirement where a permit for a single family home is requested on an existing farmstead site, as defined herein;~~
4. Lots of record, as defined herein, existing prior to adoption of this ordinance may be developed pursuant to Article 16 and as approved by the Zoning Administrator;

5. An additional dwelling unit is allowed within the farmstead upon approval of the building permit application if it is to be occupied by other members of the family unit, provided the property is not transacted or prepared, platted, or described for transaction; and
6. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.

Section 515 Minimum Yard Requirements

All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to decks and patios:

1. There shall be a front yard of not less than a depth of seventy five (75) feet;
2. There shall be a rear yard of not less than a depth of seventy five (75) feet;
3. There shall be two (2) side yards, each of which shall not be less than seventy five (75) feet;
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of-ways; and
- ~~5. The Zoning Administrator may allow construction of single and multi-family dwelling units not in conformance with this provision only on those lands organized as a 501(d), non-profit religious and apostolic associations as described in the United States Tax Code. Prior to issuance of a building permit or permission to proceed said entity shall file the Articles of Incorporation and other requested documentation with the Zoning Administrator. Construction activities carried on under this provision shall be in conformance with all other provisions of this ordinance.~~
6. Water and sewer or sanitary drainage systems shall be installed by a licensed installer and shall comply with all applicable South Dakota Department of Environment and Natural Resources regulations.

Section 517 Traffic Visibility

1. There shall be no obstructions, such as buildings, structures, grain bins, trees, wind

breaks, baled agricultural products, or other objects within fifty (50) feet from the right-of-way.

2. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
3. ~~Structures, perennial, or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting.~~ No such perennial vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

Section 519 Animal Feeding Operation Performance Standards

Animal Feeding Operations (AFO) and Concentrated Animal Feeding Operations (CAFO) are required to obtain a State General Permit from the South Dakota Department of Environment and Natural Resources (DENR) that outlines the manure management practices that an operator must follow to prevent water pollution and protect public health. This permit must be obtained prior to the County application for a Conditional Use Permit (CUP). Applicants must have a South Dakota Environmental Training certification for CAFO's. Animal Feeding Operations below 500 animal units are not required to obtain a State Permit or Environmental certification from SD DENR.~~considered conditional uses and shall comply with the Conditional Use Process, all applicable state and federal requirements, and the applicable requirements as defined in this section:~~

The following chart will be used for animal unit calculations.

1 A.U.
Equivalent

Cow, feeder, or slaughter beef animal, excluding calves under 300 pounds	1.0 A.U.	1 cow
Horse	2.0 A.U.	.5 horse
Mature dairy cattle, excluding dairy calves under 300 pounds	1.4 A.U.	.7 cattle
Farrow-to-finish sows	3.7 A.U.	.3 sows
Swine in a production unit	0.47 A.U.	2.1 swine
Nursery swine less than 55 pounds	0.1 A.U.	10 swine
Finisher swine over 55 pounds	0.4 A.U.	2.5 swine
Sheep or lambs	0.1 A.U.	10 sheep
Laying hens or broilers	0.033 A.U.	30.3 hens
Ducks and/or geese	0.2 A.U.	5 ducks

Turkeys	0.018 A.U.	55.6 turkeys
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The following chart will be used for animal class classifications.

Class	Animal Units
Class A	5,000 - 10,000
Class B	3,000 - 4,999
Class C	2,000 - 2,999
Class D	1,000 500- 1,999
Class E	300—999 200 - 499
Class F	1—299 50 - 199

~~Class A (5,000—10,000) — Section 519(1,2,3,4,5,6,7(a),8(a),9,10,11,12,13)~~
~~Class B (3,000—4,999) — Section 519(1,2,3,4,5,6,7(b),8(b),9,10,11,12,13)~~
~~Class C (2,000—2,999) — Section 519(1,2,3,4,5,7(e),8(e),9,10,11,12,13)~~
~~Class D (500—1,999) — Section 519(1,2,3,4,5,7(d),8(d),9,10,11,12,13)~~
~~Class E (100—(200—499) — Section 519(2,3,4*,5,7(e),8(e),9,10,11,12,13)~~
~~Class F (50—99—199) animal units or above 200 total animal regardless of the number of Animal units.) — Section 519(2,3,4*,5,7(),8(e),9,10,11,12,13)~~

Below fifty (50) animal units, not to exceed two hundred (200) total animals, no conditional use is required, above 200 total animal units will be assigned to the appropriate class above.

Animal Feeding Operations (AFO), Concentrated Animal Feeding Operations and waste facilities (CAFO) shall submit animal waste management system plans and specifications for review prior to the Conditional Use Hearings and approval prior to construction, and a Notice of Completion for a Certificate of Compliance, after construction, to the South Dakota Department of Environment and Natural Resources or as amended by the State of South Dakota or the South Dakota Department of Environment and Natural Resources.

1. Prior to construction, such facilities shall obtain a Storm Water Permit for Construction Activities from the South Dakota Department of Environment and Natural Resources. The Storm Water Pollution Prevention Plan required by the permit must be developed and implemented upon the start of construction.
- ~~2. Animal feeding operations (AFO), Concentrated animal feeding operations (CAFO), and waste facilities shall comply with the following facility setback requirements:~~

- ~~A. Public Wells 1,000 feet—1,320 feet~~
 - ~~B. Private Wells 250 feet—350 feet~~
 - ~~C. Private Wells (Operator's) 150 feet—250 feet~~
 - ~~D. Lakes, Rivers, Streams Classified as a Public Drinking Water Supply 1,000 feet—1,320 feet~~
 - ~~E. Lakes, Rivers, Streams Classified as Fisheries 1,000 feet—1,320 feet~~
 - ~~F. Designated 100 Year Flood Plain PROHIBITED~~
3. Animal Feeding Operations (AFO), Concentrated Animal Feeding Operations (CAFO), and waste facilities shall submit the following facility management plan prior to the application for a conditional use permit. Examples of such management shall include at least but are not limited to:
- A. Proposed maintenance of Animal feeding operations (AFO), Concentrated animal feeding operations (CAFO), and waste facilities;
 - ~~B. Proposed and detailed maintenance plan of waste facilities; Applicants must present a nutrient management plan to the Department of Environment and Natural Resources for approval and/or certification prior to the county application for a conditional use permit.~~
 - ~~C. Land manure application process and or methods; Proposed and detailed maintenance plan of waste facilities;~~
 - D. ~~Land application process and/or methods;~~ Legal description and map, including documented proof of area to be utilized for ~~nutrient-~~ manure application;
 - E. Other requirements as described by the zoning administrator, planning commission, and/or board of adjustment
 - ~~F. Soil testing results to ensure land is appropriate for manure application;~~
 - ~~G. Location of other AFO's and CAFO's in the area to avoid overlapping of land in nutrient management plans;~~
 - ~~H. All Animal Feeding Operations (AFO's) and Concentrated Animal Feeding Operations (CAFO's) are required to obtain a South Dakota State General Permit that outlines the manure management practices that an operator must follow to prevent water pollution and protect public health.~~

~~I. State Environmental Training certification for CAFO's~~

~~J. Other requirement as described by the zoning administrator, planning commission, and/or board of adjustment.~~

4. New animal feeding operations, new CAFO's and waste facilities shall be setback six hundred and sixty six (660) feet from a property line delineating a change in ownership and three hundred and thirty (330) feet from a right-a-way line. The Planning Commission and/or Board of Adjustment may mandate setbacks greater (**but not less**) than those required herein to further the intent of the Zoning Ordinance while protecting the public health, safety, and welfare. ~~of all of Yankton County.~~

New Animal Feeding Operations, Concentrated Animal Feeding Operations, and waste facilities shall be located no closer than the following **regulations prescribe distance** from any Class I, **Class II, or Class III** incorporated municipality, active church, or established **R1, R2 or R3 residential area or residential dwelling** as shown on the Official Zoning Map.

A. Class A ————— 4 miles

B. Class B ————— 2 miles

C. Class C ————— 1 mile

~~D. Class D ————— 2,640 feet 3,960 feet~~

E. Class E ————— 2,640 feet

~~F. Class F ————— 1,320 feet~~

Designated 100 Year Flood Plain PROHIBITED

	A	B	C	D	E	F
Residence (R1, R2, R3) other than operator's (miles)	4	2	1	0.75	0.50	0.25
Municipality ies, Church (miles)	4	2	1	0.75	0.50	0.25
Public or private wells (not operator's) (feet)	1,320	1,320	1,320	1,320	1,320	1,320
Private well (feet)	350	350	350	350	350	350
Private well (operator's) (feet)	250	250	250	250	250	250
Lakes and streams classified as drinking water supply (feet)	1,320	1,320	1,320	1,320	1,320	1,320
Lakes, rivers, streams classified as	1,320	1,320	1,320	1,320	1,320	1,320

fisheries (feet)						
Right-of- Way line (feet)	330	330	330	330	330	330
Property line delineating a change in ownership (feet)	660	660	660	660	660	660
100 Year Flood Plain	Prohibited					

One dwelling unit is allowed on the facility site. ~~The owner(s) of an animal feeding operation and/or residential dwelling may request the required setback be lessened or waived in accordance with the variance procedures as detailed herein.~~

An owner of a residential dwelling may request the setbacks to their dwelling be permanently waived. Residential waiver request forms are obtainable from the Zoning Administrator and must be filled out prior to the conditional use application. This waiver shall permanently run with the land and be filed with the Yankton County Register of Deeds. ~~or residentially zoned area bounded by the City of Yankton, 431st Avenue, the Missouri River and South of South Dakota Highway 50:~~

- ~~7. New animal confinement and waste facilities shall be located no closer than ½ mile from any Class II or III incorporated municipality, active church, or established R2 or R3 residential area as shown on the Official Zoning Map. New animal confinement and waste facilities shall be located no closer than the following regulations prescribe from a residential dwelling; one dwelling unit is allowed on the facility site. The owner(s) of an animal feeding operation and/or residential dwelling may request the required setback be lessened or waived in accordance with the variance procedures as detailed herein. Residential waiver request forms are obtainable from the Zoning Administrator. This waiver would run with the land and be filed with the Yankton County Register of Deeds.~~

- ~~A. Class A ————— 2 miles~~
- ~~B. Class B ————— 1.25 miles~~
- ~~C. Class C ————— 2,640 feet~~
- ~~D. Class D ————— 1,320 feet~~
- ~~E. Class E ————— 1,320 feet~~

8. Animal waste shall be transported no further than five miles from the point of origination by equipment designed for direct application. Animal waste hauled within non-application or transportation equipment shall not be restricted as to distance. ~~Manure pipes or lines shall not be placed public rights of way. Both methods~~ Methods of

transportation must comply with federal, state, and local load limits on roads, bridges, and **all** other similar structures.

9. **All Animal feeding operations (AFO), Concentrated animal feeding operations (CAFO), and waste facilities** shall prepare a facility management plan. The plan shall **address how to responsibly** dispose of dead animals, manure, and wastewater in such a manner as to control odors, **control flies, rodents, weeds, and to protect the environment. Special emphasis shall be place on protecting both groundwater and surface water.** The County Planning Commission and Board of Adjustment will review the need for control measures on a site-specific basis, taking into **careful** consideration prevailing wind direction, **flood plains, aquifers, surface water protection,** and topography, **and compatibility with the neighborhood.** The following procedures ~~to control flies and odors~~ shall be completely addressed in a management control plan:
 - A. An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented. **Nutrient management plans must be submitted to and approved by SD DENR prior to the county permit application. The nutrient management plan will list all fields and acres that are in the nutrient management plan, and shall include expected manure application rates. All land in the nutrient management plan that is not owned by the applicant shall should have manure easements completed prior specific to applicable permit application on to the county permit application.**
 - B. **An operational plan for prevention of both ground water and surface water contamination;**
 - C. The methods utilized to dispose of dead animals shall be identified **and shall be in compliance with the South Dakota Animal Industry Board. A detailed plan for carcass disposal shall be a part of the application.**
 - D. **An operational plan to prevent the spread of infectious disease to other facilities and a bio-security plan;**
 - E. A screening and/or buffering section to include the planting of trees and shrubs of adequate size to control wind movement and dispersion of odors generated by the facility, **an odor footprint model shall be used. An odor management plan shall include bio-filters, pit additives, or other odor reduction technologies.**
 - F. ~~Utilization of Bio-filters and ground water monitoring wells to mitigate harmful effects and promote safety, health, and welfare;~~
 - G. A storm water management section shall provide adequate slopes and drainage to

divert storm water from confinement areas, while providing for drainage of water from said area, thereby assisting in maintaining dryer confinement areas to reduce odor production.

- H. A solid **and liquid** manure storage plan detailing the number and size of containment areas and methods of controlling drainage ~~to~~ **with an emphasis on** minimizing odor production;
- I. **Road Haul routes / road haul agreements with road authority to minimize damage to infrastructure and shall be included in the CUP;**
- J. A description of the method and timeframe for removal of manure from open pens to minimize odor production;
- K. The applicability, economics, and effect of Industry Best Management Practices shall be covered;
- L. A notification section ~~should~~**shall** be formulated by the applicant. It is to include the names, addresses, and phone numbers of all occupied residences and public gathering places, within one-half (1/2) mile of applicant's manure application fields. The preferred hauling and application process shall be detailed and include timetables of probable application periods. Application of manure on weekends, holidays, and evenings during the warmer seasons shall be avoided whenever possible. Complaints could lead to having to give 48 hour notice in advance of manure applications. Annual notification advising of an upcoming 30 day window should be given.
- M. A review of weather conditions shall be included reviewing the effect of climate upon manure application. This section shall also include the preferred times and conditions for application to mitigate the potential effects upon neighboring properties while outlining the least advantageous climatic conditions.

N. An operational plan for manure collection, storage, treatment, and use shall be kept updated and implemented. The nutrient management plan will list all fields and acres that are in the nutrient management plan that is not owned by the applicant, shall have manure easements completed prior to the county permit application.

10. Manure generated from Animal Feeding Operations (AFO), **Concentrated Animal Feeding Operations (CAFO) and waste facilities shall** should not be applied over frozen or snow covered ground and **must** comply with the following manure application setback requirements: ~~if it is injected or incorporated within twenty-four (24) hours:~~

	Injection or Incorporated within 24 hours	Surface Applied	Irrigated
--	--	----------------------------	------------------

Public wells (feet)	1,320	1,320	1,320
Private wells (feet)	350	350	350
Private wells (operator's) (feet)	250	250	250
Lakes, rivers and streams (public drinking supply) (feet)	1,320	1,320	1,320
Lakes, rivers and streams (fisheries) (feet)	200	1,320	1,320
All public road right-of-ways (feet)	10	10	350
Municipalities (feet)	1,320	2,640	5,280
Residential zone areas (R1,R2,R3) (feet)	660	1,320	2,640
Residence other than operator's (feet)	330	660	1,320
100 year floodplain	prohibited		

- A. Public Wells ————— 1,000 feet
- B. Private Wells ————— 250 feet
- C. Private Wells (Operator's) ————— 150 feet
- D. Lakes, Rivers, Streams Classified as a Public
Drinking Water Supply ————— 1,000 feet
- E. Lakes, Rivers and Streams Classified as Fisheries ————— 200 feet
- F. All Public Road Right of ways ————— 10 feet
- G. Incorporated Communities ————— 660 feet
- H. A Residence other than the Operators ————— 100 feet

~~11. Manure generated from Animal Feeding Operations shall comply with the following manure application setback requirements if it is irrigated or surface applied:~~

- ~~A. Public Wells ————— 1,000feet~~
- ~~B. Private Wells ————— 250feet~~
- ~~C. Private Wells(Operator's) ————— 150feet~~
- ~~D. Lakes, Rivers, Steams Classified as a
Public Drinking Water Supply ————— 1,000feet~~
- ~~E. Lakes, Rivers and Streams Classified as Fisheries — 660 feet~~
- ~~F. All Public Road Right of ways (Surface Applied) — 10 feet~~

~~G. All Public Road Right-of ways (Irrigated Application) 100 feet~~

~~H. Incorporated Communities (Surface Applied) 1,000 feet~~

~~I. Incorporated Communities (Irrigated Application) 2,640 feet~~

~~J. A Residence other than the Operators (Surface Applied) 330 feet~~

~~K. A Residence other than the Operators (Irrigated Application) 750 feet~~

14. If irrigation is used for ~~removal of liquid manure~~, dewatering a lagoon (gray water) basin, ~~or any type of liquid manure holding pit~~, these rules apply:

- A. Drops must be used on systems that disperse the liquid no higher than 18" off the ground if no crop is actively growing on the field.
- B. If a crop is actively growing on the field, the liquid must then be dispersed below the crop canopy.
- C. No runoff or diffused spray from the system onto neighboring property or public right-of-way will be allowed.
- D. No irrigation of liquid on frozen ground or over FSA designated wetlands.
- E. No "big gun" type irrigation systems shall be used for liquid manure or dewatering lagoons or other manure containment systems.

15. All liquid manure shall be injected to provide for better agronomic benefits and to reduce the potential for runoff and minimize odor. Liquid manure may be surface applied if approved by the State DENR ~~as part of a nutrient management plan~~ or for emergency discharge only. Documentation of state approval shall be maintained by the CAFO operator and be available upon request by the Planning Department.

Section 520 Conditional Use Permit for an Animal Feeding Operation (AFO), Concentrated Animal Feeding Operations (CAFO), and/or waste facilities is Not Permitted if Applicant Applies for the Permit for the Purpose of Selling, Transferring, or Brokering.

The Board of Adjustment shall not grant a Conditional Use Permit for an Animal Feeding Operation (AFO), Concentrated Animal Feeding Operations (CAFO), and/or waste facilities if the Applicant is applying for the Permit for the purpose of selling, transferring, or brokering the Permit.

For the purposes of this Ordinance, any sale or transfer of the Permit from the Applicant to any other person or entity within ~~two (2) years~~ five (5) years of the date that the Permit is issued shall be considered to be prima facie evidence that such Permit was obtained for the purpose of

selling, transferring or brokering the Permit.

Any evidence that is presented by any person that any building permit, and/or Conditional Use Permit for an Animal Feeding Operation (AFO), Concentrated Animal Feeding Operations (CAFO), and/or waste facilities was sought for the purpose of selling, transferring, or brokering the Permit ~~may~~ shall be considered by the zoning administrator, planning commission, and/or Board of Adjustment in considering a new application for Conditional Use Permit. ~~and~~ It may be the basis for a denial or revocation of the application, building permit, and/or a conditional use permit by the Board of Adjustment.

Jessica Atkinson

From: Gary Vetter
Sent: Monday, July 27, 2020 8:09 AM
To: Valli Stockland
Cc: Jessica Atkinson
Subject: FW: Hicks Comments on 519 Changes

Good morning,

Please add to the Commission Packet only for next week.

Thanks,
Gary Vetter
Development Services Director
Yankton County
(605) 260-4445
gary@co.yankton.sd.us

From: Loest [<mailto:loest@valyousat.net>]
Sent: Saturday, July 25, 2020 11:47 AM
To: Gary Vetter <gary@co.yankton.sd.us>
Cc: Nate Hicks <njhicks88@gmail.com>
Subject: FW: Hicks Comments on 519 Changes

Gary, Please add these comments to the commission packet for the Article 5 public hearing scheduled for August 4. - Cheri

From: Nate Hicks [<mailto:njhicks88@gmail.com>]
Sent: Friday, July 24, 2020 10:11 AM
To: undisclosed-recipients:
Subject: Hicks Comments on 519 Changes

Hello Commissioners,

Please see my comments/opinions on the proposed ordinance changes that were recently passed by the planning and zoning board.

- As I understand the changes, any operation with >49 and <499 or less animal units, which my family's operation would fall under (not to mention many others in Yankton county), requires a county CUP and not a state permit. I am ok with filing the paperwork with the county. However, I am not ok if a fee is associated with this CUP requirement. Our operation has been in this location for several decades at this size - why should we pay a fee to do what we have been doing for several years? Further, if I, as a younger producer, was just getting started in the livestock business, the last thing I need is another fee to pay in an already difficult economy. The burden of the application and all the work entailed is being added to producers with these changes, please don't add more monetary burden on top of these new requirements.

- 519.9.E says an odor footprint model shall be used. Please ensure there is a low cost option available to producers to get this model as now almost every operation in the county will need to have this completed. It is a little more difficult for a 100 head operation to pay for items like this than it is for a 1000 head operation.
- Is there some sort of format or standard plan form that will be provided to the producer for submitting their operational plans prior to applying for a CUP? It might get messy if it is up to the producer to provide the format - the board could be spending a lot of time trying to ensure all ordinances are followed if there is no standard flow/structure (searching for the same information in different locations of various applications).
- Section 519.9.L (I think) refers to a notification section for application of manure to anyone within 1/2 mile of our potential spreading locations (for an operation of our size anyway). I don't think this was added or changed in this round, but I think the following should be altered:
 - "Application of manure on weekends, holidays, and evenings during the warmer seasons shall be avoided wherever possible." Should be changed to "Application of manure on weekends, holidays, and evenings during the warmer seasons *should* be avoided wherever possible."
 - Shall vs should is really the only change. I say this because I don't believe there are similar restrictions to other businesses in Yankton or anywhere else in the county. For example, Kolberg Pioneer runs a day and night shift and there are regularly payloaders and loud/bright equipment running throughout the yard almost 24 hours a day during the week, and on weekends. KPI is located right across the street from an apartment complex.
 - I don't think we should be restricting farm businesses from working on weekends or evenings for the convenience of others. I understand producers should take into consideration spreading manure right next to a home (do unto others as you want done unto you) and if a neighbor requests something the producer should be considerate. But, most of my farm work is done in evenings and on weekends after my day job. We have never had a neighbor complain about manure application at those times. I am sure other producers are in the same boat. We don't need to take it out, but I think it should be changed from shall to should, or at least have a setback zone from a house that producers cannot apply manure at these times. I think this is important since some of the proposed changes remove some limitations of residential development in ag districts (kind of a give and take).
- Is it a good idea to prevent the commission from allowing installation of facilities at any distance less than the limits stated in the ordinance? In 519.4, it states the commission can increase setbacks, but not decrease. For example, What if my neighbor says they are ok with me putting in a feedlot on the property line right next to their pasture or field? Also, what if that setup would make the best sense based on the lay of the land, available facilities and proximity to other residences? Would that situation be applicable for a variance for lower setbacks? I think we need to have the ability to reduce those setbacks if the neighbor or owner is ok with it. Obviously that would have to be documented in the CUP/property deed so it could be referenced if ownership of the neighboring property changes. If I am reading this incorrectly you can disregard.

I sent this in email format to all the commissioners so it's at least documented somewhere. It sounds like the commission cannot read these into the minutes anymore either which is ok, but if they can please do so. In the case the commission cannot read this into the minutes, I thought it was a good way to reach you. Hopefully this reaches you soon enough so you can digest these thoughts before a vote occurs.

Thanks for your time and consideration and let me know if you need any clarification,

Nate

Zane

Thank you for the email. If you could or the planning and zoning committee could answer these questions:

1. How many animal units do I presently have and how will it be determined?
2. How many animal units can I increase before I need a permit?
3. Are you aware of state statute 21-10-25-2?

21-10-25.2. Certain agricultural operations protected--Poultry or livestock operations--Protected status transferable.

No agricultural operation or any of its appurtenances may be deemed to be a nuisance, private or public, by any changed conditions in the locality of the operation or its appurtenances after the facility has been in operation for more than one year, if the facility was not a nuisance at the time the operation began. Any agricultural operation protected pursuant to the provisions of this section may reasonably expand its operation in terms of acres or animal units without losing its protected status if all county, municipal, state, and federal environmental codes, laws, or regulations are met by the agricultural operation. The protected status of an agricultural operation, once acquired, is assignable, alienable, and inheritable. The protected status of an agricultural operation, once acquired, may not be waived by the temporary cessation of farming or by diminishing the size of the operation. The provisions of this section do not apply if a nuisance results from the negligent or improper operation of any such agricultural operation or its appurtenances.

Source: SL 1991, ch 183, § 2; SL 1994, ch 162.

I would like to make a statement that I think there is a lot of nonsense in the proposed changes and defeats the purpose of having a Ag district to protect agriculture

Kevin Huber



Jessica Atkinson

From: Gary Vetter
Sent: Tuesday, July 14, 2020 4:47 PM
To: Jessica Atkinson
Subject: FW: Article 5

From: Sharon Petrik [mailto:sharonpetrik1059@gmail.com]

Sent: Tuesday, July 14, 2020 3:28 PM

To: dfreng77@gmail.com; paulharens@gmail.com; Joe Healy <joe@co.yankton.sd.us>; 48atlantic@gmail.com; Dan Klimisch <dank@co.yankton.sd.us>; downenmichael@gmail.com; kristi.schultz@k12.sd.us; Zane Williams <zwill58@hotmail.com>; Gary Vetter <gary@co.yankton.sd.us>

Subject: Article 5

I do not support the proposed changes to Article 5 as presented. These proposed changes, if adopted, will have a significant impact on all Agribusiness in Yankton County. It will also open the door for even more litigation.

Please engage in more public comment at various locations around the county or at such a time that all members will be present in the chamber and constituents can clearly hear what is being said by commission members. masks and distance participation does not lend itself well to such serious issues.

Sharon Petrik

Sent from my iPhone

Jessica Atkinson

From: Gary Vetter
Sent: Tuesday, July 14, 2020 4:56 PM
To: LYN.LYONS@19AXLE.COM
Cc: Jessica Atkinson
Subject: FW: New Contact Us Message

Good afternoon,

We appreciate your input and I will send it off to the Planning Commission for tonight's meeting.

Thanks,
Gary Vetter
Development Services Director
Yankton County
(605) 260-4445
gary@co.yankton.sd.us

From: Intuvio Solutions CMS [mailto:no-reply@intuviosolutions.com]
Sent: Tuesday, July 14, 2020 4:53 PM
To: Gary Vetter <gary@co.yankton.sd.us>
Subject: New Contact Us Message

You have received a Contact Us Message from your website.

Name: Lyn Lyons
Address: 30844 447 Ave
City/State/Zip: Mission Hill, South Dakota 57046
Email: LYN.LYONS@19AXLE.COM
Phone: 6056652678

Message:

Gary, I would like this to be part of the record for support of Yankton Co farmers. The restrictions being proposed on livestock in Yankton Co are going to bring about exactly what you/we don't want; larger and larger farms owned by out of state corporations, rather than smaller holdings run by families who have been taking care of the same land for multiple generations. I believe that family farms are a treasure which should be supported in every way possible, and the restrictions being proposed and written by people who are not farmers are not only not supportive, they are unreasonable and unnecessarily burdensome on folks who are already under great financial and emotional strain every day from things only the Good Lord controls. Please do not add to this with more regulations and restraints contrary to what is already in place, and please do consider relaxing the rules which are costing our neighbors and friends untold amounts of money and stress and heartache. There is a larger percentage of acres in this county of farm ground than not, and we would appreciate a corresponding percentage of leeway to live our lives and conduct our business as we see fit within the rules that are in place. Thank you for listening.

Jessica Atkinson

From: Gary Vetter
Sent: Tuesday, July 14, 2020 3:11 PM
To: stonehillfarm97@gmail.com
Cc: Jessica Atkinson
Subject: FW: No on Article 5

Here is another one. Thanks, Gary

From: Tara Pirak [mailto:tara@valleyagsupply.com]
Sent: Tuesday, July 14, 2020 3:03 PM
To: dfreng77@gmail.com; paulharens@gmail.com; Joe Healy <joe@co.yankton.sd.us>; 48atlantic@gmail.com; Dan Klimisch <dank@co.yankton.sd.us>; downenmichael@gmail.com; kristi.schultz@k12.sd.us; Zane Williams <zwill58@hotmail.com>; Gary Vetter <gary@co.yankton.sd.us>
Subject: No on Article 5

Good Afternoon:

I do not support the proposed changes to Article 5 as presented. These proposed changes, if adopted, will have a significant impact on all Agribusiness in Yankton County. It will also open the door for even more litigation. Please engage in more public comment at various locations around the county or at such a time that all members will be present in the chamber and constituents can clearly hear what is being said by commission members; masks and distance participation does not lend itself well to such serious issues.

Tara Pirak

Owner

Phone: 605-267-3100

Fax: 605-267-3098

Cell: 605-957-5525



Jessica Atkinson

From: Gary Vetter
Sent: Tuesday, July 14, 2020 2:55 PM
To: Dan Klimisch; Debra Lillie; dfreng77@gmail.com; Doug Hevle (48atlantic@gmail.com); downenmichael@gmail.com; Joe Healy; Kristi Schultz (kristi.schultz@k12.sd.us); Paul Harens (paulharens@gmail.com); stonehillfarm97@gmail.com; zwill58@hotmail.com
Cc: Jessica Atkinson
Subject: FW: Article 5

Good afternoon,

Here is a another memo sent in for your review for tonight's meeting.

Thanks,
Gary Vetter
Development Services Director
Yankton County
(605) 260-4445
gary@co.yankton.sd.us

From: Deanna Goeman [mailto:dkgoeman78@gmail.com]
Sent: Tuesday, July 14, 2020 1:49 PM
To: Gary Vetter <gary@co.yankton.sd.us>
Subject: Article 5

I do not support the proposed changes to Article 5 as presented. These proposed changes, if adopted, will have a significant impact on all Agribusiness in Yankton County. It will also open the door for even more litigation. Please engage in more public comment at various locations around the county or at such a time that all members will be present in the chamber and constituents can clearly hear what is being said by commission members; masks and distance participation does not lend itself well to such serious issues.

Deanna Johnson

Jessica Atkinson

From: Gary Vetter
Sent: Tuesday, July 14, 2020 11:22 AM
To: Dan Klimisch; Debra Lillie; dfreng77@gmail.com; Doug Hevle (48atlantic@gmail.com); downemichael@gmail.com; Joe.Healy; Kristi Schultz (kristi.schultz@k12.sd.us); Paul Harens (paulharens@gmail.com); stonehillfarm97@gmail.com; zwill58@hotmail.com
Cc: Jessica Atkinson
Subject: FW: New Contact Us Message

Good morning,

Here is a memo just sent in for your review for tonight's meeting.

Thanks,
Gary Vetter
Development Services Director
Yankton County
(605) 260-4445
gary@co.yankton.sd.us

From: Intuvio Solutions CMS [mailto:no-reply@intuviosolutions.com]
Sent: Tuesday, July 14, 2020 11:17 AM
To: Gary Vetter <gary@co.yankton.sd.us>
Subject: New Contact Us Message

You have received a Contact Us Message from your website.

Name: Sandy Viau
Address: 29834 447th Ave
City/State/Zip: Irene, South Dakota 57037
Email: sandy.viau@gmail.com
Phone: 605.660.1299

Message:

Mr. Vetter, I do not support the proposed changes to Article 5 on the agenda for this evenings meeting. Please share this with all the P&Z members. These proposed changes, if adopted, will have a significant impact on all Agribusiness in Yankton County. It will also open the door for even more litigation. Please advise the P & Z to engage in more public comment at various locations around the county or at such a time that all members will be present in the chamber and constituents can clearly hear what is being said by commission members; masks and distance participation does not lend itself well to such serious issues.

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 06-23-20

Applicant

P.R. OLSON III – Conditional Use Permit

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

CUP needed:

☐ Section 507 ☐ Section 607 ☒ Section 707 ☐ Section 807

☐ Section 1805 ☒ Section 1905

NOTE:

Conditional Use Permit

Applicant is requesting a Conditional Use Permit for an increase in the maximum accessory structure size. Said property is legally described as Wubben's Second Addition in the NW1/4 of Section 6 T93N R56W of the 5th P.M., and in Government Lots 1 and 2 of the SW1/4 of Section 31, T94N, R56W, of the 5th P.M., Yankton County South Dakota less Lot H1 and Lot H1 and H2, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 43425 SD Hwy 50, Yankton, South Dakota.

PC:	Article 7 Section 707	Article 18 Section 1805
BOA:	Article 7 Section 707	Article 19 Section 1905

Planning Commission date: 07/14/20
Board of Adjustment date: 08/04/20

Time: 7:15 PM
Time: 7:05 PM

YANKTON COUNTY

APPLICATION #

CUP-20

-006

olsonpest@gmail.com
pr@800killbugs.com

(Type or Print)

OWNER:

P.R. Olson III

OWNERS ADDRESS:

43425 SD Hwy 50

OWNERS DAYTIME PHONE#:

605 665 5181

DATE OF BUILDING PERMIT REQUEST:

23 June 2020

DESCRIPTION OF BUILDING PERMIT:

Addition to detached garage

REASON FOR BUILDING PERMIT DENIAL:

DATE OF DENIAL:

JOB ADDRESS:

43425 SD Hwy 50 Yankton SD 57078

LEGAL:

Wubbens 2nd Addn NW4

TOWNSHIP:

93

SECTION:

10

EXISTING USE OF PROPERTY:

R.

PRESENT ZONING CLASSIFICATION:

R2

PROPOSED ZONING CLASSIFICATION:

N/A

AFFECTED SECTION OF ZONING ORDINANCE:

REASON FOR REQUEST:

Adding storage space.

LIST SPECIFIC HARDSHIPS:

need items inside

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- A) Detailed Site Plan (Refer to handout)
- B) Location and Use of Adjacent Structures
- C) Application Fee(s)

SCHEDULED FOR PLANNING COMMISSION ACTION (Date):

July 14, 2020

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date):

August 4, 2020

*TENTATIVE DATE: Final date announced at Planning Commission Meeting:

APPLICATION FEE:

300

CHECK #:

037427

RECEIPT #:

5328

The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent.

Name of Applicant

P.R. Olson III

Date

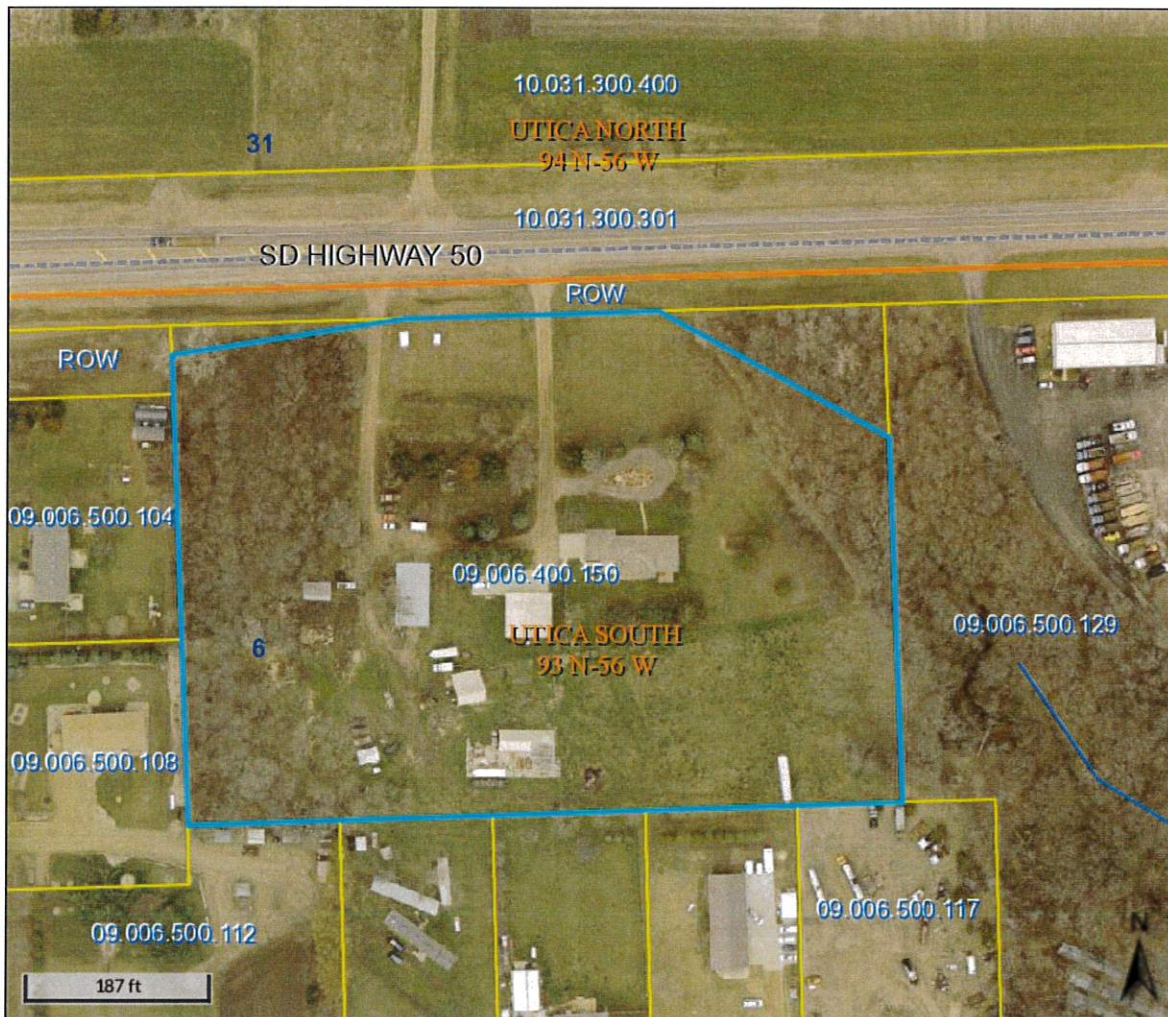
23 June 2020

Signature of Applicant/Owner

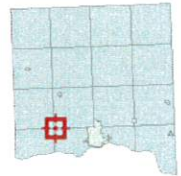
P.R. Olson III

Date

23 June 2020



Overview



Legend

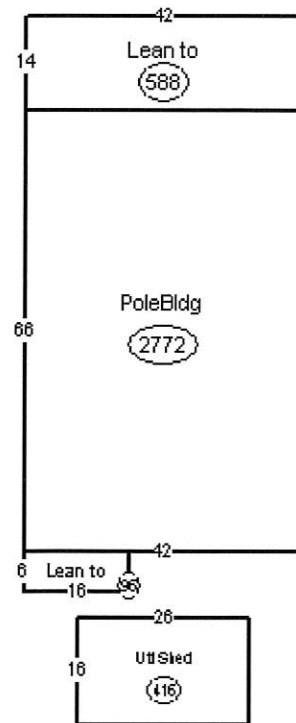
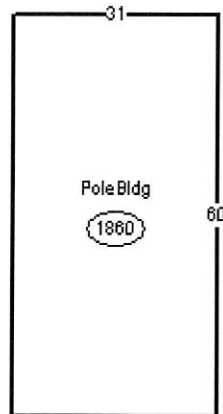
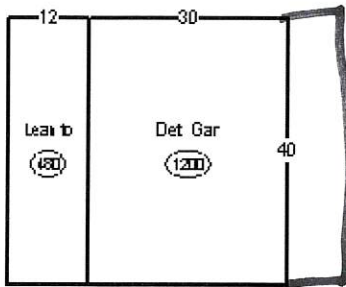
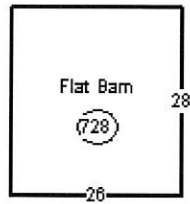
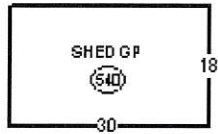
-  Townships
-  Sections
-  Parcels
-  City Limits
-  Streets and Roads
-  City ETJ (Extra Territorial Jurisdiction)
-  <all other values>
-  0
-  Streams

Parcel ID - 09.006.400.150
Address - 43425 SD HWY 50
Owner - OLSON, PRESTON R III (D)
OLSON, KARLAR (D)

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 6/23/2020
Last Data Uploaded: 6/23/2020 12:09:12 PM

Developed by  **Schneider**
GEOSPATIAL



14x40
enclosed Addition
12' Height

FINDINGS OF FACT – CONDITIONAL USE PERMIT

P.R. Olson III – CUP-20-006

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. Did you specifically cite, in the application, the section of the Ordinance under which the conditional use is sought and state the grounds on which it is requested	Applicant is requesting a Conditional Use Permit for an increase in the maximum accessory structure size.
2. Was notice of public hearing given per Section 1803 (3-5)?	Mailed – 07/03/20 & 07/21/20 Published – 07/03/20 & 07/27/20
3. Attend the public hearing	07/14/20
4. Planning Commission: Make a recommendation to include: a. Granting of conditional use; b. Granting with conditions; or c. Denial of conditional use	Move to accept 9-0 motion carries
5. Planning Commission must make written findings certifying compliance with specific rules including: a. Ingress and Egress to proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:	Ingress/Egress exists
b. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;	Plenty of parking
c. Refuse and service areas, with particular reference to the items in (A) and (B) above;	Refuse areas exist
d. Utilities, with reference to locations, availability, and compatibility;	Utilities present
e. Screening and buffering with reference to type, dimensions, and character;	
f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect;	
g. Required yards and other open spaces; and	Yes
h. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest.	Generally compatible

AFFIDAVIT OF MAILING

I, PR Olson III, hereby certify that on the 3
day of July, 2020, I mailed by first class mail, postage
prepaid, a true and correct copy of the Notice of Public Hearing
to all owners of real property lying within a 1,320 feet radius
of the proposed project to the most recent address of the
recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing
notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real
property is attached as Exhibit #1A or #2A.

Dated the 3 day of July, 2020.

P.R. Olson III

(Name)

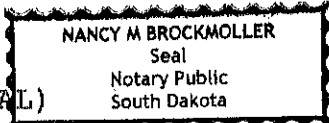
Affiant

Subscribed and sworn to before me this 14th day of
July, 2020.

Nancy M Brockmoller

Notary Public - South Dakota

My commission expires: 04/30/2025



(SEAL)

NOTIFICATION

July 3, 2020

P.R. Olson III
43425 SD Hwy 50
Yankton, South Dakota 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:15 P.M. on the 14th day of July, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit for an increase in the maximum accessory structure size. Said property is legally described as Wubben's Second Addition in the NW1/4 of Section 6 T93N R56W of the 5th P.M., and in Government Lots 1 and 2 of the SW1/4 of Section 31, T94N, R56W, of the 5th P.M., Yankton County South Dakota less Lot H1 and Lot H1 and H2, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 43425 SD Hwy 50, Yankton, South Dakota.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

P.R. Olson III
Petitioner

ALBERS, DAVID A (D)
142 FRONTIER LN
YANKTON SD 57078

ARNESON, ANTHONY FRANK (D)
PO BOX 761
YANKTON SD 57078

BARKL, JEFFREY T (D)
43422 SD HWY 50
YANKTON SD 57078

BECKER, ALEX M (D)
112 HOMESTEAD LN
YANKTON SD 57078

BECKER, DAVID J (D)
127 FRONTIER LN
YANKTON SD 57078

BERTRAND, RAYMOND C (D)
109 SPRING ST
YANKTON SD 57078

BROCKMAN, JOHN (D)
43439 SD HWY 50
YANKTON SD 57078

BROCKMAN, JOHN C (D)
43439 SD HWY 50
YANKTON SD 57078

CLARK, GORDON S (D)
156 SPRING ST
YANKTON SD 57078

DELANEY, GREGORY W (D)
119 HOMESTEAD LN
YANKTON SD 57078

FEILMEIER, ALAN (D)
43445 SD HWY 50
YANKTON SD 57078

FITZGERALD, JOHN (D)
30934 434 AVE
YANKTON SD 57078

GOEDEN, JANICE L (D)
128 HOMESTEAD LN
YANKTON SD 57078

HELES, MICHELLE K (D)
172 SPRING ST
YANKTON SD 57078

HENSELER, KEENAN J (D)
30920 434 AVE
YANKTON SD 57078

JOHNSON, MICHAEL (D)
143 FRONTIER LN
YANKTON SD 57078

KIRBY, STEVEN W (D)
30938 434 AVE
YANKTON SD 57078

KLEINSCHMIT, BRETT F (D)
116 FRONTIER LN
YANKTON SD 57078

KLIMISCH, JEROME (D)
144 LOST LN
YANKTON SD 57078

KOZAK, KRISTEN (D)
110 FORESTVIEW DR
YANKTON SD 57078

KRUSE, LESTER D (D)
147 SPRING ST
YANKTON SD 57078

LACROIX, LONNIE (D)
117 SUMMER ST
YANKTON SD 57078

LAMMERS, KODI ROBERT (D)
123 WINTER ST
YANKTON SD 57078

LARSON, COLE W (D)
43403 SD HWY 50
YANKTON SD 57078

LEWNO, THOMAS (D)
101 WINTER ST
YANKTON SD 57078

NEDVED, SCOTT A (D)
287 DEERFIELD DR
YANKTON SD 57078

NEDVED, VIRGINIA I REV TRUST (D)
43285 308 ST
YANKTON SD 57078

OLSON, P R (D)
43425 SD HWY 50
YANKTON SD 57078

OLSON, PRESTON R III (D)
140 SUMMER ST
YANKTON SD 57078

OLSON, PRESTON R III (D)
43425 SD HWY 50
YANKTON SD 57078

PEITZ, DONOVAN L (D)
131 HOMESTEAD LN
YANKTON SD 57078

PETERSEN, LARRY LEE (D)
130 SUMMER ST
YANKTON SD 57078

REESE, EARL M (D)
607 APPLEWOOD DR
YANKTON SD 57078

RUFF, DUANE (D)
118 WINTER ST
YANKTON SD 57078

SCHRAGE, DANIEL J (D)
30930 434 AVE
YANKTON SD 57078

SIMMONS, DOUGLAS (D)
115 FRONTIER LN
YANKTON SD 57078

SLOWEY, THOMAS E (D)
103 SUMMER ST
YANKTON SD 57078

STEINBERG, MARTY J (D)
146 HOMESTEAD LN
YANKTON SD 57078

TEEL, BRIAN L (D)
126 FRONTIER LN
YANKTON SD 57078

VANDER TUIG, DAVID (D)
30942 434 AVE
YANKTON SD 57078

ZIMMERMAN, DUANE G (D)
2717 DEER BLVD
YANKTON SD 57078

AFFIDAVIT OF MAILING

I, P.R. Olson, hereby certify that on the 21 day of July, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 21 day of July, 2020.

P.R. Olson III
(Name)
Affiant

Subscribed and sworn to before me this 21st day of July, 2020.

Karla R. Olson
Notary Public - South Dakota
My commission expires: 12/29/2022

Karla R. Olson

(SEAL)

NOTIFICATION

July 24, 2020

P.R. Olson III
43425 SD Hwy 50
Yankton, South Dakota 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 7:05 P.M. on the 4th day of August, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit for an increase in the maximum accessory structure size. Said property is legally described as Wubben's Second Addition in the NW1/4 of Section 6 T93N R56W of the 5th P.M., and in Government Lots 1 and 2 of the SW1/4 of Section 31, T94N, R56W, of the 5th P.M., Yankton County South Dakota less Lot H1 and Lot H1 and H2, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 43425 SD Hwy 50, Yankton, South Dakota.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

P.R. Olson III
Petitioner

ALBERS, DAVID A (D)
142 FRONTIER LN
YANKTON SD 57078

ARNESON, ANTHONY FRANK (D)
PO BOX 761
YANKTON SD 57078

BARKL, JEFFREY T (D)
43422 SD HWY 50
YANKTON SD 57078

BECKER, ALEX M (D)
112 HOMESTEAD LN
YANKTON SD 57078

BECKER, DAVID J (D)
127 FRONTIER LN
YANKTON SD 57078

BERTRAND, RAYMOND C (D)
109 SPRING ST
YANKTON SD 57078

BROCKMAN, JOHN (D)
43439 SD HWY 50
YANKTON SD 57078

BROCKMAN, JOHN C (D)
43439 SD HWY 50
YANKTON SD 57078

CLARK, GORDON S (D)
156 SPRING ST
YANKTON SD 57078

DELANEY, GREGORY W (D)
119 HOMESTEAD LN
YANKTON SD 57078

FEILMEIER, ALAN (D)
43445 SD HWY 50
YANKTON SD 57078

FITZGERALD, JOHN (D)
30934 434 AVE
YANKTON SD 57078

GOEDEN, JANICE L (D)
128 HOMESTEAD LN
YANKTON SD 57078

HELES, MICHELLE K (D)
172 SPRING ST
YANKTON SD 57078

HENSELER, KEENAN J (D)
30920 434 AVE
YANKTON SD 57078

JOHNSON, MICHAEL (D)
143 FRONTIER LN
YANKTON SD 57078

KIRBY, STEVEN W (D)
30938 434 AVE
YANKTON SD 57078

KLEINSCHMIT, BRETT F (D)
116 FRONTIER LN
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KLIMISCH, JEROME (D)
144 LOST LN
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KOZAK, KRISTEN (D)
110 FORESTVIEW DR
YANKTON SD 57078

KRUSE, LESTER D (D)
147 SPRING ST
YANKTON SD 57078

LACROIX, LONNIE (D)
117 SUMMER ST
YANKTON SD 57078

LAMMERS, KODI ROBERT (D)
123 WINTER ST
YANKTON SD 57078

LARSON, COLE W (D)
43403 SD HWY 50
YANKTON SD 57078

LEWNO, THOMAS (D)
101 WINTER ST
YANKTON SD 57078

NEDVED, SCOTT A (D)
287 DEERFIELD DR
YANKTON SD 57078

NEDVED, VIRGINIA I REV TRUST (D)
43285 308 ST
YANKTON SD 57078

OLSON, P R (D)
43425 SD HWY 50
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OLSON, PRESTON R III (D)
140 SUMMER ST
YANKTON SD 57078

OLSON, PRESTON R III (D)
43425 SD HWY 50
YANKTON SD 57078

PEITZ, DONOVAN L (D)
131 HOMESTEAD LN
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PETERSEN, LARRY LEE (D)
130 SUMMER ST
YANKTON SD 57078

REESE, EARL M (D)
607 APPLEWOOD DR
YANKTON SD 57078

RUFF, DUANE (D)
118 WINTER ST
YANKTON SD 57078

SCHRAGE, DANIEL J (D)
30930 434 AVE
YANKTON SD 57078

SIMMONS, DOUGLAS (D)
115 FRONTIER LN
YANKTON SD 57078

SLOWEY, THOMAS E (D)
103 SUMMER ST
YANKTON SD 57078

STEINBERG, MARTY J (D)
146 HOMESTEAD LN
YANKTON SD 57078

TEEL, BRIAN L (D)
126 FRONTIER LN
YANKTON SD 57078

VANDER TUIG, DAVID (D)
30942 434 AVE
YANKTON SD 57078

ZIMMERMAN, DUANE G (D)
2717 DEER BLVD
YANKTON SD 57078

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 06/22/20

Applicant

SHAWNY SCHILTZ (TACKE) - VARIANCE

District type: ☒ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☒ Section 513 ☐ Section 515 ☐ Section 705 ☐ Section 715 ☐ Section 805

☒ Section 1907

North Side/ Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

East Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

South Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

West Side / Yard lot line _____ feet or no closer than _____ feet to the _____ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

NOTE:

Applicant is requesting a Variance of the Minimum Lot Requirement from 20 acres to 12.516 acres and a Variance of the Minimum Lot Width from 500 to 370.78 on the south lot line in an Agriculture District. Said property is legally described as Proposed Shawny's Addition, in the SE1/4 of the SE1/4 of Section 22, T96N, R56W of the 5th P.M., Yankton County, South Dakota hereinafter referred to as Jamesville Township, County of Yankton, State of South Dakota.

PC: Article 5 Section 513

Article 18 Section 1807

BOA: Article 5 Section 513

Article 19 Section 1907

Planning Commission date: 07/14/20
Board of Adjustment date: 08/04/20

Time: 7:20 PM
Time: 7:10 PM

YANKTON COUNTY
APPLICATION # var-20-006

tonyseck@staxnationag.com

(Type or Print)

OWNER: Shawny Schiltz (Tacke)

OWNERS ADDRESS: 206 E 6th St Yankton, SD

OWNERS DAYTIME PHONE#: 605-661-3507

<input type="checkbox"/>	Variance Application
<input type="checkbox"/>	Conditional Use Permit
<input type="checkbox"/>	Rezoning Permit

DATE OF BUILDING PERMIT REQUEST: _____

DESCRIPTION OF BUILDING PERMIT: _____

REASON FOR BUILDING PERMIT DENIAL: _____

DATE OF DENIAL: _____

JOB ADDRESS: _____

LEGAL: proposed Shawny's Addition, sec 4 sec 4

TOWNSHIP: Jamesville SECTION: 22

EXISTING USE OF PROPERTY: Ag

PRESENT ZONING CLASSIFICATION: Ag

PROPOSED ZONING CLASSIFICATION: Ag

AFFECTED SECTION OF ZONING ORDINANCE: _____

REASON FOR REQUEST: section 513 1+2

LIST SPECIFIC HARDSHIPS: shawny wants to keep as much as possible but sell enough to put a downpayment on house.

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- A) Detailed Site Plan (Refer to handout)
- B) Location and Use of Adjacent Structures
- C) Application Fee(s)

SCHEDULED FOR PLANNING COMMISSION ACTION (Date): 7/14/20

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date): 8/4/20

*TENTATIVE DATE: Final date announced at Planning Commission Meeting:

APPLICATION FEE: 450 CHECK #: 8909 RECEIPT #: 5235

The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent.

Name of Applicant

Date

Signature of Applicant/Owner

Date



Overview



Legend

- Townships
- Sections
- Parcels
- City Limits
- Streets and Roads
- County Zoning District**
- <all other values>
- COMMERCIAL
- ETJ
- HIGH DENSITY RESIDENTIAL
- LAKE SIDE COMMERCIAL
- LOW DENSITY RESIDENTIAL
- MODERATE DENSITY RESIDENTIAL
- PLANNED UNIT DEVELOPMENT
- PUBLIC
- RURAL TRANSITIONAL
- City ETJ (Extra Territorial Jurisdiction)**
- <all other values>
- 0

Parcel ID - 12.022.200.100
 Address - 43780 295 ST
 Owner - TACKE, SHAWNY (D)
 Acres - 38

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 6/22/2020
 Last Data Uploaded: 6/22/2020 8:20:44 AM

Developed by **Schneider**
 GEOSPATIAL

FINDINGS OF FACT – VARIANCE

Shawny Schiltz (Tacke) – Var-20-006

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1807:	
1. A. The strict application of the ordinance would produce undue hardship;	Applicant is requesting a Variance of the Minimum Lot Requirement from 20 acres to 12.516 acres and a Variance of the Minimum Lot Width from 500 to 370.78 on the south lot line in an Agriculture District.
B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;	The hardship can be shared by others but is limited to those with the same acreage
C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; and	It will not be of substantial detriment
D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice.	No convenience, profit or caprice was shown
1. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance.	It can be recurring with special circumstances discussed in the findings
2. A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district;	
B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;	Previous variances of this type have been granted
C. The special conditions and circumstances do not result	They are not the result of the applicant

	from the actions of the applicant; and	
D.	The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district.	Previous variances of this type have been granted
E.	No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.	None considered
F.	Notice of public hearing shall be given, as in Section 1803 (3-5).	Mailed – 06/30/20 & 07/17/20 Published – 07/03/20 & 07/24/20
G.	The public hearing shall be held. Any party may appear in person for by agent or by attorney.	Public hearing – 07/14/20
H.	The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendation of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.	
I.	In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.	Move approval of variance request 9-0; motion carries
J.	Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.	

AFFIDAVIT OF MAILING

I, ROYANNE FRIDT, hereby certify that on the 20 day of JUNE, 2020, I mailed by first class mail, prepaid, a true and correct copy of the Notice of Mailing to all owners of real property lying within a 200 foot radius of the proposed project to the last recent address of the owner known to your Affiant. A true and correct copy of the Notice of Mailing and notification letters are attached as Exhibit A and B. A true and correct copy of the mailing list for owners of the property is attached as Exhibit #1A or #2A.

Dated the 20 day of JUNE, 2020.

[Signature]
(Name)
Affiant

Subscribed and sworn to before me this 20 day of JUNE, 2020.

[Signature]
Notary Public
My commission expires 01/01/2025

(SEAL)



NOTIFICATION

July 3, 2020

Shawny Schiltz (Tacke)
206 E 6th St.
Yankton, South Dakota 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2,640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:20 P.M. on the 14th day of July, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Variance of the Minimum Lot Requirement from 20 acres to 12.516 acres and a Variance of the Minimum Lot Width from 500 to 370.78 on the south lot line in an Agriculture District. Said property is legally described as Proposed Shawny's Addition, in the SE1/4 of the SE1/4 of Section 22, T96N, R56W of the 5th P.M., Yankton County, South Dakota hereinafter referred to as Jamesville Township, County of Yankton, State of South Dakota.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Shawny Schiltz (Tacke)
Petitioner

BUCHANAN, RUSSELL D (D)
43935 295 ST
IRENE SD 57037

JAMESVILLE HUTTERIAN BRETHREN (D)
29568 436 AVE
UTICA SD 57067

MUNKVOLD LAND & CATTLE CO INC (D)
43503 292 ST
MENNO SD 57045

NAKAMURA, JUDITH ANN REV TRUST (D)
4118 GHARRETT AVE
MISSOULA MT 59803

PERRON, LESLIE R REV LIV TRUST (D)
2997 CIELO CIRCLE SOUTH
CLEARWATER FL 33759

SEES, ANTHONY (D)
29436 438 AVE
MENNO SD 57045

SEES, ANTHONY CHARLES (D)
29436 438 AVE
MENNO SD 57045

TACKE, SHAWNY (D)
3914 TIMBERLAND DR
YANKTON SD 57078

AFFIDAVIT OF MAILING

I, Tracy Scott, hereby certify that on the 17 day of July, 2020, I mailed by first class mail, postage to all owners of real property lying within a 2000 foot radius of the proposed project to the most recent address of the recorders known to your Assistant.

A true and correct copy of the Notice of Public Hearing and tentative plat are attached as Exhibit A or B.

A true and correct copy of the mailing label for owners of real property is attached as Exhibit A or B.

Dated the 23 day of July, 2020.

[Signature]
Assistant

Subscribed and sworn to before me this 23rd day of July, 2020.

[Signature]
Notary Public - South Dakota
My commission expires Dec 31, 2023



NOTIFICATION

July 24, 2020

Shawny Schiltz (Tacke)
206 E 6th St.
Yankton, South Dakota 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2,640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 7:10 P.M. on the 4th day of August, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Variance of the Minimum Lot Requirement from 20 acres to 12.516 acres and a Variance of the Minimum Lot Width from 500 to 370.78 on the south lot line in an Agriculture District. Said property is legally described as Proposed Shawny's Addition, in the SE1/4 of the SE1/4 of Section 22, T96N, R56W of the 5th P.M., Yankton County, South Dakota hereinafter referred to as Jamesville Township, County of Yankton, State of South Dakota.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Shawny Schiltz (Tacke)
Petitioner

BUCHANAN, RUSSELL D (D)
43935 295 ST
IRENE SD 57037

JAMESVILLE HUTTERIAN BRETHREN (D)
29568 436 AVE
UTICA SD 57067

MUNKVOLD LAND & CATTLE CO INC (D)
43503 292 ST
MENNO SD 57045

NAKAMURA, JUDITH ANN REV TRUST (D)
4118 GHARRETT AVE
MISSOULA MT 59803

PERRON, LESLIE R REV LIV TRUST (D)
2997 CIELO CIRCLE SOUTH
CLEARWATER FL 33759

SEES, ANTHONY (D)
29436 438 AVE
MENNO SD 57045

SEES, ANTHONY CHARLES (D)
29436 438 AVE
MENNO SD 57045

TACKE, SHAWNY (D)
3914 TIMBERLAND DR
YANKTON SD 57078

Please Check Plat Type:

☒ Final ☐ Amended ☐ Preliminary ☐ Revision

Development Information

Plat Name: Shawnee's Addition Sec 14 T2N R14E

Section No: 22 Township No: 9N

Range: 5E Number of Lots/Tracts: 1

Number of Acres: 12.514

How is the property currently being used? AG

What is the proposed use of the property? AG

Surveyor/Engineer Information

Firm Name: Tom Weck
Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____
Phone: _____

Property Owner Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Contact person: _____

If the property owner is represented by an authorized agent, please provide the following:

Agent's name: _____
Agents Title: _____

You must provide the following:

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform? ☐ Yes ☒ No
 2. What is/are the lot size(s) 12.514
 3. Is this (plat) an existing farmstead? ☐ Yes ☒ No
 4. If a farmstead, how many acres are surrounding it? _____
 5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary? ☒ Yes ☐ No
 6. Is this property to have construction on it? ☐ Yes ☒ No
- If yes : _____
Name, address and phone number of contractor(s) _____

Owner certification

This is to certify that _____
the undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton county Zoning Ordinance.

Owner Signature _____

Owner Signature _____

This is to certify that _____
acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understand Section 207 of the Yankton County Zoning Ordinance.

Agent Signature _____

Planning Office Use Only: Planning Commission Date: _____
County Commission Date: _____

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

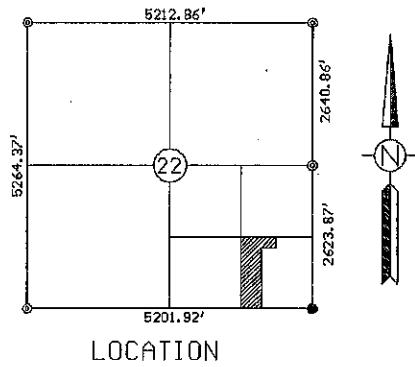
In order to insure prompt approval of your plat, please follow these steps:

☐ Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

- ☒ 1. All required signatures notarized (owner(s), surveyor)?
- ☒ 2. Taxes paid at County Treasures?
- ☒ 3. County Treasurer's signature?
- ☒ 4. Ownership verified by Director of Equalization and signed?
- ☒ 5. Street authority signature (DOT, Highway, Township)?
- ☒ 6. \$100.00 Fee Paid at Zoning Office?
- ☒ 7. Plat has been scheduled/approved by the Yankton County Planning Commission?
- ☒ 8. County Planning Commission Chair signature?
- ☒ 9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?
- ☐ 10. County Commission Chairs signature?
- ☐ 11. County Auditor's signature?
- ☐ 12. Plat has been filed with the Register of Deeds?

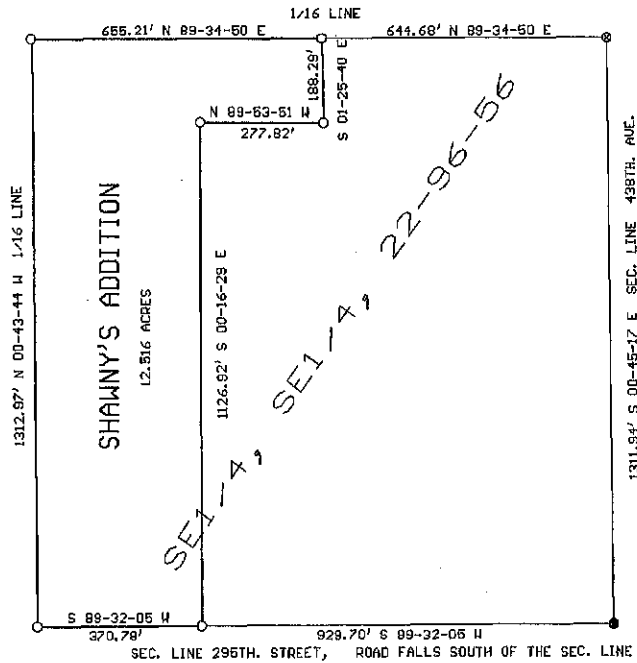
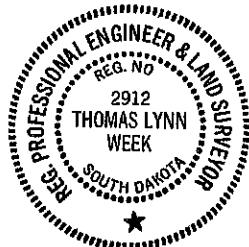
Planning Commission date: 7/14/20
Board of Adjustment date: 8/4/20

PLAT OF SHAWNY'S ADDITION, IN THE SE1/4 OF THE SE1/4 OF SECTION 22,
T96N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.



SCALE : 200'

- ⊙ CALCULATED CORNER
- ⊙ FOUND/SET LARGE SPIKE NAIL
- SET PIPE
- SET 5/8" REBAR WITH CAP STAMPED TOM WEEK LS 2912



SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY OF SHAWNY'S ADDITION, IN THE SE1/4 OF THE SE1/4 OF SECTION 22, T96N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 18TH. DAY OF JUNE, 2020.

THOMAS LYNN WEEK
REGISTERED LAND SURVEYOR
REG. NO. 2912

OWNERS CERTIFICATE

I, SHAWNY TACKE, DO HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF THE ABOVE DESCRIBED PROPERTY: SHAWNY'S ADDITION, IN THE SE1/4 OF THE SE1/4 OF SECTION 22, T96N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS ____ DAY OF _____, 2020.

SHAWNY TACKE

STATE OF SOUTH DAKOTA
COUNTY OF _____

ON THIS ____ DAY OF _____, 2020, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED SHAWNY TACKE, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

SHEET 2 OF 2

PLAT OF SHAWNY'S ADDITION, IN THE SE1/4 OF THE SE1/4 OF SECTION 22, T96N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

CERTIFICATE OF STREET AUTHORITY

THE LOCATION OF THE EXISTING ACCESS APPROACH ENTERING THE TOWNSHIP/COUNTY HIGHWAY IS HEREBY APPROVED. ANY CHANGE IN THE EXISTING ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

DATED THIS _____ DAY OF _____, _____.

TOWNSHIP/COUNTY AUTHORITY

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE YANKTON COUNTY PLANNING COMMISSION, THAT THE ABOVE PLAT REPRESENTING SHAWNY'S ADDITION, IN THE SE1/4 OF THE SE1/4 OF SECTION 22, T96N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: SHAWNY'S ADDITION, IN THE SE1/4 OF THE SE1/4 OF SECTION 22, T96N, R56W, OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAS SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, _____, COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, ON THIS _____ DAY OF _____, 2020.

COUNTY AUDITOR

CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

DIRECTOR OF EQUALIZATION CERTIFICATE

I, _____, DIRECTOR OF EQUALIZATION, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS _____ DAY OF _____, 2020.

DIRECTOR OF EQUALIZATION, YANKTON COUNTY

TREASURER CERTIFICATE

I, _____, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT ALL TAXES WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS _____ DAY OF _____, 2020.

TREASURER, YANKTON COUNTY

REGISTER OF DEEDS CERTIFICATE

I, _____, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED THE ORIGINAL PLAT, FILED FOR RECORD THIS _____ DAY OF _____, 2020, _____ O'CLOCK _____ M., AND DULY RECORDED IN BOOK NO. _____, PAGE _____.

REGISTER OF DEEDS, YANKTON COUNTY

PREPARED BY: TOM WEEK
407 REGAL DRIVE
YANKTON, SOUTH DAKOTA 57078
605-665-8333

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 05/08/20

Applicant

SCOTT WALTER – CONDITIONAL USE PERMIT

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

CUP needed:

☐ Section 507 ☐ Section 607 ☒ Section 707 ☐ Section 807

☐ Section 1805 ☒ Section 1905

NOTE:

Conditional Use Permit

Applicant is requesting a Conditional Use Permit for a Manufactured Home in a Moderate Density Residential Zone. Said property is legally described as Lot 2, Block 2, Pioneer Hills Addition of Section 17, T93N, R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 153 Clark Trail, Yankton, South Dakota.

PC: Article 7 Section 707

Article 18 Section 1805

BOA: Article 7 Section 707

Article 19 Section 1905

Planning Commission date: 7/14/20
Board of Adjustment date: 08/04/20

Time: 7:25 PM
Time: 7:15 PM

YANKTON COUNTY ^{CUP-}
APPLICATION # 20-007

(Type or Print)

OWNER: Scott Walter

OWNERS ADDRESS: 7212 Monroe Cir

OWNERS DAYTIME PHONE#: 402-917-7631

DATE OF BUILDING PERMIT REQUEST: ASAP 6/16/2020

DESCRIPTION OF BUILDING PERMIT: New Single Family / Class: Mfg Home Placement

REASON FOR BUILDING PERMIT DENIAL: permission to put Manufactured Home

DATE OF DENIAL: 6/18/2020 (Installation of 2020 Hart 10ft home)

JOB ADDRESS: 153 Clark Trail

LEGAL: Lot 2 Block 2 Pioneer Hills Addition 09.617.100.422

TOWNSHIP: _____ SECTION: _____

EXISTING USE OF PROPERTY: Field and storage

PRESENT ZONING CLASSIFICATION: R-2

PROPOSED ZONING CLASSIFICATION: R-2

AFFECTED SECTION OF ZONING ORDINANCE: 707

REASON FOR REQUEST: TO Set a Double Wide Custom Built Home on the land I just purchased.

LIST SPECIFIC HARDSHIPS: Cost of The Home & land is at my budget limit. Per 707.7 of Zoning Ordinance, placing a manufactured home on the property is allowed.

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- A) Detailed Site Plan (Refer to handout)
- B) Location and Use of Adjacent Structures
- C) Application Fee(s)

SCHEDULED FOR PLANNING COMMISSION ACTION (Date): July 14 2020

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date): Aug 4 2020

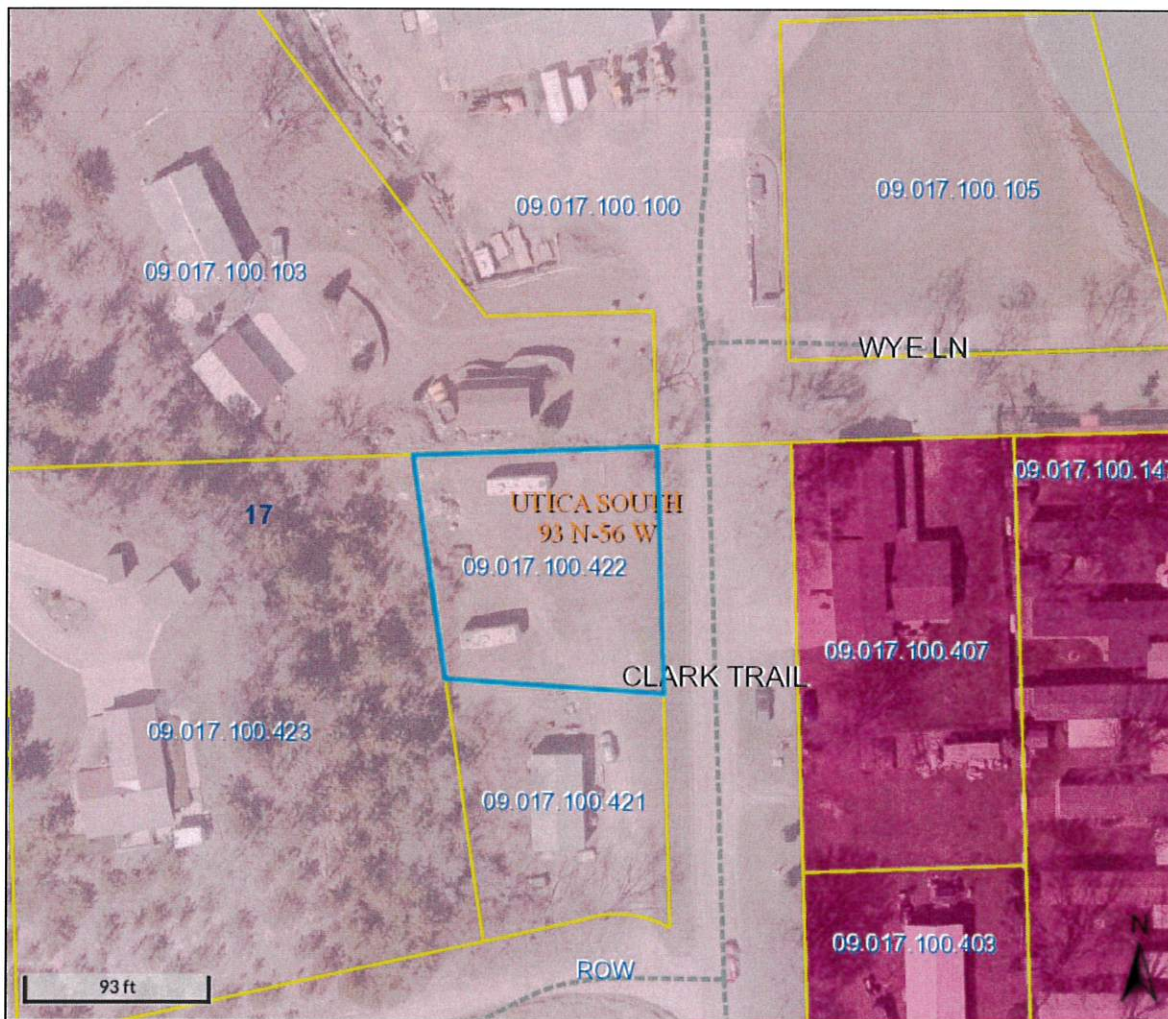
*TENTATIVE DATE: Final date announced at Planning Commission Meeting:

APPLICATION FEE: 300 CHECK #: 5399 RECEIPT #: 5240

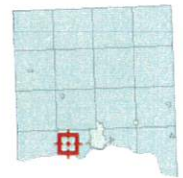
The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent.

Scott J. Walter 6/18/2020
Name of Applicant Date

Scott J. Walter 6/18/20
Signature of Applicant/Owner Date



Overview



Legend

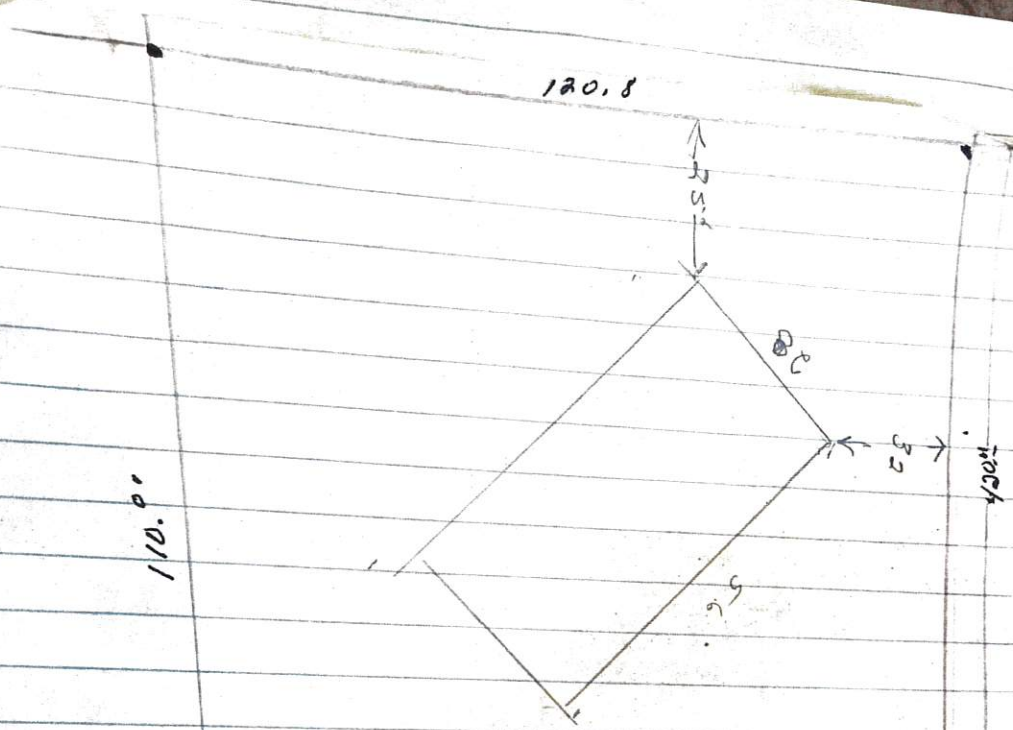
- Townships
- Parcels
- City Limits
- Streets and Roads
- County Zoning District**
- <all other values>
- COMMERCIAL
- ETJ
- HIGH DENSITY RESIDENTIAL
- LAKE SIDE COMMERCIAL
- LOW DENSITY RESIDENTIAL
- MODERATE DENSITY RESIDENTIAL
- PLANNED UNIT DEVELOPMENT
- PUBLIC
- RURAL TRANSITIONAL
- Floodplain**
- 100 YEAR FLOOD NO BFE; 100 YEAR FLOOD WITH BFE
- 500 YEAR FLOOD

Parcel ID - 09.017.100.422
Owner - WALTER, SCOTT J (D)

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.


Date created: 6/26/2020
Last Data Uploaded: 6/26/2020 8:21:01 AM

Developed by  **Schneider**
GEOSPATIAL



DRAFT YANKTON COUNTY BUILDING PERMIT APPLICATION

Each building site must have a separate site plan

JOB ADDRESS 153 Clark Trail, Yankton, SD 57078		PARCEL ID 09.017.100.422		
LEGAL DESCRIPTION LT 2 BLK 2 PIONEER HILLS ADDN				
OWNER NAME AND MAILING ADDRESS WALTER, SCOTT J 7212 MONROE CIR RALSTON NE 68127		PHONE/CELL (402) 917-7631 / (402) 889-2561		
CONTRACTOR Self	MAIL ADDRESS	PHONE		
ARCHITECT OR DESIGNER Iseman Homes	MAIL ADDRESS 4733 North Cliff Avenue Sioux Falls SD 57104	PHONE (605) 336-3276		
USE OF BUILDING: Residential		SETBACKS		
CLASS OF WORK: Manufactured Home Placement		Front: 32 Rear: 25		
DESCRIBE WORK: Installation of 2020 Hart loft home		Side: 32 Side: 25		
VALUATION OF WORK: \$		Mobile/Manufactured Home Tax Affidavit:		
SPECIAL CONDITIONS:				
App. Accepted By:	Site Plans Check By:	Approved for Issuance By:	PERMIT FEE: \$0.00 Check #	
<p style="text-align: center;">NOTICE</p> <p>THIS PERMIT WILL EXPIRE IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN ONE HUNDRED EIGHTY (180) DAYS OR CONSTRUCTION IS NOT SUBSTANTIALLY COMPLETED WITHIN TWO (2) YEARS OF ISSUANCE.</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF THE YANKTON COUNTY ZONING ORDINANCE OR ANY OTHER FEDERAL, STATE, OR LOCAL LAW REGULATING CONSTRUCTION ACTIVITIES OR THE USE OF ANY PROPERTY.</p> <div style="text-align: right; margin-top: 20px;">  06/10/2020 </div>		Type of Construction Wood	Sewer Septic	Water B-Y Water
		Total Square Feet 1500	Number of Stories 1	
		Zoning District R2	Number of Accessory Buildings No	
		Number of Dwelling Units 1	Property/Parcel/Lot Size (Acres) 0.30	
		For County Officials Use Only When properly validated (in this space), this is your permit. The above application is hereby approved.		
		Building Permit Number: Post Construction?		
Signature of Land Owner		Date		
BY THIS SIGNATURE, THE ZONING ADMINISTRATOR IS AUTHORIZED TO ENTER UPON THE PROPERTY DESCRIBED FOR THE PURPOSE OF INSPECTION				
Date				

FINDINGS OF FACT – CONDITIONAL USE PERMIT

Scott Walter – CUP-20-007

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. Did you specifically cite, in the application, the section of the Ordinance under which the conditional use is sought and state the grounds on which it is requested	
2. Was notice of public hearing given per Section 1803 (3-5)?	Mailed – 07/02/20 & 07/22/20 Published – 07/03/20 & 07/24/20
3. Attend the public hearing	07/14/20
4. Planning Commission: Make a recommendation to include: a. Granting of conditional use; b. Granting with conditions; or c. Denial of conditional use	Move to accept 9-0; motion carries
5. Planning Commission must make written findings certifying compliance with specific rules including: a. Ingress and Egress to proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:	Ingress/Egress exists
b. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;	Parking available
c. Refuse and service areas, with particular reference to the items in (A) and (B) above;	Yes
d. Utilities, with reference to locations, availability, and compatibility;	Septic to be installed at some point, utilities exist
e. Screening and buffering with reference to type, dimensions, and character;	
f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect;	None planned
g. Required yards and other open spaces; and	Yes
h. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest.	Other manufactured homes on neighboring properties

AFFIDAVIT OF MAILING

I, Scott J. Walter, hereby certify that on the 2nd day of July, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

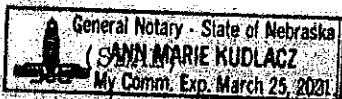
A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 2nd day of July, 2020.

Scott J. Walter
(Name)
Affiant

Subscribed and sworn to before me this 2nd day of July, 2020.

Ann Marie Kudlacz
Notary Public - South Dakota Nebraska
My commission expires: 3/25/2021



NOTIFICATION

July 3, 2020

Scott Walter
153 Clark Trail
Yankton, South Dakota 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:25 P.M. on the 14th day of July, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit for a Manufactured Home in a Moderate Density Residential Zone. Said property is legally described as Lot 2, Block 2, Pioneer Hills Addition of Section 17, T93N, R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 153 Clark Trail, Yankton, South Dakota.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Scott Walter
Petitioner

ADAMS, BRENT (D)
2705 MULLIGAN DR
YANKTON SD 57078

BECKER, DUANE G (D)
PO BOX 1103
YANKTON SD 57078

BINDER, ALBERT J TRUST (D)
169 CLARK TRL
YANKTON SD 57078

BINDER, ALBERT TRUST (D)
169 CLARK TRL
YANKTON SD 57078

BLAALID, LISA J (D)
122 WEST 3 ST
YANKTON SD 57078

BLAALID, LISA J (D)
43592 SD HWY 52
YANKTON SD 57078

CAUWELS, JEREMY M (D)
7205 S BURLEIGH CIR
SIOUX FALLS SD 57108

DEURMIER, DENNIS G (D)
142 SCENIC DR
YANKTON SD 57078

DJ'S PROPERTIES LLC (D)
31110 WALLEYE DR #200
YANKTON SD 57078

DOERING, HENRY (D)
151 CLARK TRL
YANKTON SD 57078

DRAKE DEVELOPMENT LLC (D)
PO BOX 51
YANKTON SD 57078

EAST RIVER ELECTRIC POWER (D)
PO BOX 227
MADISON SD 57042

EICKHOFF, KEITH (D)
PO BOX 352
HARTINGTON NE 68739

EICKHOFF, KEITH (D)
PO BOX 51
YANKTON SD 57078

FALKENBERG, STEPHEN (D)
105 DEER BLVD
YANKTON SD 57078

FOSS, PATRICK J (D)
31117 QUARRY DR
YANKTON SD 57078

GOLDEN, RANDY (D)
110 PRIMROSE LN
YANKTON SD 57078

GOLDEN, RANDY S (D)
110 PRIMROSE LN
YANKTON SD 57078

HARRIS, DWIGHT (D)
124 MARINE DR
YANKTON SD 57078

HARRIS, RONALD D (D)
124 MARINE DR
YANKTON SD 57078

JONES, BRAD (D)
101 LEWIS TRL
YANKTON SD 57078

JRD ENTERPRISES LLC (D)
PO BOX 76
YANKTON SD 57078

KABEISEMAN, WILLIAM J (D)
1210 DOUGLAS AVE
YANKTON SD 57078

KRAMER, ALLAN J (D)
1201 5 ST NE
SIOUX CENTER IA 51250

KRAMER, NORMAN E (D)
31105 436 AVE
YANKTON SD 57078

LAFFEY, FRANCIS D (D)
120 CLARK TRL
YANKTON SD 57078

LAMBERTZ, WILLIAM (D)
101 WEST 25 ST
YANKTON SD 57078

LUBBERS, CHERIE R (D)
108 LEWIS TRL
YANKTON SD 57078

POSPISIL, DANIEL D (D)
144 SCENIC DR
YANKTON SD 57078

SCHRAMM, HAROLD G (D)
44003 300 ST
UTICA SD 57067

SD DEPT OF TRANSPORTATION (D)
700 E BROADWAY AVE
PIERRE SD 57501

STIBRAL, CHARLES J (D)
31110 WALLEYE DR #200
YANKTON SD 57078

WALTER, SCOTT J (D)
7212 MONROE CIR
RALSTON NE 68127

AFFIDAVIT OF MAILING

I, Scott J. Walter, hereby certify that on the 22nd day of July, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 22nd day of July, 2020.

Scott J. Walter
(Name)
Affiant

Subscribed and sworn to before me this 22nd day of July, 2020.



(SEAL)

Ann Marie Kudlacz
Notary Public - ~~South Dakota~~ Nebraska
My commission expires: 3/25/2021

NOTIFICATION

July 24, 2020

Scott Walter
153 Clark Trail
Yankton, South Dakota 57078

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 7:15 P.M. on the 4th day of August, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit for a Manufactured Home in a Moderate Density Residential Zone. Said property is legally described as Lot 2, Block 2, Pioneer Hills Addition of Section 17, T93N, R56W, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is 153 Clark Trail, Yankton, South Dakota.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Scott Walter
Petitioner

ADAMS, BRENT (D)
2705 MULLIGAN DR
YANKTON SD 57078

BECKER, DUANE G (D)
PO BOX 1103
YANKTON SD 57078

BINDER, ALBERT J TRUST (D)
169 CLARK TRL
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BLAALID, LISA J (D)
122 WEST 3 ST
YANKTON SD 57078

BLAALID, LISA J (D)
43592 SD HWY 52
YANKTON SD 57078

CAUWELS, JEREMY M (D)
7205 S BURLEIGH CIR
SIOUX FALLS SD 57108

DEURMIER, DENNIS G (D)
142 SCENIC DR
YANKTON SD 57078

DJ'S PROPERTIES LLC (D)
31110 WALLEYE DR #200
YANKTON SD 57078

DOERING, HENRY (D)
151 CLARK TRL
YANKTON SD 57078

DRAKE DEVELOPMENT LLC (D)
PO BOX 51
YANKTON SD 57078

EAST RIVER ELECTRIC POWER (D)
PO BOX 227
MADISON SD 57042

EICKHOFF, KEITH (D)
PO BOX 352
HARTINGTON NE 68739

EICKHOFF, KEITH (D)
PO BOX 51
YANKTON SD 57078

FALKENBERG, STEPHEN (D)
105 DEER BLVD
YANKTON SD 57078

FOSS, PATRICK J (D)
31117 QUARRY DR
YANKTON SD 57078

GOLDEN, RANDY (D)
110 PRIMROSE LN
YANKTON SD 57078

GOLDEN, RANDY S (D)
110 PRIMROSE LN
YANKTON SD 57078

HARRIS, DWIGHT (D)
124 MARINE DR
YANKTON SD 57078

HARRIS, RONALD D (D)
124 MARINE DR
YANKTON SD 57078

JONES, BRAD (D)
101 LEWIS TRL
YANKTON SD 57078

JRD ENTERPRISES LLC (D)
PO BOX 76
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KABEISEMAN, WILLIAM J (D)
1210 DOUGLAS AVE
YANKTON SD 57078

KRAMER, ALLAN J (D)
1201 5 ST NE
SIOUX CENTER IA 51250

KRAMER, NORMAN E (D)
31105 436 AVE
YANKTON SD 57078

LAFFEY, FRANCIS D (D)
120 CLARK TRL
YANKTON SD 57078

LAMBERTZ, WILLIAM (D)
101 WEST 25 ST
YANKTON SD 57078

LUBBERS, CHERIE R (D)
108 LEWIS TRL
YANKTON SD 57078

POSPISIL, DANIEL D (D)
144 SCENIC DR
YANKTON SD 57078

SCHRAMM, HAROLD G (D)
44003 300 ST
UTICA SD 57067

SD DEPT OF TRANSPORTATION (D)
700 E BROADWAY AVE
PIERRE SD 57501

STIBRAL, CHARLES J (D)
31110 WALLEYE DR #200
YANKTON SD 57078

WALTER, SCOTT J (D)
7212 MONROE CIR
RALSTON NE 68127

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 06/24/20

Applicant Neal Lange – Conditional Use Permit

District type: ☐ AG ☐ R1-Low ☒ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

CUP needed:

☐ Section 507 ☐ Section 607 ☐ Section 707 ☒ Section 1107

☐ Section 1805 ☒ Section 1905

NOTE:

Conditional Use Permit

Applicant is requesting a Conditional Use Permit for campground in a Lakeside Commercial District. Said property is legally described as E1/2 W1/2 N1/2 NW1/4 except the N 690' thereof and further excepting highway right-of-way of Section 15, T93N, R56W of the 5th P.M., Yankton County, South Dakota, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBD West 8th St, Yankton, South Dakota.

PC: Article 11 Section 1107 Article 18 Section 1805
BOA: Article 11 Section 1107 Article 19 Section 1905

Planning Commission date: 07/14/20
Board of Adjustment date: 08/04/20

Time: 7:30 PM
Time: 7:20 PM

YANKTON COUNTY
APPLICATION # CUP-20-008

(Type or Print)

OWNER: Neal Lange

OWNERS ADDRESS: 118 Lakeshire Dr Ytica SD 57067

OWNERS DAYTIME PHONE#: 402 340 5576

DATE OF BUILDING PERMIT REQUEST: 6-24-20

DESCRIPTION OF BUILDING PERMIT: Camp ground & RV Park

REASON FOR BUILDING PERMIT DENIAL: N/A

DATE OF DENIAL: N/A

JOB ADDRESS: 827 Hem: Dr.

LEGAL: E-2, W-2, N2, NW1/4, Ex C Hwy Row there to

TOWNSHIP: Yankton SECTION: 15

EXISTING USE OF PROPERTY: Farm land

PRESENT ZONING CLASSIFICATION: Lakeside Commercial

PROPOSED ZONING CLASSIFICATION: Same

AFFECTED SECTION OF ZONING ORDINANCE: 1107 #2

REASON FOR REQUEST: RV Park (camp ground)

LIST SPECIFIC HARDSHIPS: _____

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- A) Detailed Site Plan (Refer to handout)
- B) Location and Use of Adjacent Structures
- C) Application Fee(s)

SCHEDULED FOR PLANNING COMMISSION ACTION (Date): July 14, 2020

SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date): August 4, 2020

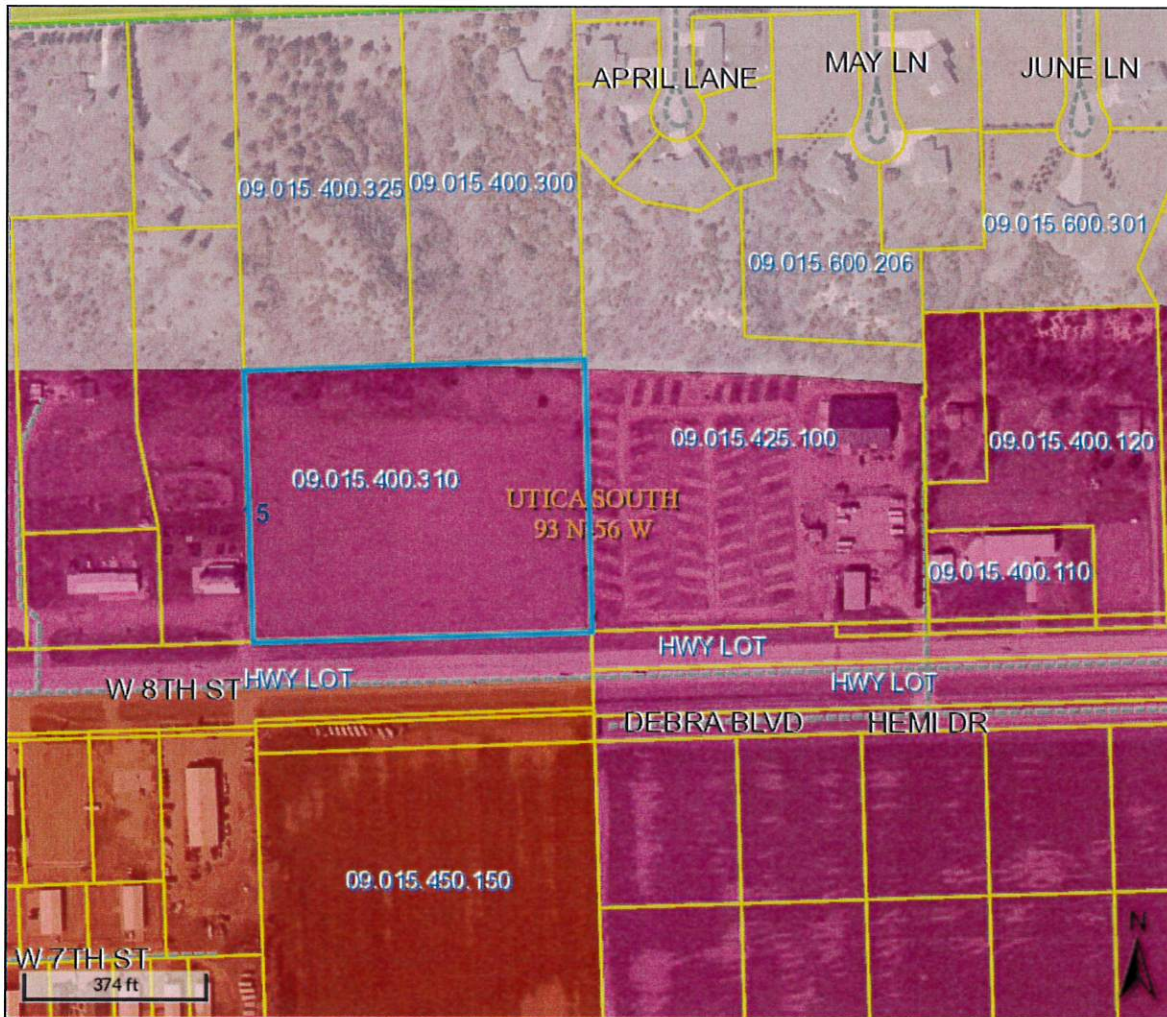
*TENTATIVE DATE: Final date announced at Planning Commission Meeting:

APPLICATION FEE: 300 CHECK #: 2068 RECEIPT #: 5245

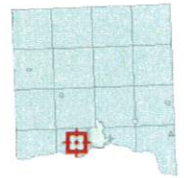
The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent.

Neal Lange June 24-20
Name of Applicant Date

Bob Saw June 22-20
Signature of Applicant/Owner Date



Overview



Legend

- Townships
- Sections
- Parcels
- City Limits
- Streets and Roads
- County Zoning District**
- <all other values>
- COMMERCIAL
- ETJ
- HIGH DENSITY RESIDENTIAL
- LAKE SIDE COMMERCIAL
- LOW DENSITY RESIDENTIAL
- MODERATE DENSITY RESIDENTIAL
- PLANNED UNIT DEVELOPMENT
- PUBLIC
- RURAL TRANSITIONAL
- Floodplain**
- 100 YEAR FLOOD NO BFE; 100 YEAR FLOOD WITH BFE
- 500 YEAR FLOOD

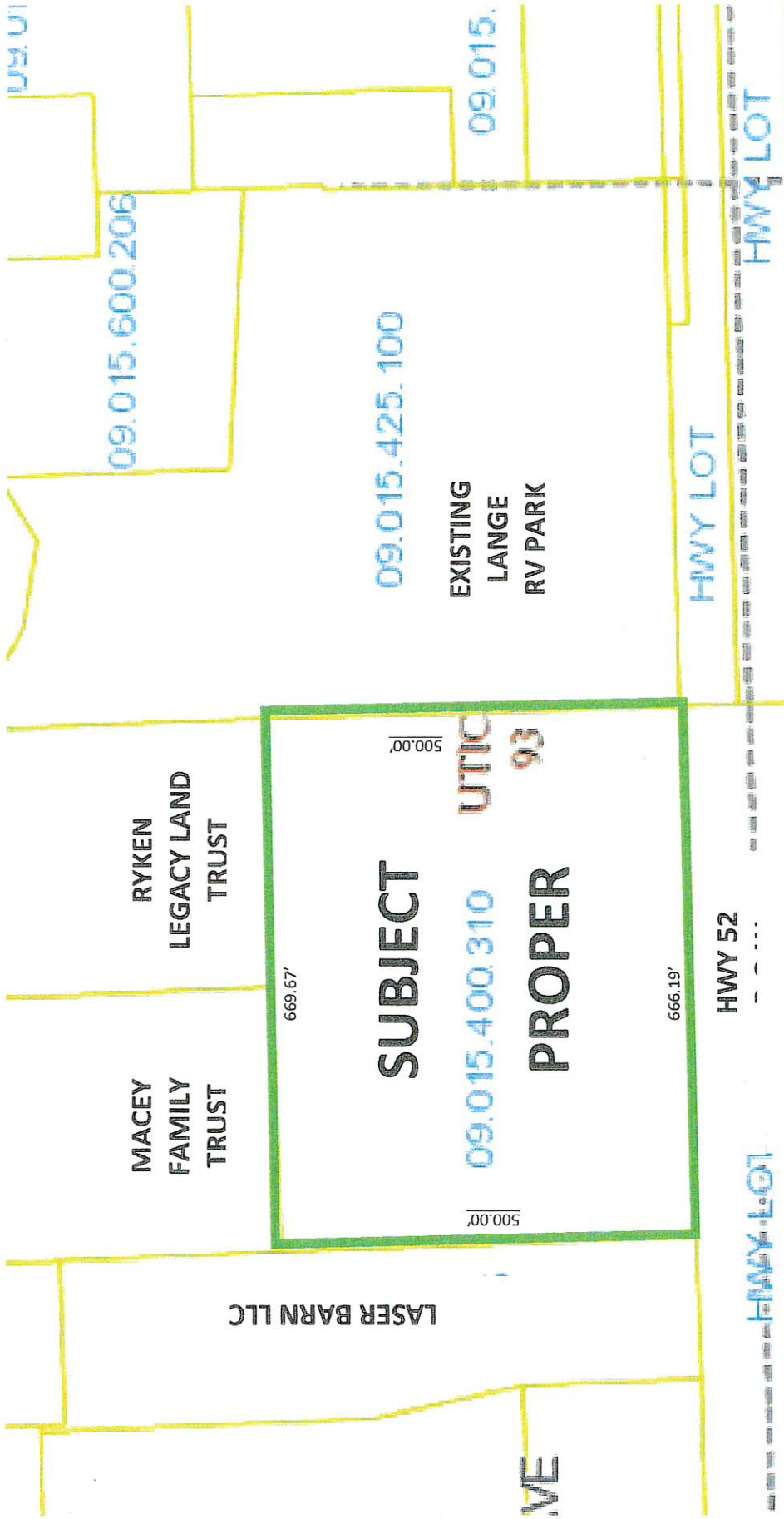
Parcel ID - 09.015.400.310
Owner - BOB LAW INC (D)

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

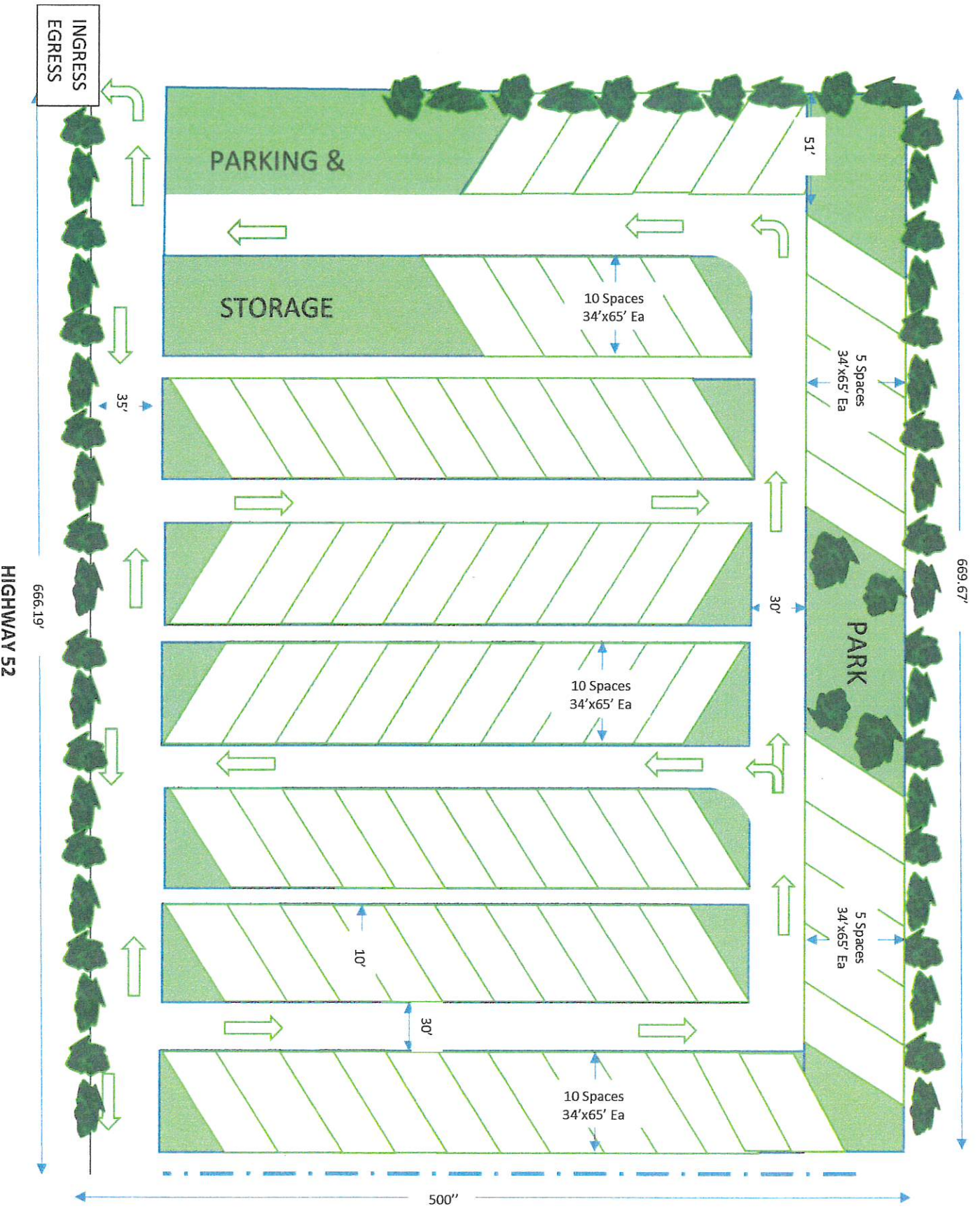
Date created: 6/26/2020
Last Data Uploaded: 6/26/2020 8:21:01 AM

Developed by  **Schneider**
GEOSPATIAL

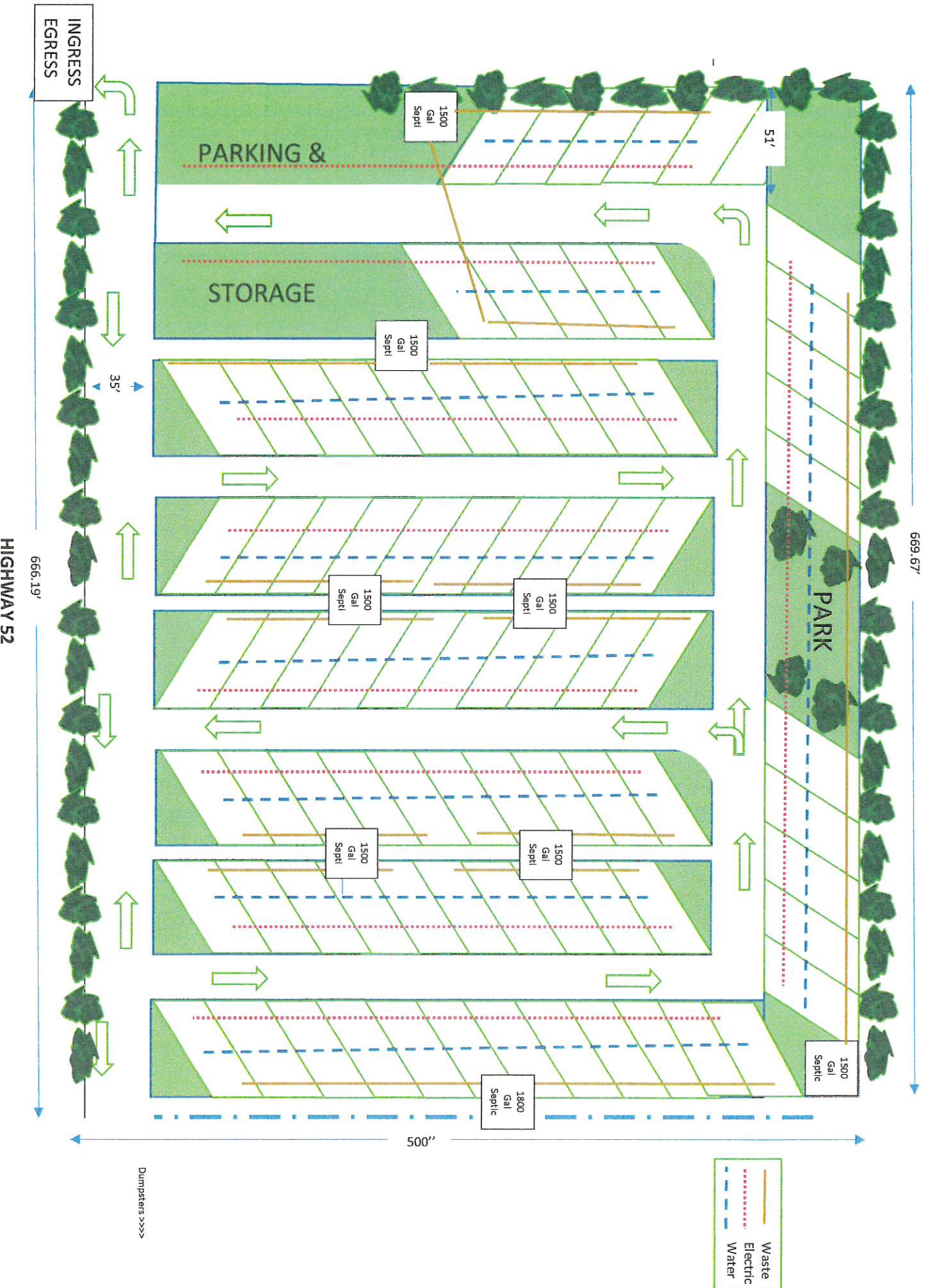
ADJACENT OWNERS



DIMENSIONS W/ S.W. STORAGE



PLOT UTILITIES



FINDINGS OF FACT – CONDITIONAL USE PERMIT

Neal Lange – CUP-20-008

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1805:	
1. Did you specifically cite, in the application, the section of the Ordinance under which the conditional use is sought and state the grounds on which it is requested	Applicant is requesting a Conditional Use Permit for campground in a Lakeside Commercial District.
2. Was notice of public hearing given per Section 1803 (3-5)?	Mailed – 06/30/20 & 07/23/20 Published – 07/03/20 & 07/24/20
3. Attend the public hearing	07/14/20
4. Planning Commission: Make a recommendation to include: a. Granting of conditional use; b. Granting with conditions; or c. Denial of conditional use	Approval of this conditional use permit with a 3 year time limit on building the fence and trees and to include no year-round residents 9-0; motion carries
5. Planning Commission must make written findings certifying compliance with specific rules including: a. Ingress and Egress to proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:	Ingress/Egress exists
b. Off right-of-way parking and loading areas where required; with particular attention to the items in (A) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;	Off right-of-way parking and loadings areas exists
c. Refuse and service areas, with particular reference to the items in (A) and (B) above;	Yes
d. Utilities, with reference to locations, availability, and compatibility;	Yes
e. Screening and buffering with reference to type, dimensions, and character;	3 year time limit to build fence and trees given
f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect;	
g. Required yards and other open spaces; and	Yes
h. General compatibility with adjacent properties and other property in the district and that the granting of the conditional use will not adversely affect the public interest.	Campground currently exists on neighboring property

Jessica Atkinson

From: White, Brooke <Brooke.White@state.sd.us>
Sent: Tuesday, July 28, 2020 2:56 PM
To: Gary Vetter
Cc: Jessica Atkinson; Gall, Rod
Subject: RE: New Contact Us Message

Hi Gary...

I think the State's main concern will be with access and the total number of campsites that will be utilizing the existing access location. Mr. Lange will need to apply for a new access permit for a change in use since this is currently ag and will now be commercial. What is the connectivity between the existing campground and the addition? Collectively, how many sites will there be between the existing plus the new? There are always concerns with turning movements that may require the installation of a turn lane if certain criteria are met. Mr. Lange should get in touch with SDDOT before doing any construction of this development.

Brooke A. White
605.367.4970 ext 1802120

From: Gary Vetter <gary@co.yankton.sd.us>
Sent: Tuesday, July 28, 2020 2:32 PM
To: White, Brooke <Brooke.White@state.sd.us>
Cc: Jessica Atkinson <jessica@co.yankton.sd.us>
Subject: FW: [EXT] New Contact Us Message

Brooke,

Attached is the Lange packet for review. Planning Commission recommended approval, all voting aye. Let us know if you have concerns for County Commission.

Thanks,
Gary Vetter
Development Services Director
Yankton County
(605) 260-4445
gary@co.yankton.sd.us

From: Intuvio Solutions CMS [<mailto:no-reply@intuviosolutions.com>]
Sent: Tuesday, July 28, 2020 9:35 AM
To: Gary Vetter <gary@co.yankton.sd.us>
Subject: New Contact Us Message

You have received a Contact Us Message from your website.

Name: Brooke A White
Address: 5316 W 60th Street
City/State/Zip: Sioux Falls, South Dakota 57107
Email: brooke.white@state.sd.us
Phone: 6053675680
Message:

Looking to get a copy of the Conditional Use Permit submitted by Neal Lange. I am with the SDDOT and we need to review this request. Access to this site may be in question. Thank you! Brooke White

AFFIDAVIT OF MAILING

I, Neal Lange, hereby certify that on the 30th day of June, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

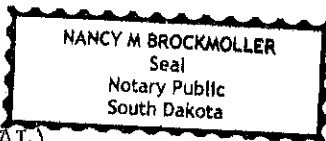
A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 30 day of June, 2020.

Neal Lange
(Name)
Affiant

Subscribed and sworn to before me this 30th day of June, 2020.



(SEAL)

Nancy M Brockmoller
Notary Public - South Dakota
My commission expires: 04/30/2025

NOTIFICATION

July 3, 2020

Neal Lange
118 Lakeshore Dr
Utica, South Dakota 57067

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:30 P.M. on the 14th day of July, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit for campground in a Lakeside Commercial District. Said property is legally described as E1/2 W1/2 N1/2 NW1/4 except the N 690' thereof and further excepting highway right-of-way of Section 15, T93N, R56W of the 5th P.M., Yankton County, South Dakota, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBD West 8th St, Yankton, South Dakota.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Neal Lange
Petitioner

ASPS LLC (D)
3609 WEST 8 ST
YANKTON SD 57078

BINDER, TIMOTHY (D)
169 CLARK TRL
YANKTON SD 57078

BLOM, COLE S (D)
517 LOCUST ST
YANKTON SD 57078

BOB LAW INC (D)
3812 SD HWY 314
YANKTON SD 57078

BRAUN, MARLIN R (D)
3210 WEST 11 ST
YANKTON SD 57078

CPEC EXCHANGE 43633 LLC (D)
1007 APRIL LN
YANKTON SD 57078

DAHLLIN DRYWALL INC (D)
3703 WEST 7 ST
YANKTON SD 57078

DEERFIELD TRUCK & EQUIPMENT CO (D)
PO BOX 805
LAUREL NE 68745

DOERING, HENRY L (D)
902 BEEMER AVE
YANKTON SD 57078

FEIMER, MICHAEL P (D)
1004 MAY LN
YANKTON SD 57078

G & W PROPERTIES (D)
% SCOTT STEVENS
PO BOX 2047
NORFOLK NE 68702

HANSON, STEVE (D)
14355 SW ROCHESTER DR
BEAVERTON OR 97008

HARTS, DONNA REVOCABLE TRUST (D)
3412 SD HWY 314
YANKTON SD 57078

HOFER, DAVID J (D)
1009 APRIL LN
YANKTON SD 57078

INHOFFER, RICK (D)
3306 WEST 8 ST
YANKTON SD 57078

JIM TRAMP CONSTRUCTION INC (D)
2202 BURLEIGH ST
YANKTON SD 57078

KALTSULAS, THOMAS C (D)
188 MARINA DELL AVE
YANKTON SD 57078

LACROIX, MARLIN (D)
1303 WEST 19 ST #4
YANKTON SD 57078

LANGE FAMILY PROTECTION TRUST (D)
118 LAKE SHORE DR
UTICA SD 57067

LASER BARN LLC (D)
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YANKTON SD 57078

LOCKWOOD LEASING LLC (D)
PO BOX 561
VIBORG SD 57070

LUKEN CONSTRUCTION LLC (D)
605 DOUGLAS AVE
YANKTON SD 57078

MABEE, TAMARA F (D)
3803 WEST 11 ST
YANKTON SD 57078

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3701 WEST 11 ST
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MACY, ROBERT M (D)
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3609 WEST 7 ST
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MINES, SCOTT (D)
275 MARINA DELL AVE
YANKTON SD 57078

MR K TRUCK CENTER (D)
30174 438 AVE
UTICA SD 57067

MUELLENBERG, SUSAN (D)
1016 WEST 2 ST
REDFIELD SD 57469

MUELLER, MARY C (D)
3204 WEST 8 ST
YANKTON SD 57078

MUELLER, STEVEN (D)
3204 WEST 8 ST
YANKTON SD 57078

NEDVED, FRANK (D)
1007 JUNE LN
YANKTON SD 57078

PHIL SPADY CHRYSLER-JEEP-DODGE (I
316 CAPITOL ST
YANKTON SD 57078

PREMIER VENTURES LLC (D)
1010 MAY LN
YANKTON SD 57078

REZAC FAMILY REVOCABLE TRUST (D)
30776 435 AVE
YANKTON SD 57078

RYKEN LEGACY LAND TRUST (D)
%RUSSELL RYKEN
19597 EAST 70 ST N
OWASSO OK 74055

SAT ENTERPRISES LLC (D)
3703 WEST 8 ST
YANKTON SD 57078

SCHAEFFER, HAROLD D (D)
701 DEER BLVD
YANKTON SD 57078

SCHWARZ, BRUCE W (D)
43076 LAKE PORT RD
YANKTON SD 57078

SCS PROPERTY MANAGEMENT CORP (I
3702 LEADER LN
YANKTON SD 57078

SD DEPT OF TRANSPORTATION (D)
700 E BROADWAY AVE
PIERRE SD 57501

SIMONSEN, THOMAS L (D)
%MC STORAGE
3702 LEADER LN
YANKTON SD 57078

SIMONSEN, THOMAS L (D)
3702 LEADER LN
YANKTON SD 57078

STEVENS, SCOTT D (D)
PO BOX 2047
NORFOLK NE 68702

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YANKTON'S EXEC STORAGE LLC (D)
1900 SOUTH 2 ST
HARTFORD SD 57033

YEAGER, RICHARD G (D)
3703 WEST 11 ST
YANKTON SD 57078

AFFIDAVIT OF MAILING

I, Neal Lange, hereby certify that on the 23 day of July, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 1,320 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 23 day of July, 2020.

Neal Lange
(Name)
Affiant

Subscribed and sworn to before me this 23 day of July, 2020.

Kortney Loecker
Notary Public - South Dakota
My commission expires: 10-28-23



NOTIFICATION

July 24, 2020

Neal Lange
118 Lakeshore Dr
Utica, South Dakota 57067

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 1,320 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 7:20 P.M. on the 4th day of August, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Conditional Use Permit for campground in a Lakeside Commercial District. Said property is legally described as E1/2 W1/2 N1/2 NW1/4 except the N 690' thereof and further excepting highway right-of-way of Section 15, T93N, R56W of the 5th P.M., Yankton County, South Dakota, hereinafter referred to as Utica South Township, County of Yankton, State of South Dakota. The E911 address is TBD West 8th St, Yankton, South Dakota.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Neal Lange
Petitioner

ASPS LLC (D)
3609 WEST 8 ST
YANKTON SD 57078

BINDER, TIMOTHY (D)
169 CLARK TRL
YANKTON SD 57078

BLOM, COLE S (D)
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902 BEEMER AVE
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FEIMER, MICHAEL P (D)
1004 MAY LN
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G & W PROPERTIES (D)
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YANKTON'S EXEC STORAGE LLC (D)
1900 SOUTH 2 ST
HARTFORD SD 57033

YEAGER, RICHARD G (D)
3703 WEST 11 ST
YANKTON SD 57078

Yankton County Planning Commission
Yankton County Board of Adjustment

Date filed: 06/29/20

Applicant

Jim Bye – Variance and Plat

District type: ☒ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☒ Section 513 ☐ Section 515 ☐ Section 705 ☐ Section 805 ☒ Section 1907

North Side/ Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

East Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

South Side / Yard lot line: _____ feet or no closer than _____ feet to the _____ lot line.

West Side / Yard lot line _____ feet or no closer than _____ feet to the _____ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

NOTE:

Applicant is requesting a Variance of the Minimum Lot Requirement from 20 acres to 3.50+- acres and a Variance of the Minimum Lot Width from 500 feet to 390.46 feet in an Agriculture District. Said property is legally described as Proposed Jim Bye Tract 1 being the N390.46' of the E390.46' of the NE1/4 of the NE1/4 of Section 27, T93N, R54W of the 5th P.M., Yankton County, South Dakota hereinafter referred to as Gayville Township, County of Yankton, State of South Dakota. The E911 address is TBD 450th Ave, Gayville, South Dakota.

PC: Article 5 Section 513

Article 18 Section 1807

BOA: Article 5 Section 513

Article 19 Section 1907

Planning Commission date: 07/14/20
Board of Adjustment date: 08/04/20

Time: 7:35 PM
Time: 7:25 PM

YANKTON COUNTY

APPLICATION # var-20-007

Jbyehay@hotmail.com

(Type or Print)

OWNER: Jim + Betty ByeOWNERS ADDRESS: 44920-312th StOWNERS DAYTIME PHONE#: 605-661-4870

DATE OF BUILDING PERMIT REQUEST: _____

DESCRIPTION OF BUILDING PERMIT: _____

REASON FOR BUILDING PERMIT DENIAL: _____

DATE OF DENIAL: _____

JOB ADDRESS: TBP 450 Ave, MayvilleLEGAL: proposed Jim Bye tract 1TOWNSHIP: 93-54SECTION: 27EXISTING USE OF PROPERTY: AbPRESENT ZONING CLASSIFICATION: AnPROPOSED ZONING CLASSIFICATION: P/HAFFECTED SECTION OF ZONING ORDINANCE: 513REASON FOR REQUEST: financing reasonsLIST SPECIFIC HARDSHIPS: financial, daughter purchasing for house to be built

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- A) Detailed Site Plan (Refer to handout)
- B) Location and Use of Adjacent Structures
- C) Application Fee(s)

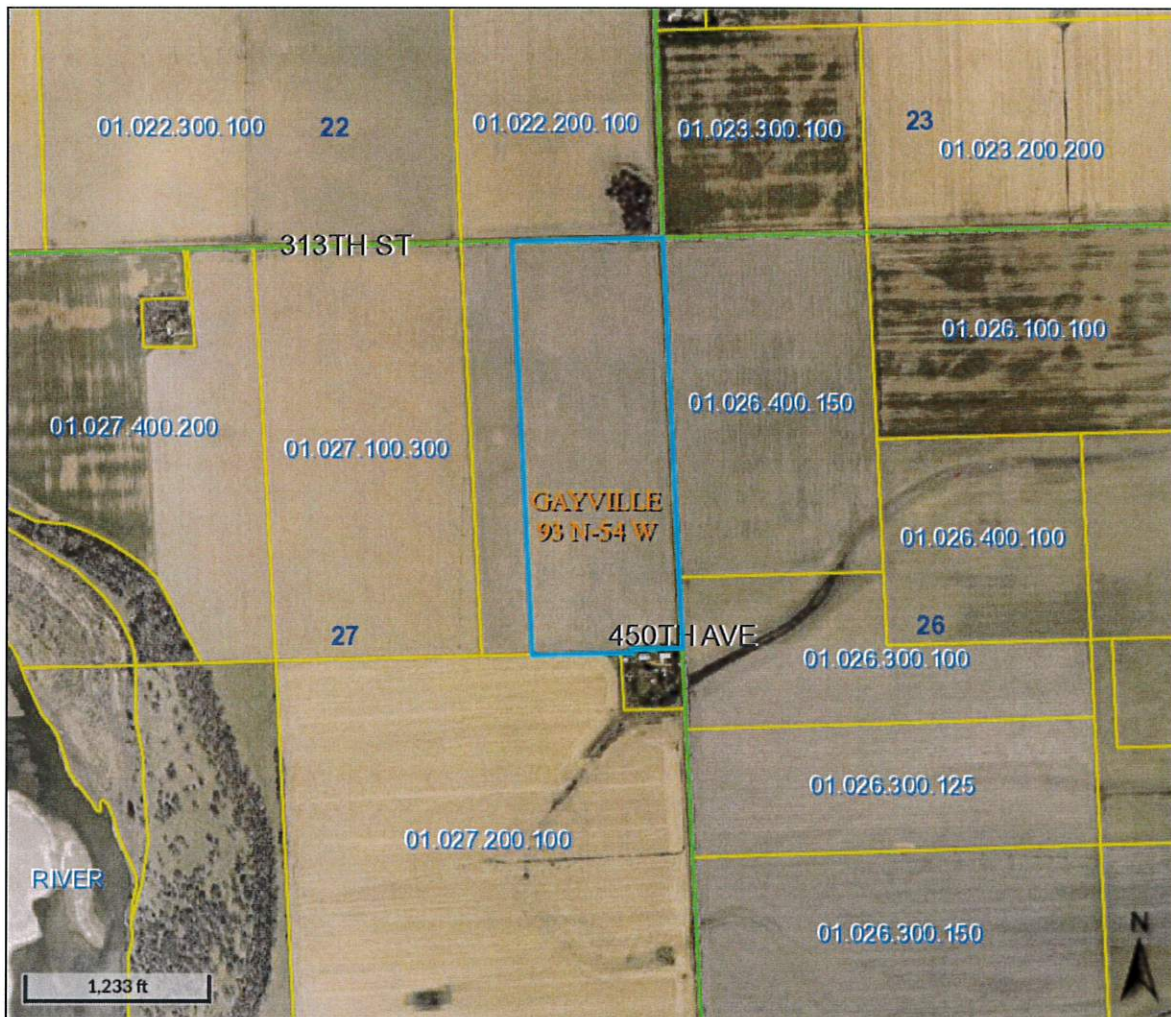
SCHEDULED FOR PLANNING COMMISSION ACTION (Date): 7/14/20SCHEDULED FOR BOARD OF ADJUSTMENT ACTION (Date): 8/4/20

*TENTATIVE DATE: Final date announced at Planning Commission Meeting:

APPLICATION FEE: 450CHECK #: 17228RECEIPT #: 5248

The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent.

Name of Applicant Jim ByeDate 6/29/20Signature of Applicant/Owner [Signature]Date 6/29/20



Overview



Legend

-  Townships
-  Sections
-  Parcels
-  City Limits
-  Streets and Roads
- County Zoning District**
-  <all other values>
-  COMMERCIAL
-  ETJ
-  HIGH DENSITY RESIDENTIAL
-  LAKE SIDE COMMERCIAL
-  LOW DENSITY RESIDENTIAL
-  MODERATE DENSITY RESIDENTIAL
-  PLANNED UNIT DEVELOPMENT
-  PUBLIC
-  RURAL TRANSITIONAL
- City ETJ (Extra Territorial Jurisdiction)**
-  <all other values>
-  0

Parcel ID - 01.027.100.100
 Owner - BYE, JIM G (D)
 BYE, BETTY E (D)
 Acres - 57.82

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 7/2/2020
 Last Data Uploaded: 7/2/2020 8:17:53 AM

FINDINGS OF FACT – VARIANCE

Jim Bye – Var-20-007

Are the requirements of Section 1723 met? (signed by owner unless there is a binding purchase agreement then signed by applicant, Variance accompanied by building permit (if applicable), site plan included with building permit,	Yes
Are the requirements of Section 1729 met? (all fees paid at time of application)	Yes
Section 1807:	
1. A. The strict application of the ordinance would produce undue hardship;	Applicant is requesting a Variance of the Minimum Lot Requirement from 20 acres to 3.50+- acres and a Variance of the Minimum Lot Width from 500 feet to 390.46 feet in an Agriculture District
B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;	The hardship can be shared by others but is limited to those with mortgage restrictions
C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the grant of the variance; and	It will not be of substantial detriment
D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, and caprice.	No convenience, profit or caprice was shown
2. No variance shall be recommended for approval unless the Planning Commission finds the condition or situation of the property concerning or the intended use of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment of this ordinance.	It can be recurring with special circumstances discussed in the findings
3. A. A written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district;	
B. The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;	Previous variances of this type have been granted
C. The special conditions and circumstances do not result from the actions of the applicant; and	They are not the result of the applicant

D.	The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district.	Previous variances of this type have been granted
E.	No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.	None considered
F.	Notice of public hearing shall be given, as in Section 1803 (3-5).	Mailed – 06/30/20 & 07/22/20 Published – 07/03/20 & 07/24/20
G.	The public hearing shall be held. Any party may appear in person for by agent or by attorney.	Public hearing – 07/14/20
H.	The Planning Commission shall make findings that the requirements of this Section have been met by the applicant for a variance; the Commission shall further make a finding that the reasons set forth in the application justify the recommendation of granting the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; the Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.	
I.	In recommending approval of any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance.	Motion to approve this variance 8-1; Healy voting nay motion carries
J.	Under no circumstances shall the Planning Commission recommend granting a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.	

AFFIDAVIT OF MAILING

I, Jim Bye, hereby certify that on the 30
day of June, 2020, I mailed by first class mail, postage
prepaid, a true and correct copy of the Notice of Public Hearing
to all owners of real property lying within a 2640 feet radius of
the proposed project to the most recent address of the recipient
known to your Affiant.

A true and correct copy of the Notice of Public Hearing
notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real
property is attached as Exhibit #1A or #2A.

Dated the 30 day of June, 2020.

Jim Bye
(Name)
Affiant

Subscribed and sworn to before me this 30 day of
June, 2020.

Lisa Tripp
Notary Public - South Dakota
My commission expires: 02-03-2023

(SEAL)



NOTIFICATION

July 3, 2020

Jim Bye
44920 312th St.
Gayville, South Dakota 57031

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2,640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Planning Commission, Yankton County, South Dakota, at 7:35 P.M. on the 14th day of July, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Variance of the Minimum Lot Requirement from 20 acres to 3.50+- acres and a Variance of the Minimum Lot Width from 500 feet to 390.46 feet in an Agriculture District. Said property is legally described as Proposed Jim Bye Tract 1 being the N390.46' of the E390.46' of the NE1/4 of the NE1/4 of Section 27, T93N, R54W of the 5th P.M., Yankton County, South Dakota hereinafter referred to as Gayville Township, County of Yankton, State of South Dakota. The E911 address is TBD 450th Ave, Gayville, South Dakota.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Jim Bye
Petitioner

BYE, JIM G (D)
44920 312 ST
GAYVILLE SD 57031

BYE, REX D (D)
45142 UNION SCHOOL RD
GAYVILLE SD 57031

BYE, TERRY G (D)
31349 450 AVE
GAYVILLE SD 57031

D&H RYKEN FAMILY LLC (D)
31321 451 AVE
GAYVILLE SD 57031

FAIRLEY, BRIAN (D)
45250 313 ST
GAYVILLE SD 57031

HAAR, SHARON L (D)
PO BOX 368
TRIPP SD 57376

JEPSEN FAMILY LIVING TRUST (D)
505 LARSON ST SW
HUTCHINSON MN 55350

JEPSEN, EUGENE (D)
31095 451 AVE
GAYVILLE SD 57031

JEPSEN, STEPHANIE K (D)
67 CYPRESS DR
VERMILLION SD 57069

MAGORIAN, JAY L (D)
31276 450 AVE
GAYVILLE SD 57031

RYKEN, MARVIN L BIG TIMBER TR (D)
C/O SAM RYKEN
8713 51 ST W
UNIVERSITY PLACE WA 98467

STOP DROP & LOCK INC (D)
% ALANA TAMISIEA
2502 BURLEIGH ST
YANKTON SD 57078

VLAHAKIS, CHRISTINE C (D)
44945 313 ST
GAYVILLE SD 57031

AFFIDAVIT OF MAILING

I, Jim Bye, hereby certify that on the 22 day of July, 2020, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within a 2640 feet radius of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 23 day of July, 2020.

[Signature]
(Name)
Affiant

Subscribed and sworn to before me this 23 day of July, 2020.

[Signature]
Notary Public - South Dakota
My commission expires: 02-03-2023

(SEAL)



NOTIFICATION

July 24, 2020

Jim Bye
44920 312th St.
Gayville, South Dakota 57031

Dear Yankton County Property Owner:

The Yankton County Zoning Ordinance requires written notification describing a specific action be sent to the owners of real property lying within 2,640 feet of the property on which the below described action is proposed. The notice shall be given to each owner of record by depositing such notice in the United States Post Office not less than 10 days prior to the hearing date. Therefore, you are hereby notified. Please take a moment to review the notice of public hearing described below.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Yankton County Board of Adjustment, Yankton County, South Dakota, at 7:25 P.M. on the 4th day of August, 2020 at the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Said hearing is to consider the following:

Applicant is requesting a Variance of the Minimum Lot Requirement from 20 acres to 3.50+- acres and a Variance of the Minimum Lot Width from 500 feet to 390.46 feet in an Agriculture District. Said property is legally described as Proposed Jim Bye Tract 1 being the N390.46' of the E390.46' of the NE1/4 of the NE1/4 of Section 27, T93N, R54W of the 5th P.M., Yankton County, South Dakota hereinafter referred to as Gayville Township, County of Yankton, State of South Dakota. The E911 address is TBD 450th Ave, Gayville, South Dakota.

The application may be reviewed at the Zoning Administrators office, Yankton County Government Center, 321 West Third St., Yankton, S.D. or online at the Yankton County Website.

Sincerely,

Jim Bye
Petitioner

BYE, JIM G (D)
44920 312 ST
GAYVILLE SD 57031

BYE, REX D (D)
45142 UNION SCHOOL RD
GAYVILLE SD 57031

BYE, TERRY G (D)
31349 450 AVE
GAYVILLE SD 57031

D&H RYKEN FAMILY LLC (D)
31321 451 AVE
GAYVILLE SD 57031

FAIRLEY, BRIAN (D)
45250 313 ST
GAYVILLE SD 57031

HAAR, SHARON L (D)
PO BOX 368
TRIPP SD 57376

JEPSEN FAMILY LIVING TRUST (D)
505 LARSON ST SW
HUTCHINSON MN 55350

JEPSEN, EUGENE (D)
31095 451 AVE
GAYVILLE SD 57031

JEPSEN, STEPHANIE K (D)
67 CYPRESS DR
VERMILLION SD 57069

MAGORIAN, JAY L (D)
31276 450 AVE
GAYVILLE SD 57031

RYKEN, MARVIN L BIG TIMBER TR (D)
C/O SAM RYKEN
8713 51 ST W
UNIVERSITY PLACE WA 98467

STOP DROP & LOCK INC (D)
% ALANA TAMISIEA
2502 BURLEIGH ST
YANKTON SD 57078

VLAHAKIS, CHRISTINE C (D)
44945 313 ST
GAYVILLE SD 57031

Please Check Plat Type:

☒ Final ☐ Amended ☐ Preliminary ☐ Revision

Development Information

Plat Name: Jim Bye Tract 1 being
N 390.46' of E 390.46' 12E 1/4 Sec 14

Section No: 27 Township No: 93

Range: 54 Number of Lots/Tracts: _____

Number of Acres: 3.5 ±

How is the property currently being used? AG

What is the proposed use of the property? AG

Surveyor/Engineer Information

Firm Name: Mendian Land Surveying
Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____
Phone: _____

Property Owner Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Contact person: _____

If the property owner is represented by an authorized agent, please provide the following:

Agent's name: _____
Agent's Title: _____

You must provide the following:

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform? ☐ Yes ☒ No

2. What is/are the lot size(s) 3.5 ±

3. Is this (plat) an existing farmstead? ☐ Yes ☒ No

4. If a farmstead, how many acres are surrounding it? _____

5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary? ☒ Yes ☐ No

6. Is this property to have construction on it? ☒ Yes ☐ No
If yes:

Name, address and phone number of contractor(s)

Owner certification

This is to certify that _____
the undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton county Zoning Ordinance.

Owner Signature

Owner Signature

This is to certify that _____
acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understand Section 207 of the Yankton County Zoning Ordinance.

Agent Signature

Planning Office Use Only: Planning Commission Date: _____
County Commission Date: _____

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

In order to insure prompt approval of your plat, please follow these steps:

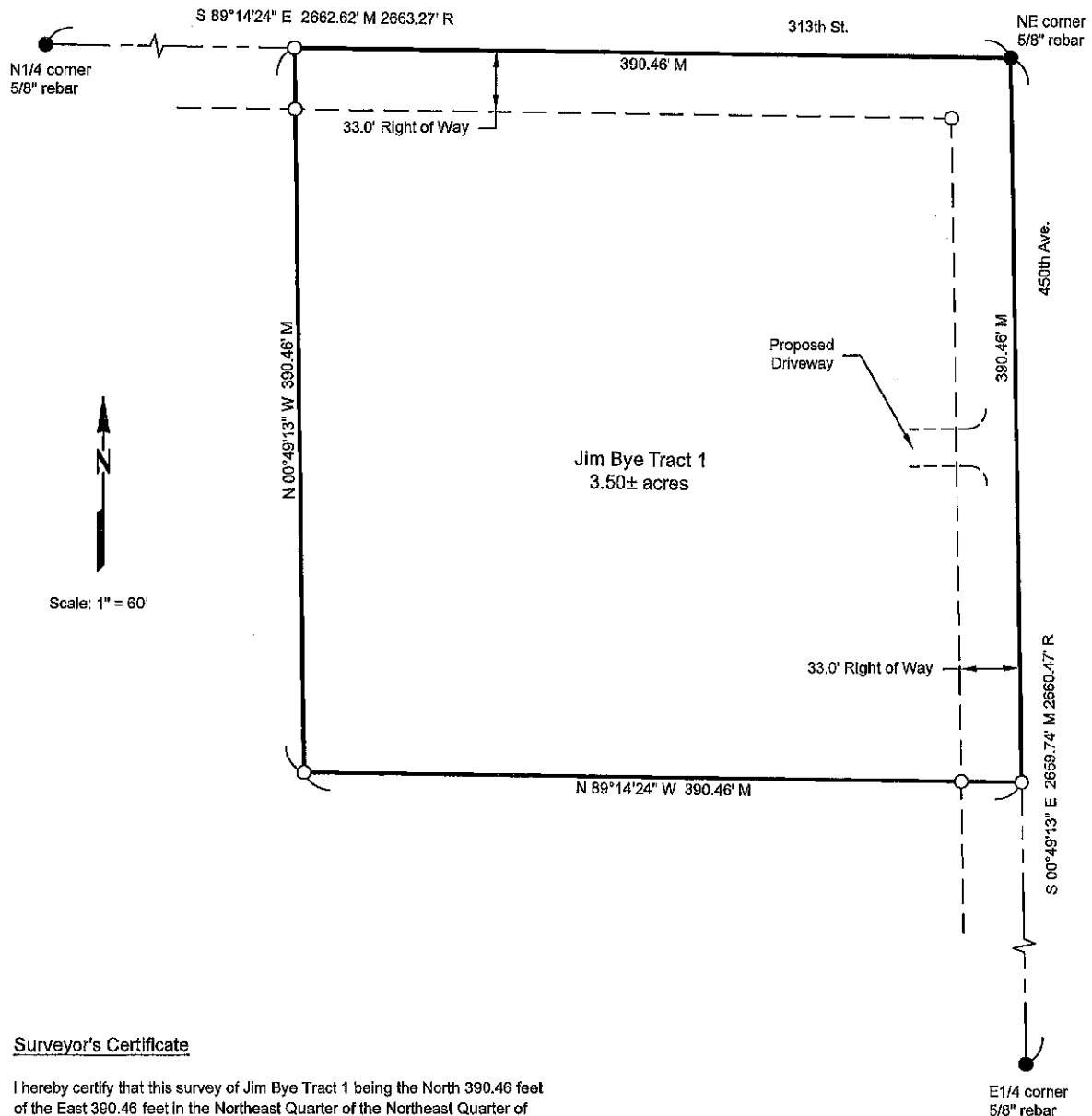
☐ Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

- ☒ 1. All required signatures notarized (owner(s), surveyor)?
- ☒ 2. Taxes paid at County Treasures?
- ☒ 3. County Treasurer's signature?
- ☒ 4. Ownership verified by Director of Equalization and signed?
- ☒ 5. Street authority signature (DOT, Highway, Township)?
- ☒ 6. \$100.00 Fee Paid at Zoning Office?
- ☒ 7. Plat has been scheduled/approved by the Yankton County Planning Commission?
- ☒ 8. County Planning Commission Chair signature?
- ☒ 9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?
- ☐ 10. County Commission Chairs signature?
- ☐ 11. County Auditor's signature?
- ☐ 12. Plat has been filed with the Register of Deeds?

Planning Commission date: 7/14/20
Board of Adjustment date: 8/4/20

A Plat of Jim Bye Tract 1

being the North 390.46 feet of the East 390.46 feet of the Northeast Quarter of the Northeast Quarter of Section 27, Township 93 North, Range 54 West of the 5th P.M., Yankton County, South Dakota



Surveyor's Certificate

I hereby certify that this survey of Jim Bye Tract 1 being the North 390.46 feet of the East 390.46 feet in the Northeast Quarter of the Northeast Quarter of Section 27, Township 93 North, Range 54 West of the 5th P.M., Yankton County, South Dakota, was made by me or under my direct supervision and is true and accurate to the best of my knowledge, and that I am a duly Registered Land Surveyor under the laws of the State of South Dakota.

Brian J. Benson, LS 11950

Date

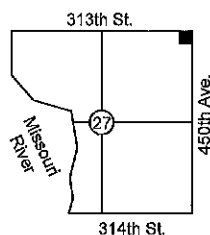
Notes:

1. Bearings are from direct GPS measurement.
2. All distances shown are at ground.

Legend

- Found monument as noted
- Set 5/8"x18" Rebar & Cap stamped "BENSON LS11950"
- M Measured Distance
- R Record Distance

Section 27, T93N, R54W



Date: 6/26/2020

Job Number: 20033

Drawn by: BRIANB

Page: 1 of 2

Meridian
LAND SURVEYING, LLC

Brian J. Benson
1109 Douglas Ave.
Yankton, SD 57078
402-860-4332
brian@meridianrls.com

A Plat of Jim Bye Tract 1

being the North 390.46 feet of the East 390.46 feet of the Northeast Quarter of the Northeast Quarter of
Section 27, Township 93 North, Range 54 West of the 5th P.M., Yankton County, South Dakota

Owners Certificate

We, Jim G. Bye and Betty Elaine Bye, husband and wife, do hereby certify that we are the owners of the following described property: Jim Bye Tract 1 being the North 390.46 feet of the East 390.46 feet in the Northeast Quarter of the Northeast Quarter of Section 27, Township 93 North, Range 54 West of the 5th P.M., Yankton County, South Dakota; that this plat was made at our request and under our direction for the purpose of defining and describing the property as shown by this plat. The development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Dated this _____ day of _____, _____.

Jim G. Bye

Betty Elaine Bye

State of _____)

County of _____)

Be It remembered that on this _____ day of _____, _____ before me the undersigned, a Notary Public within and for the county and state aforesaid, personally appeared Jim G. Bye and Betty Elaine Bye, husband and wife, known to me to be the persons who are described in and who executed the within and foregoing instrument and certificate and acknowledged to me that they executed the same.

My commission expires _____

Notary Public

County Planning Commission Resolution

Be it resolved by the Yankton County, South Dakota, Planning Commission that the above survey and plat is approved and the same be certified to the Yankton County Board of County Commissioners with the recommendation that said survey and plat be approved.

Planning Commission Chair

County Commissioner's Resolution

Be it resolved by the County Board of Commissioners of Yankton County, South Dakota, that the above survey and plat be approved and the County Auditor of Yankton County, South Dakota, is hereby authorized and directed to endorse on such plat a copy of the resolution and certify the same.

Dated this _____ day of _____, 20____.

Chairperson, Yankton County Commissioners

I, the undersigned, County Auditor for Yankton County, South Dakota, do hereby certify that the foregoing resolution was passed by the Board of County Commissioners of Yankton County, South Dakota, at the regular meeting on the _____ day of _____, 20____.

Auditor, Yankton County

Approval of Highway Authority

State of South Dakota County of Yankton

The location of the existing proposed access roads abutting the County or State highway as shown hereon is hereby approved. Any change in the location of the existing or proposed access shall require additional approval.

Highway Authority

County Treasurer's Certificate

I, the undersigned, Treasurer of Yankton County, South Dakota, certify that all taxes which are liens upon any land included in the above plat, as shown by the records of this office, have been paid in full. Dated this _____ day of _____.

Treasurer, Yankton County

Director of Equalization

I, the undersigned, County Director of Equalization of Yankton County, South Dakota, do hereby certify that a copy of the above plat has been filed at my office.

Director of Equalization, Yankton County

Register of Deeds Certificate

I, _____, Register of Deeds, Yankton County, South Dakota, certify that I have received the original plat, filed for record this _____ day of _____, _____, at _____ O'clock _____ M., and duly recorded in Book No. _____, Page _____.

Register of Deeds, Yankton County



Date: 6/26/2020

Job Number: 20033

Drawn by: BRIANB

Page: 2 of 2

Please Check Plat Type:

☒ Final ☐ Amended ☐ Preliminary ☐ Revision

Development Information

Plat Name: Lots 53 & 54 Crestview Homes
SLDW

Section No: 21 Township No: 93

Range: 56 Number of Lots/Tracts: 2

Number of Acres: 1.02 ± 1.02

How is the property currently being used? R2

What is the proposed use of the property? R2

Surveyor/Engineer Information

Firm Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____
Phone: _____

Property Owner Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Contact person: _____

If the property owner is represented by an authorized agent, please provide the following:

Agent's name: _____
Agents Title: _____

You must provide the following:

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform? ☒ Yes ☐ No

2. What is/are the lot size(s) _____

3. Is this (plat) an existing farmstead? ☐ Yes ☒ No

4. If a farmstead, how many acres are surrounding it? _____

5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary? ☐ Yes ☐ No

6. Is this property to have construction on it? ☒ Yes ☐ No
If yes:

Name, address and phone number of contractor(s) _____

Owner certification

This is to certify that _____
the undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton county Zoning Ordinance.

Owner Signature

Owner Signature

This is to certify that _____

acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understand Section 207 of the Yankton County Zoning Ordinance.

Agent Signature

Planning Office Use Only: Planning Commission Date: _____

County Commission Date: _____

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

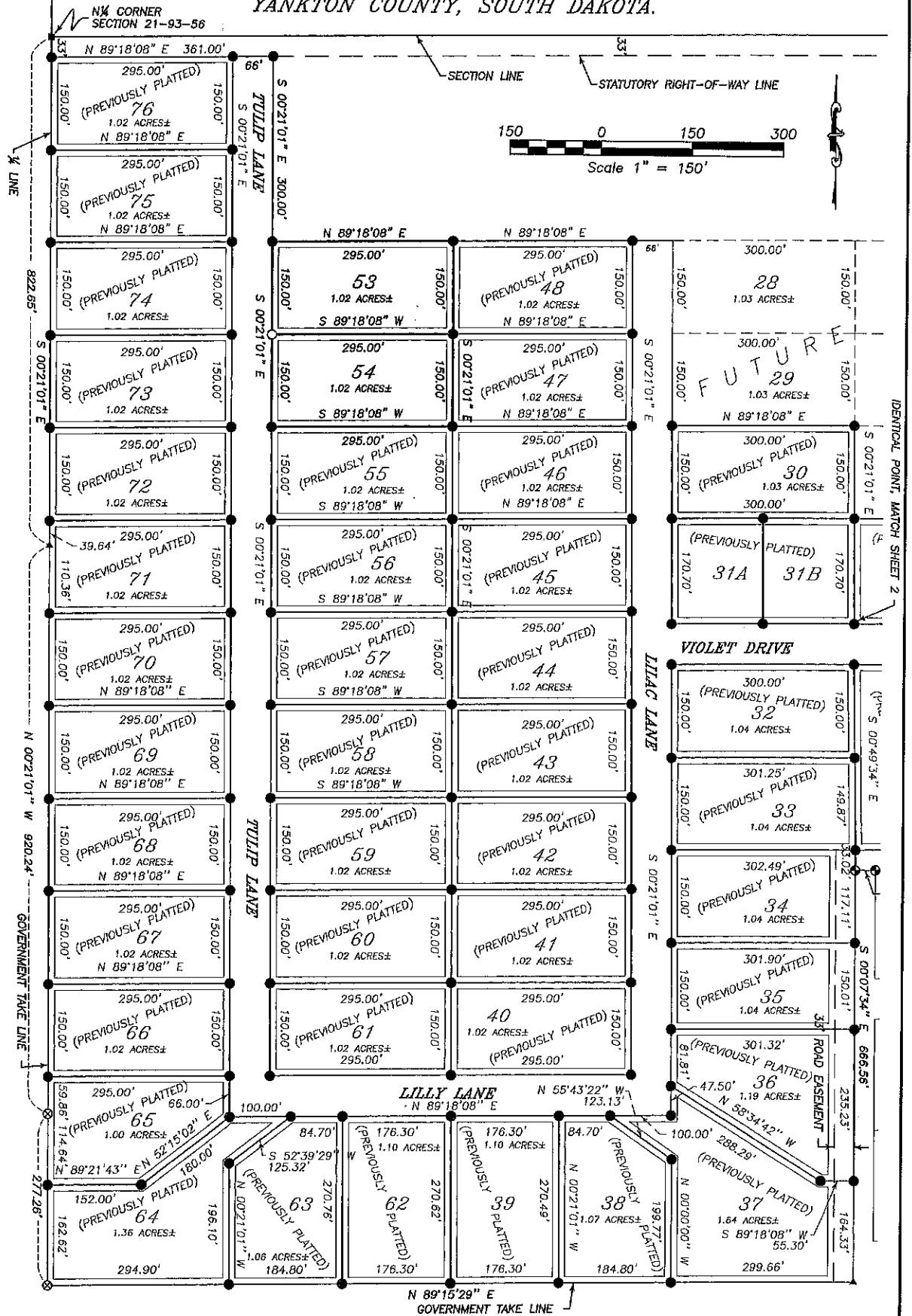
In order to insure prompt approval of your plat, please follow these steps:

☐ Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

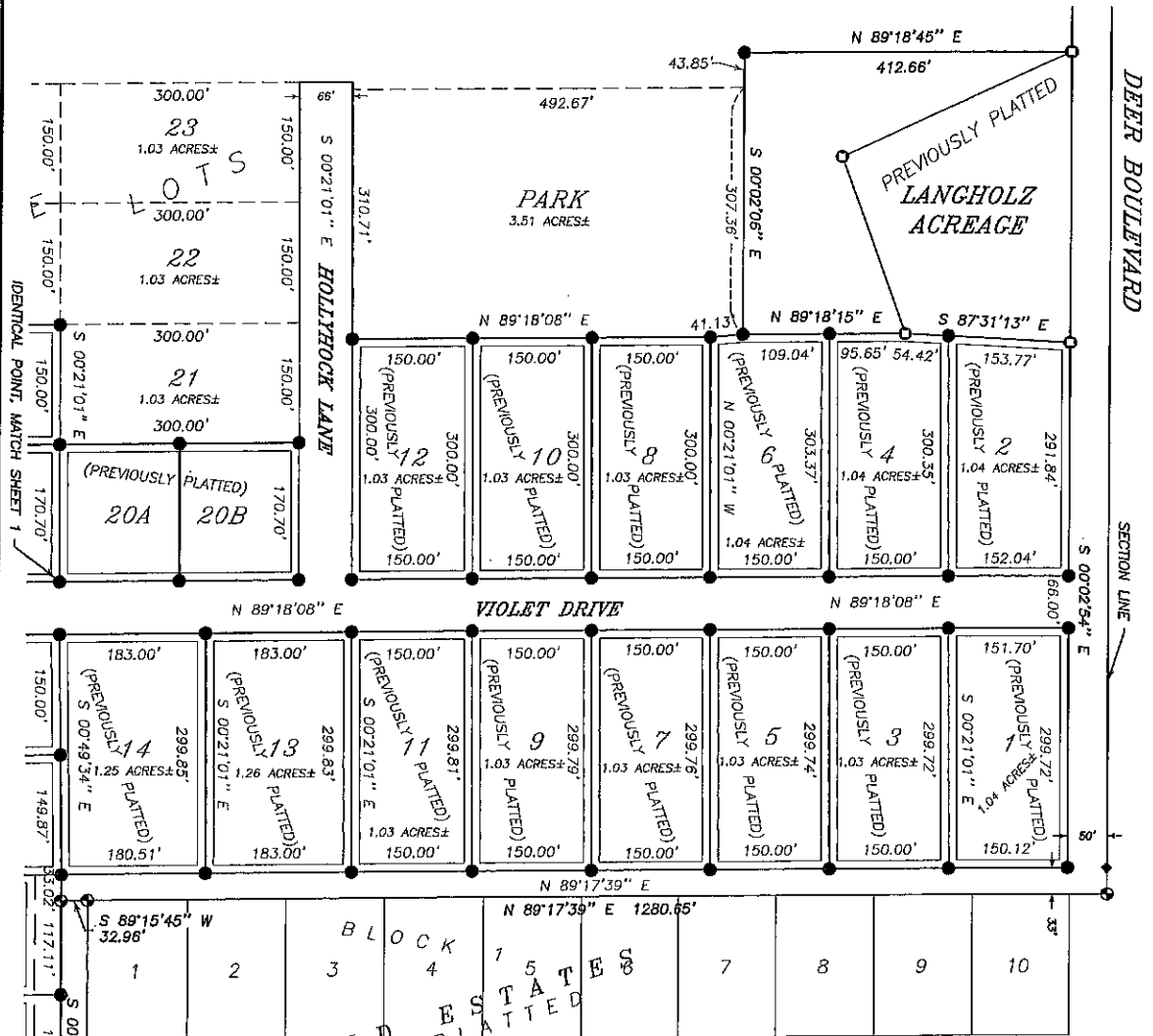
- ☐ 1. All required signatures notarized (owner(s), surveyor)?
- ☒ 2. Taxes paid at County Treasures?
- ☒ 3. County Treasurer's signature?
- ☒ 4. Ownership verified by Director of Equalization and signed?
- ☒ 5. Street authority signature (DOT, Highway, Township)?
- ☒ 6. \$100.00 Fee Paid at Zoning Office?
- ☐ 7. Plat has been scheduled/approved by the Yankton County Planning Commission?
- ☒ 8. County Planning Commission Chair signature?
- ☒ 9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?
- ☐ 10. County Commission Chairs signature?
- ☐ 11. County Auditor's signature?
- ☐ 12. Plat has been filed with the Register of Deeds?

Planning Commission date: 7/14/20
Board of Adjustment date: 7/21/20

PLAT OF LOTS 53 AND 54, CRESTVIEW HOMES SUBDIVISION IN
THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M.,
NW CORNER YANKTON COUNTY, SOUTH DAKOTA.



**PLAT OF LOTS 53 AND 54, CRESTVIEW HOMES SUBDIVISION IN
THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M.,
YANKTON COUNTY, SOUTH DAKOTA.**

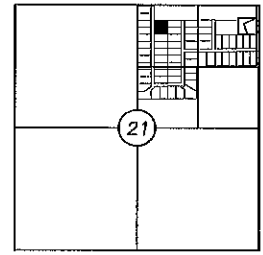


LEGEND

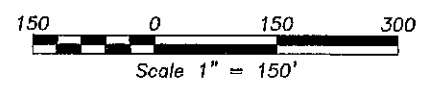
- SET 5/8" REBAR WITH L.S. CAP
STAMPED "J. BRANDT R.L.S. 5349"
- FOUND 5/8" REBAR WITH L.S. CAP
STAMPED "J. BRANDT R.L.S. 5349"
- ◉ FOUND 5/8" REBAR WITH L.S. CAP
STAMPED "TOM WEEK PELS 2912"
- ▲ FOUND T-BAR
- ⊗ FOUND T-BAR WITH CAP
- FOUND T-BAR WITH CAP
INSIDE IRON PIPE
- ◆ FOUND IRON PIPE WITH L.S. CAP
- ⊙ FOUND 5/8" REBAR
- FUTURE LOT LINES

PREPARED BY:
BRANDT LAND SURVEYING
1202 WILLOWDALE ROAD
YANKTON, SD 57078
(605) 665-8455

NOTE:
BASIS OF BEARING
BY GPS OBSERVATION



LOCATION (N.T.S.)



PLAT OF LOTS 53 AND 54, CRESTVIEW HOMES SUBDIVISION IN
THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M.,
YANKTON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY OF PORTIONS OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NE1/4), EXCEPT THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28') THEREOF, AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4), EXCEPT THE SOUTH SIX HUNDRED NINETEEN AND SEVENTY-TWO HUNDREDTHS FEET (S619.72') THEREOF, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4 NE1/4), EXCEPT THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28'), AND EXCEPT THE SOUTH THREE HUNDRED FIFTY-ONE AND TWENTY-FOUR HUNDREDTHS FEET (S351.24') OF THE NORTH SIX HUNDRED FIFTY AND FORTY-TWO HUNDREDTHS FEET (N650.42') OF THE EAST FOUR HUNDRED SIXTY-TWO AND TWENTY-EIGHT HUNDREDTHS FEET (E462.28') EXCEPT THE EAST FIFTY FEET (E50') THEREOF, AND EXCEPT LOTS 1-14, 20, 31-40, 80-88, CRESTVIEW HOMES SUBDIVISION, AND FURTHER EXCEPTING LANGHOLZ ACREAGE AS PLATTED IN BOOK S17, PAGE 52, SECTION TWENTY-ONE (21), TOWNSHIP NINETY-THREE NORTH (T93N), RANGE FIFTY-SIX WEST (R56W) OF THE 5TH P.M.; AND THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28') OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NE1/4) AND THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28') OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4 NE1/4), SECTION TWENTY-ONE (21), TOWNSHIP NINETY-THREE NORTH (T93N), RANGE FIFTY-SIX WEST (R56W) OF THE 5TH P.M., ALL LOCATED IN YANKTON COUNTY, SOUTH DAKOTA, TO BE HEREAFTER KNOWN AS: PLAT OF LOTS 53 AND 54, CRESTVIEW HOMES SUBDIVISION IN THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

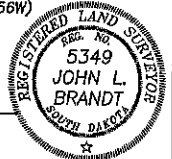
DATED THIS 23RD DAY OF JUNE, 2020.

OWNER'S CERTIFICATE

I, MATTHEW CHRISTENSEN, AS MANAGING MEMBER OF WHITE CRANE ESTATES, L.L.C., A SOUTH DAKOTA LIMITED LIABILITY COMPANY, DO HEREBY CERTIFY THAT WHITE CRANE ESTATES, L.L.C. IS THE OWNER OF THE ABOVE SAID REAL PROPERTY AND THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING, AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS 28 DAY OF June, 2020.

JOHN L. BRANDT REG. NO. 5349



MATTHEW CHRISTENSEN, MANAGING MEMBER
WHITE CRANE ESTATES, L.L.C.

STATE OF South Dakota

COUNTY OF Yankton

ON THIS 28 DAY OF June, 2020,

BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MATTHEW CHRISTENSEN, WHO

ACKNOWLEDGED HIMSELF TO BE MANAGING MEMBER OF WHITE CRANE ESTATES, L.L.C. AND THAT HE AS MANAGING MEMBER, BEING AUTHORIZED TO DO

SUCH PLAT TO THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

10-11-2024 Dennis Breck
MY COMMISSION EXPIRES NOTARY PUBLIC

RESOLUTION BY THE CITY COMMISSION

WHEREAS, IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE ABOVE DESCRIBED REAL PROPERTY, AND HAS SUBMITTED SUCH PLAT TO THE CITY COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR APPROVAL; AND

WHEREAS, SUCH PLAT HAS BEEN SUBMITTED TO THE PLANNING COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR A REPORT AND RECOMMENDATIONS THEREON TO THE CITY COMMISSION AS REQUIRED BY LAW; NOW

THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND THE SAME IS HEREBY APPROVED. THE CITY FINANCE OFFICER IS AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

MAYOR, CITY OF YANKTON

I, _____, CITY FINANCE OFFICER OF THE CITY OF YANKTON, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE CITY OF YANKTON, SOUTH DAKOTA, ON THIS _____ DAY OF _____, 20____.

CITY FINANCE OFFICER

COUNTY PLANNING COMMISSION RESOLUTION

BE IT RESOLVED BY THE YANKTON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE SURVEY AND PLAT IS APPROVED AND THE SAME BE CERTIFIED TO THE YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS WITH THE RECOMMENDATION THAT SAID SURVEY AND PLAT BE APPROVED.

PLANNING COMMISSION CHAIR

ZONING ADMINISTRATOR

COUNTY COMMISSIONER'S RESOLUTION

BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT BE APPROVED AND THE COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

DATED THIS _____ DAY OF _____, 20____.

CHAIRMAN, COUNTY COMMISSIONERS

I, THE UNDERSIGNED, COUNTY AUDITOR FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA AT THE REGULAR MEETING ON THE _____ DAY OF _____, 20____.

COUNTY AUDITOR

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED THE ABOVE AND FOREGOING PLAT, AS SHOWN BY THE RECORDS OF MY OFFICE, HAVE BEEN PAID IN FULL.

COUNTY TREASURER

DIRECTOR OF EQUALIZATION

I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

DIRECTOR OF EQUALIZATION

REGISTER OF DEEDS

FILED FOR RECORD THIS _____ DAY OF _____, 20____, AT _____ O'CLOCK _____ M., AND RECORDED IN BOOK _____ OF PLATS ON PAGE _____.

JOB № 20176

PAGE 3 OF 3

REGISTER OF DEEDS

Please Check Plat Type:

☒ Final ☐ Amended ☐ Preliminary ☐ Revision

-----**Development Information**-----

Plat Name: Lts 28329 Crestview Homes
S/P D&A

Section No: 21 Township No: 93

Range: 56 Number of Lots/Tracts: 2

Number of Acres: 1.03 ± 1.03

How is the property currently being used? R2

What is the proposed use of the property? R2

-----**Surveyor/Engineer Information**-----

Firm Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____
Phone: _____

-----**Property Owner Information**-----

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Contact person: _____

If the property owner is represented by an authorized agent, please provide the following:

Agent's name: _____
Agents Title: _____

You must provide the following:

The Yankton County Zoning Ordinance requires minimum lot sizes.

1. Does this lot/tract conform? ☒ Yes ☐ No

2. What is/are the lot size(s) 1.03

3. Is this (plat) an existing farmstead? ☐ Yes ☒ No

4. If a farmstead, how many acres are surrounding it? _____

5. The Yankton County Zoning Ordinance requires a variance from minimum lot sizes. Are you willing to apply for the variance, if necessary? ☐ Yes ☐ No

6. Is this property to have construction on it? ☐ Yes ☐ No
If yes :

Name, address and phone number of contractor(s)

-----**Owner certification**-----

This is to certify that _____
the undersigned is/are the sole owner(s) of the property described above on the date of this application, and that I/we have read and understand Section 207 of the Yankton county Zoning Ordinance.

Owner Signature

Owner Signature

This is to certify that _____
acting by and through the undersigned, its duly authorized agent is/are the sole owner(s) of the property described above on the date of this application, and that I have read and understand Section 207 of the Yankton County Zoning Ordinance.

Agent Signature

Planning Office Use Only: Planning Commission Date: _____

County Commission Date: _____

Some plats of subdivisions and additions may require a Perpetual Road Maintenance Agreement prior to consideration.

YANKTON COUNTY PLANNING PLAT APPROVAL CHECKLIST

In order to insure prompt approval of your plat, please follow these steps:

☐ Plat has been approved by the City of Yankton, if within the ETJ or 3 mile buffer zone?

☐ 1. All required signatures notarized (owner(s), surveyor)?

☒ 2. Taxes paid at County Treasures?

☒ 3. County Treasurer's signature?

☐ 4. Ownership verified by Director of Equalization and signed?

☒ 5. Street authority signature (DOT, Highway, Township)?

☐ 6. \$100.00 Fee Paid at Zoning Office?

☐ 7. Plat has been scheduled/approved by the Yankton County Planning Commission?

☐ 8. County Planning Commission Chair signature?

☒ 9. Plat has been scheduled/approved by the Yankton County Board of County Commissioners?

☐ 10. County Commission Chairs signature?

☐ 11. County Auditor's signature?

☐ 12. Plat has been filed with the Register of Deeds?

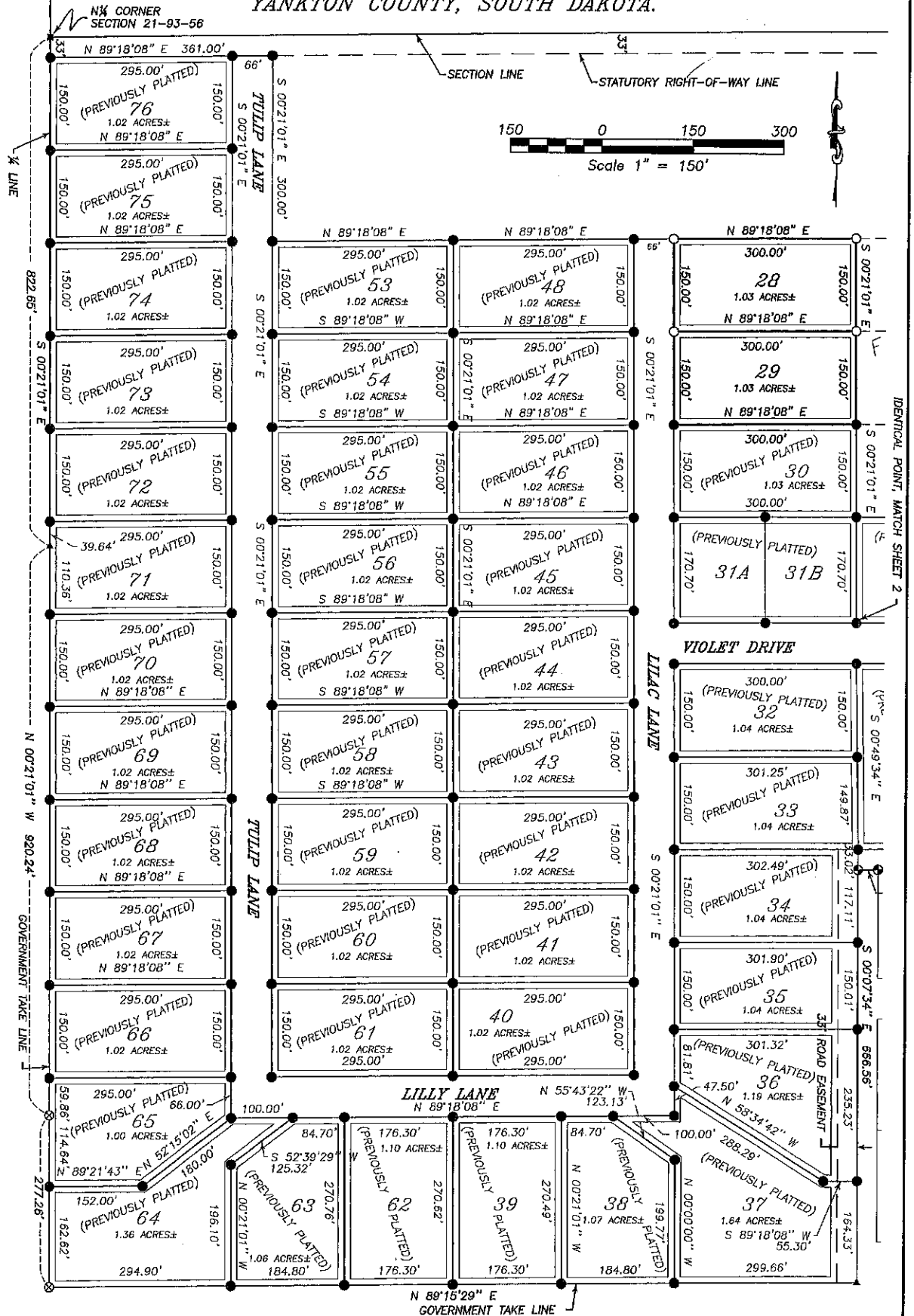
Planning Commission date:

7/14/20

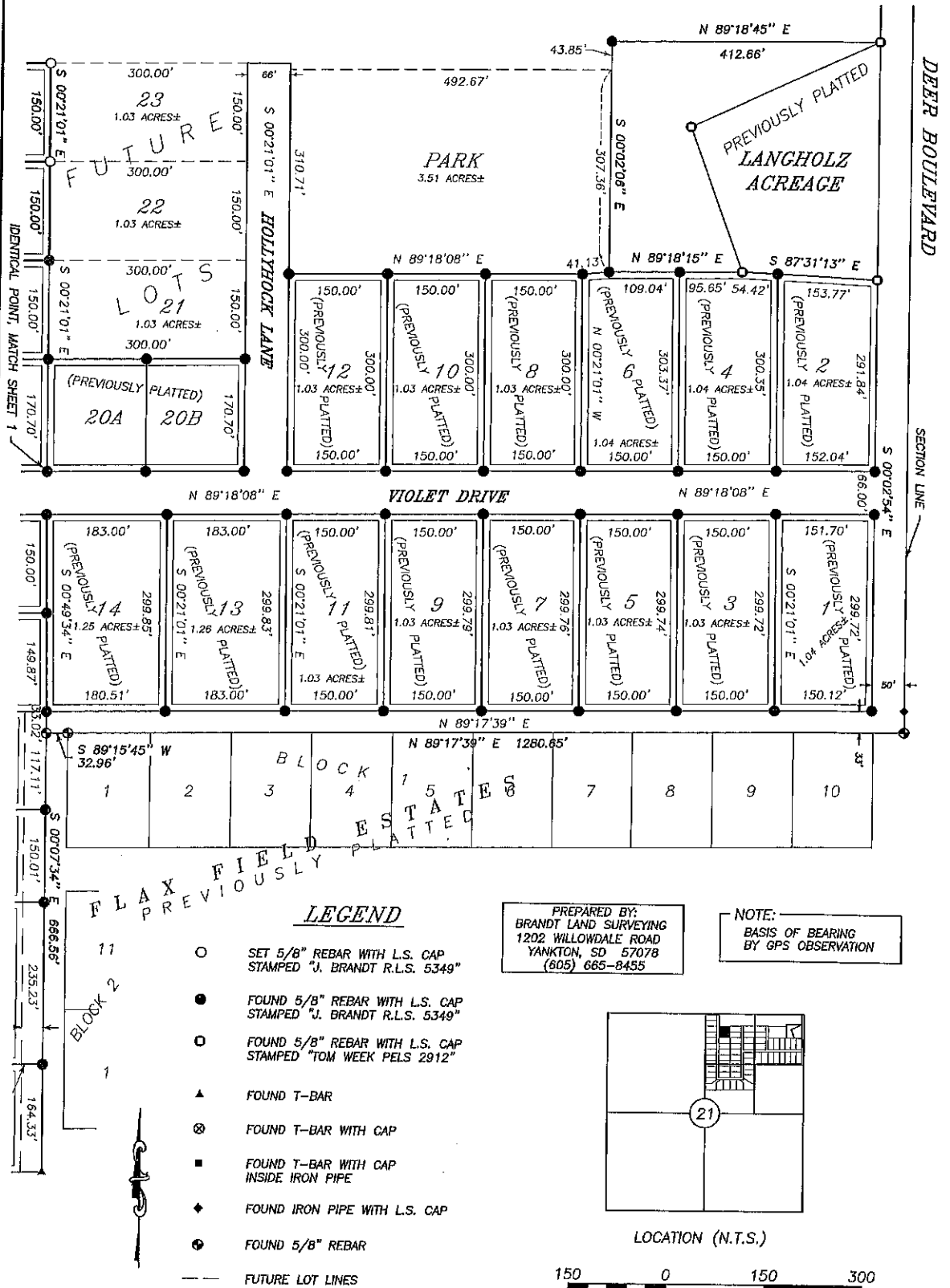
Board of Adjustment date:

7/21/20

PLAT OF LOTS 28 AND 29, CRESTVIEW HOMES SUBDIVISION IN
THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M.,
N¼ CORNER YANKTON COUNTY, SOUTH DAKOTA.



**PLAT OF LOTS 28 AND 29, CRESTVIEW HOMES SUBDIVISION IN
THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M.,
YANKTON COUNTY, SOUTH DAKOTA.**



PLAT OF LOTS 28 AND 29, CRESTVIEW HOMES SUBDIVISION IN
THE NE1/4 OF SECTION 21, T93N, R56W OF THE 5TH P.M.,
YANKTON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY OF PORTIONS OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW¼ NE¼), EXCEPT THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28') THEREOF, AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW¼ NE¼), EXCEPT THE SOUTH SIX HUNDRED NINETEEN AND SEVENTY-TWO HUNDREDTHS FEET (S619.72') THEREOF, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE¼ NE¼), EXCEPT THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28'), AND EXCEPT THE SOUTH THREE HUNDRED FIFTY-ONE AND TWENTY-FOUR HUNDREDTHS FEET (S351.24') OF THE NORTH SIX HUNDRED FIFTY AND FORTY-TWO HUNDREDTHS FEET (N650.42') OF THE EAST FOUR HUNDRED SIXTY-TWO AND TWENTY-EIGHT HUNDREDTHS FEET (E462.28') EXCEPT THE EAST FIFTY FEET (E50') THEREOF, AND EXCEPT LOTS 1-14, 20, 31-40, 60-66, CRESTVIEW HOMES SUBDIVISION, AND FURTHER EXCEPTING LANGHOLZ ACREAGE AS PLATTED IN BOOK S17, PAGE 52, SECTION TWENTY-ONE (21), TOWNSHIP NINETY-THREE NORTH (T93N), RANGE FIFTY-SIX WEST (R56W) OF THE 5TH P.M.; AND THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28') OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW¼ NE¼) AND THE NORTH TWO HUNDRED NINETY-NINE AND TWENTY-EIGHT HUNDREDTHS FEET (N299.28') OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE¼ NE¼), SECTION TWENTY-ONE (21), TOWNSHIP NINETY-THREE NORTH (T93N), RANGE FIFTY-SIX WEST (R56W) OF THE 5TH P.M., ALL LOCATED IN YANKTON COUNTY, SOUTH DAKOTA, TO BE HEREAFTER KNOWN AS: PLAT OF LOTS 28 AND 29, CRESTVIEW HOMES SUBDIVISION IN THE NE¼ OF SECTION 21, T93N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 2ND DAY OF JULY, 2020.

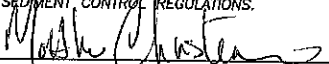

JOHN L. BRANDT REG. NO. 5349



OWNER'S CERTIFICATE

I, MATTHEW CHRISTENSEN, AS MANAGING MEMBER OF WHITE CRANE ESTATES, L.L.C., A SOUTH DAKOTA LIMITED LIABILITY COMPANY, DO HEREBY CERTIFY THAT WHITE CRANE ESTATES, L.L.C. IS THE OWNER OF THE ABOVE SAID REAL PROPERTY AND THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING, AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS 5 DAY OF July, 2020.

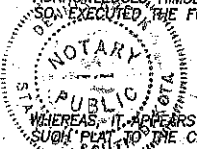

MATTHEW CHRISTENSEN, MANAGING MEMBER
WHITE CRANE ESTATES, L.L.C.

STATE OF South Dakota

COUNTY OF Yankton

ON THIS 5 DAY OF July, 2020,

BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MATTHEW CHRISTENSEN, WHO ACKNOWLEDGED HIMSELF TO BE MANAGING MEMBER OF WHITE CRANE ESTATES, L.L.C. AND THAT HE AS MANAGING MEMBER, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.



10-11-2024 
MY COMMISSION EXPIRES NOTARY PUBLIC

RESOLUTION BY THE CITY COMMISSION

WHEREAS, IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE ABOVE DESCRIBED REAL PROPERTY, AND HAS SUBMITTED SUCH PLAT TO THE CITY COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR APPROVAL; AND

WHEREAS, SUCH PLAT HAS BEEN SUBMITTED TO THE PLANNING COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR A REPORT AND RECOMMENDATIONS THEREON TO THE CITY COMMISSION AS REQUIRED BY LAW; NOW

THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND THE SAME IS HEREBY APPROVED. THE CITY FINANCE OFFICER IS AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

MAYOR, CITY OF YANKTON

I, _____, CITY FINANCE OFFICER OF THE CITY OF YANKTON, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE CITY OF YANKTON, SOUTH DAKOTA, ON THIS _____ DAY OF _____, 20____.

CITY FINANCE OFFICER

COUNTY PLANNING COMMISSION RESOLUTION

BE IT RESOLVED BY THE YANKTON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE SURVEY AND PLAT IS APPROVED AND THE SAME BE CERTIFIED TO THE YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS WITH THE RECOMMENDATION THAT SAID SURVEY AND PLAT BE APPROVED.


PLANNING COMMISSION CHAIR

ZONING ADMINISTRATOR

COUNTY COMMISSIONER'S RESOLUTION

BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT BE APPROVED AND THE COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

DATED THIS _____ DAY OF _____, 20____.

CHAIRMAN, COUNTY COMMISSIONERS

I, THE UNDERSIGNED, COUNTY AUDITOR FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA AT THE REGULAR MEETING ON THE _____ DAY OF _____, 20____.

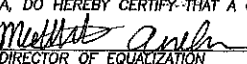
COUNTY AUDITOR

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED THE ABOVE AND FOREGOING PLAT, AS SHOWN BY THE RECORDS OF MY OFFICE, HAVE BEEN PAID IN FULL.

DIRECTOR OF EQUALIZATION

I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.


DIRECTOR OF EQUALIZATION

REGISTER OF DEEDS

FILED FOR RECORD THIS _____ DAY OF _____, 20____, AT _____ O'CLOCK _____ M., AND RECORDED IN BOOK _____ OF PLATS ON PAGE _____.

JOB № 20188

PAGE 3 OF 3

REGISTER OF DEEDS



COMMISSIONER MEETING AGENDA REQUEST

321 W 3rd, Suite 100, Yankton, SD 57078

E-Mail: patty@co.yankton.sd.us or valli@co.yankton.sd.us

Submission Deadline: 3:00pm on the Wednesday before scheduled meeting

Date Request Submitted _____

Request is for Commission Meeting Dated _____

Name: _____

Address: _____

Phone: _____

E-Mail Address: _____

Topic to be Addressed and Length of Presentation: _____

Specific Purpose for the Request (Please Also Attach Support Documents): _____

Person(s) Making Presentation to the Board: _____

Audio/Visual Equipment Needed: _____

For Office Use:

Approved _____ Denied _____ Reason(s): _____

Signature: _____

Date: _____



Employee Handbook Yankton County, South Dakota

Updated and
Revised
Draft July
2020
Redline
Version

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SECTION 1: WELCOME & INTRODUCTION

101 WELCOME

Welcome to the Yankton County team! Together, we serve the residents of Yankton County. As an employer, Yankton County is committed to ensuring that working for the County is a rewarding and positive experience.

It is the policy of the Yankton County Commission that this document be used as the basic outline for [employment](#) policies, practices, and procedures. The [Employee Handbook](#) contains general statements of County policy and should not be read as including the fine details of each policy, or as forming an expressed or implied contract or promise that the policies discussed in it will be applied in all cases.

The Yankton County Commission may add to the policies in the [Handbook](#) or revoke or modify them from time to time. The Commission will attempt to keep the [Handbook](#) current, but there may be times when policies change before this document can be updated. In the event of a conflict between these policies and any state or federal law, the law shall prevail.

As an employee, it is important that you understand the policies and benefits available to you. This Employee Handbook explains various policies that will help you do your job to the best of your abilities. As a member of the Yankton County team, we want to help you develop professionally and personally, and to realize your potential as a valuable employee who contributes to the success of our County. Please refer to this Handbook often, and do not hesitate to contact your supervisor if you have questions or concerns that are not addressed here.

Once again, welcome to our team and we wish you a fulfilling, enjoyable future with the County.

102 ABOUT YANKTON COUNTY

Yankton County played an early and important role in the history of Dakota Territory and the state of South Dakota.

Bordered on the south by the Missouri River, the county is named for the Yankton band of Sioux Indians who lived in the area since the early 1700s. Pierre Dorion was the first non-native person to reside here. Dorion married a Yankton Sioux woman 20 years before the arrival of Lewis and Clark in 1804.

The first known white woman to visit Yankton County was Pelagie LaBarge, traveling on the Missouri River in 1847 on a steamboat piloted by her husband. Major William Lyman was the first known white settler in Yankton County in 1857. Lyman established a ferry across the James River along with a small trading post.

In 1861, the territorial government was established with the City of Yankton designated as the first capital of Dakota Territory. The year 1861 also saw the first official newspaper, "The Weekly Dakotian," published in Yankton. Steamboat trade flourished here until 1873 when the first railroad line connected Yankton and Sioux City, Iowa.

The first school, held in the home of Dr. Abram Van Osdel, opened in December of 1862. Governor Howard selected Yankton County as the site for the hospital for the insane in September of 1878. Yankton lost the fight to retain the status of Territorial Capital in 1883 when the capital was moved to Bismarck, ND.

The rich history of Yankton County is preserved through many landmark buildings, historical sites and the written word.

The Yankton County Commission has crafted the following statements to express both its aspirations for the future and intentions in serving the public.

Vision Statement

Yankton County will be a dynamic place, with a strong sense of history, community pride, environmental responsibility, economic prosperity and rural culture.

Mission Statement

The mission of Yankton County is to provide citizens with high quality public services that create a foundation of trust, unity, safety, and collaboration.

In accomplishing this mission, the Yankton County Commission will encourage its employees and all elected officials to exhibit these values:

- Accountability, dependability, and professionalism in the performance of their duties.
- Honesty, integrity, and transparency in all proceedings.
- Inclusiveness, accessibility, and equality in working with the public.
- Efficiency, sustainability, and innovation in the design and implementation of programs and services.

Adhering to the values will help Yankton County:

- Stay focused on its goals;
- Operate in an open and welcoming manner;
- Remain positive in challenging situations; and
- Lead by example.

104 EMPLOYEE RESPONSIBILITY

It is the employee's responsibility to follow the guidelines, regulations, policies, and procedures of Yankton County. An employee's refusal to correct a violation or repeated violations can lead to disciplinary action, up to and including suspension and discharge.

105 EFFECTIVE DATE

This [Employee Handbook](#) shall become effective upon formal adoption of the Yankton County Board of Commissioners.

106 TERMS AND DEFINITIONS

As used in this Employee Handbook:

1. The words “**shall**” or “**will**” are construed as mandatory.
2. The word “**may**” is construed as permissive.
3. **To the extent possible, nouns and pronouns will be gender neutral and inclusive of all employees.**
4. “**Supervisor**” means an individual with the authority to assign, direct, or review the work of subordinates. In many situations, the supervisor will be a County department head.
5. Unless otherwise specified, the term “**family member**” includes the employee’s mother/father, grandmother/grandfather, wife/husband, son/daughter, stepson/stepdaughter, brother/sister, aunt/uncle, niece/nephew, and mother-in-law/father-in-law.

6. The word **"County"** means Yankton County as managed under the authority of the Board of County Commissioners, elected County officers, and appointed department heads.
7. **"Commissioners"** are elected by the citizens of Yankton County, and are responsible for the oversight of all county services.
8. **"Elected County Officers"** are elected by the citizens of Yankton County for a designated term of office, and are responsible for the oversight of services within their area of responsibility. Elected County officers in Yankton County include Auditor, Register of Deeds, Sheriff, States Attorney, and Treasurer.
9. **"Appointed Officials"** are appointed to their position by the County Commission, and serve at the pleasure of the Commission.
10. **"Exempt"** employees are those whose position contains duties and responsibilities of an executive, administrative or professional nature as described under the Fair Labor Standards Act and is therefore exempt from the overtime provisions of the Act. Exempt employees may be required to perform work in excess of the standard work week without additional compensation.
11. **"Non-Exempt"** employees are those whose position is covered by the overtime provisions of the Fair Labor Standards Act due to the duties and responsibilities of the position. The Fair Labor Standards Act includes the provision for payment of all overtime hours worked in excess of 40 hours per week for these non-exempt positions.
12. **"Temporary or seasonal"** employees are those who are hired as interim replacements to supplement the work force or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Generally, they are not eligible for benefits beyond workers compensation.
13. **"Part-time"** employees are those required to work less than 20 hours of compensated work per week. Generally, they are not eligible for benefits beyond workers compensation.
14. **"Regular full-time"** employees are those who are not in a temporary or introductory status and who are regularly scheduled to work at least ~~35~~ 30 hours per week. Generally, they are eligible for all employee benefits, subject to the terms, conditions and limitation of each benefit program.
15. **"Regular part-time"** employees are those who are not assigned to a temporary or introductory status and also are regularly scheduled to work at least 20 hours a week, but less than 30 hours per week. Generally, they are eligible for some benefits, subject to the terms, conditions, and limitations of each program.
16. **"Contract"** employees are those who work under a special agreement and conditions established by the County Commission, and whose compensation may include specified benefits.
17. **"Introductory"** employees are those whose performance is being evaluated to determine whether further employment as regular full-time or regular part-time employees with the County is appropriate. Introductory employees include new hires plus present employees being transferred or promoted to a new position.

Section II: **EMPLOYMENT POLICIES & PRACTICES**

201 **NATURE OF EMPLOYMENT**

1. **Employment-At-Will:** Employment with Yankton County is voluntarily entered into, and the [employer/employee relationship may be terminated at any time for any lawful reason by either party](#). In [the event an employee resigns their position](#), the employee is expected to give the County two weeks' notice of the intended action.
2. **Not a Contract:** Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the County and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or canceled at any time, at the County's sole discretion.
3. **Changes to these Policies:** These provisions supersede all existing policies and practices and may not be amended or added to without the expressed written approval of the Yankton County Commission. [Proposed changes to existing policies can be brought to the County Commission for consideration by one of the Commissioners, by an elected official, by an appointed officer, or by any department head within the County. Proposed changes should be reviewed by the States Attorney.](#)

202 **EQUAL EMPLOYMENT OPPORTUNITY**

In compliance with Title VII of the Civil Rights Act of 1964 as amended and under authority of SDCL 7-8-20, it is the policy of Yankton County [to provide equal opportunities to all employees and applicants for employment. The County does not discriminate in hiring or in any terms and conditions of employment based on sex, race, color, creed, religion, national origin, ancestry, citizenship, gender, age, disability, sexual orientation, genetic information or veteran status or on any other status that is protected under law against discrimination. This policy applies to employees and applicants and to all phases of employment including, but not limited to, hiring, promotion, demotion, and treatment during employment, rates of pay or other forms of compensation, and termination of employment.](#)

[If an individual is concerned about a violation of this policy, they may utilize the Complaint Resolution policy set forth in this handbook.](#)

203 **VETERAN'S PREFERENCE**

[Yankton County will comply with South Dakota's Veterans Preference Law, SDCL 3-3-1, which means that eligible veterans receive preference for appointment, employment and promotion. If the applicant possesses at least the minimum qualifications necessary to fill the position, the qualifying veteran shall be granted an interview. The unmarried spouse of a deceased veteran is entitled to the same preference, as is the spouse of a disabled veteran who is unable to exercise his or her right due to a disability.](#)

204 **AMERICANS WITH DISABILITIES ACT (ADA)**

[The Americans with Disabilities Act \(ADA\) and the Americans with Disabilities Act Amendments Act of 2008, known as the ADAAMA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with qualified disabilities and require employers to provide reasonable accommodations to applicants and employees as below discussed.](#)

[It is the policy of Yankton County to comply with all federal and state laws concerning the employment of persons](#)

with disabilities. Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

Reasonable accommodation is available to all qualified individuals with disabilities in accordance with the ADA and provided such accommodation does not pose an undue hardship or pose a direct threat to the safety of the employee or others. Employees requesting reasonable accommodation during either a recruitment or employment process should contact the Department Head to begin an interactive discussion about potential accommodations that would be available and appropriate. The Department Head may need to visit with the States Attorney and County Commissioners in considering potential accommodations. The County will consider specific requests but reserves the right to offer its own recommendations for accommodations to the extent permitted by law.

If an employee makes a request to the Department Head and no response is received within one (1) week, the employee should take the matter to the Commissioners.

All employment decisions regarding disability accommodations will be based on the merits of the situation in accordance with the defined criteria and federal and state regulations.

Any form of retaliation against an employee for engaging in activity under this provision is expressly prohibited and will result in disciplinary action up to and including termination. Please see the complaint and retaliation provisions set out in the Discrimination and Harassment policy.

205 IMMIGRATION LAW COMPLIANCE

The County is committed to employing only people who are United States citizens or non-citizens who are legally authorized to work in the United States. We do not discriminate because of a person's citizenship or national origin.

To comply with the Immigration Reform and Control Act of 1986, every new employee is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility. All employees will be expected to complete the I-9 Form on or before the first day of work. If the employee is not able to provide the necessary documentation within three (3) working days from the date of hire, they must provide proof that they have applied for the required documents. If this is not provided, the employee will be terminated. Former employees who are rehired must complete the form if they have not completed an I-9 or it is no longer retained or valid.

206 COUNTY PROPERTY

It is the policy of Yankton County to:

1. Prohibit the purchase of supplies, equipment or tools without authorization from a supervisor; and
2. Prohibit the loaning or selling of equipment, supplies or tools unless the action was previously and clearly authorized by the County Commission.
3. Require employees to turn in County vehicle and/or building keys and any County equipment prior to receiving their final paycheck.
4. Seek reimbursement for the replacement value of County property that is damaged or destroyed by employee negligence.

207 EDUCATION AND TRAINING

1. The County may support certain training events, such as workshops and conferences when such training, including travel, has been approved as part of a department's annual budget.
2. Yankton County encourages employees to take advantage of educational opportunities that will enhance their job performance.

208 DISCRIMINATION & HARASSMENT-FREE WORKPLACE

Yankton County recognizes that the strength of the organization relies on an environment where people are treated with dignity and respect without intimidation, oppression or exploitation. Therefore, the County is committed to providing a work environment that is free of unlawful discrimination and harassment. The County expressly prohibits any form of employee harassment, which includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual, based upon on race, color creed, religion, national origin, citizenship, ancestry, gender, gender identity, sexual orientation, marital status, pregnancy, age, disability, veteran's status, genetic information, or any other protected group in accordance with state and federal law. Yankton County will strive to prevent, correct and discipline behavior that is not consistent with its commitment to provide equal opportunity and an environment free from harassment and discrimination. This policy is adopted using the following definitions:

Discrimination includes conduct, in violation of federal and state law, where unfavorable decisions are made, or unfavorable actions are taken, based on an individual's protected classification, as listed above. This policy is intended to be consistent with the prohibitions stated in such anti-discrimination laws.

Harassment based on an individual's protected classification as listed above includes conduct which interferes with an individual's ability to do their job by creating an intimidating, hostile or offensive work environment; unreasonably interfering with the individual's work performance and/or adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following:

- Epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to the categories above. This includes jokes or pranks that are hostile or demeaning to the above protected categories.
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group included in the above categories.

Sexual harassment (both overt and subtle) is a form of unlawful harassment that includes employee misconduct that is demeaning to another person or undermines the integrity of the employment relationship and is strictly prohibited. Sexual harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Sexual harassment occurs when:

- Submission to such conduct is made either explicitly or implicitly as a condition of employment
- Submission or rejection of such conduct by an individual is used as a basis for employment decisions
- Such conduct has a purpose or effect of substantially interfering with an individual's work performance
- Such conduct has a purpose or effect of creating an intimidating, hostile or offensive work environment

Some examples of sexual harassment include, but are not limited to, the following:

- Sexual innuendo, jokes of a sexual nature, propositions, threats
- Sexually suggestive pictures or objects, staring, leering, obscene gestures
- Unwanted physical contact
- Unwelcome repeated requests for a date, telephone calls, letters or messages
- Discussion of sexual activities

This policy applies not only to normal working hours, but also to social contact, off-premises work and business travel. This policy protects employees from harassment by supervisors, co-workers, and third parties with whom they come into contact with during the course of their job.

Harassment can be found where, in aggregate, the incidents are sufficiently pervasive, persistent or severe that a reasonable person with the same characteristics of the victim of the harassing conduct would be adversely affected to a degree that unreasonably interferes with employment. If the victim does not subjectively perceive the environment to be hostile or the conduct has not actually altered the conditions of employment, then there may not be a violation of this policy.

Reporting Discrimination / Harassment

It is the responsibility of every employee to act consistently with the spirit and intent of this policy. Department Heads and supervisors shall work to establish and maintain a climate in the work unit which encourages employees to communicate questions or concerns regarding this policy, recognize incidents of harassment and discrimination, and take immediate action in accordance with this policy.

If you experience any possible unlawful harassment or discrimination, promptly report the concern to your immediate supervisor, to a Department Head, or to any Commissioner. The County takes complaints of discrimination and harassment very seriously and investigates claims received. Thus, there is no need to follow any formal chain of command when filing a complaint or discussing or expressing any issue of concern regarding alleged discrimination or harassment, and you may bypass anyone in your direct chain of command.

This policy applies to all incidents of alleged discrimination or harassment, including those which occur off-premises, or off-hours, where the alleged offender is a group leader, supervisor, coworker, or even a nonemployee, such as a vendor or customer, with whom the employee is involved, directly or indirectly, in a business or potential business relationship.

Should the alleged discrimination or harassment occur at a time other than your normal business hours, your complaint should be made as early as practicable following the incident. The County will undertake an investigation of any complaints in a timely and appropriate manner. All complaints will be kept confidential to the extent possible.

All employees have a duty to report any conduct which they believe violates this policy. In addition, every employee has a duty to cooperate with any investigation conducted by the County, regardless of whether the investigation is being conducted by County officials or outside parties retained by the County for this purpose, or, for that matter, by an outside agency.

If the County determines that an employee has violated this policy including unlawfully discriminated against or harassed another individual, violated the confidentiality or nonretaliation provisions, or who have been found to have knowingly made a false complaint, appropriate disciplinary action will be taken against the offending employee, up to and including an unpaid suspension or termination of employment.

Retaliation

The County, in accordance with state and federal law, prohibits any form of retaliation against any employee for reporting in good faith a violation of this policy, filing a complaint under this policy, or assisting in a complaint investigation.

One type of retaliation occurs when an employer takes adverse employment action against an employee who complains about harassment or discrimination, or who engages in activities such as refusal to provide genetic information, testifying at or providing information related to a labor investigation, filing or having filed a workers' compensation claim, or whistleblower status as provided for by law. Another type of retaliation occurs when coworkers ostracize, employ derogatory epithets (verbal, written or gestural) against or otherwise harass an

employee because he or she has complained about discrimination or harassment.

It is illegal to retaliate against any employee because of a complaint about harassment or discrimination, even if no harassment or discrimination ever happened. The County policy strictly PROHIBITS any form of retaliation against an employee because of a complaint about harassment or discrimination. Any complaints of retaliation should be reported to your direct supervisor, any Department Head, or any Commissioner.

However, if an individual is found to have made a complaint in bad faith, fails to cooperate with an investigation or provides false or intentionally misleading information or testimony, that employee is subject to disciplinary action up to and including termination.

209 COMPLAINT RESOLUTION

General Complaints

The County is committed to providing an excellent working environment for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any complaint or problem can be discussed rather than utilizing any formal, restrictive grievance procedure. No employee will be penalized, formally or informally, for voicing a complaint in a reasonable, business-like manner.

Employees with concerns or complaints should first discuss the problem with their immediate supervisor or, if this is not possible, with their Department Head. Employees who believe they are not able to discuss the concern with their Department Head may instead contact a Commissioner.

Employees who have a complaint about the interpretation or application of a specific County policy or about a disciplinary act may submit a written inquiry or complaint to their Department Head and, if unresolved at that level, to the Commissioners. Department Heads and the Commissioners will strive to respond to written inquiries or complaints in a timely manner. Although not all complaints can be resolved to everyone's complete satisfaction, this written option provides employees with a method for receiving information about their inquiries and for potentially resolving concerns.

Individuals who wish to pursue a formal complaint to the Commissioners should submit a timely written statement of the factual basis for the complaint to their immediate supervisor. If the employee is not comfortable going to their immediate supervisor, alternative contact can be made with the State's Attorney, another Department Head, or any Commissioner. The Commissioners or their Agent will coordinate an investigation into the complaint in a timely manner. All interested parties will be afforded the opportunity to submit evidence on the complaint. At the conclusion of the investigation, the Commissioners will review the evidence in executive session and determine the appropriate course of action. The decision made by the County Commissioners shall be deemed final.

However, if an individual is found to have made a complaint in bad faith, fails to cooperate with an investigation or provides false or intentionally misleading information or testimony, that employee is subject to disciplinary action up to and including termination.

210 CONFIDENTIAL NATURE OF WORK

Yankton County will comply with all applicable laws and regulations and expects its employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and refrain from any illegal, dishonest or unethical conduct. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be openly discussed with your immediate supervisor and, if necessary, with your Department Head or the Commissioners for advice and consultation.

While much of the work that the County does is public, certain information obtained during your employment

may be sensitive or confidential. Employees must not disclose such information, purposefully or inadvertently through casual conversation, to any unauthorized person inside or outside the County. Employees who are unsure about the confidential nature of specific information must ask their supervisor for clarification. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

211 PERSONNEL RECORDS

Official personnel files for each employee will be maintained in the Auditor's Office. Although supervisors may keep some records within the department, the official personnel file is maintained in the Auditor's Office.

Records to be maintained in the official personnel file include, but are not limited to, the following: application forms, personnel actions, training records, performance appraisals, and disciplinary actions. Due to the particularly sensitive nature, some records pertaining to employees are maintained in separate files outside the basic files such as relating to medical issues and internal investigations.

All information maintained in the official personnel files will be considered confidential and may be accessed by the Auditor's staff, the supervisor, the Department Head, and the Commissioners. Current employees may also review their own personnel file upon request to the Auditor. In addition, when potential legal issues arise regarding an employee, the County's legal counsel will have access to that employee's personnel files. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information. Employees, or their representative, may be provided access according to state law and at the discretion of the County.

Information relating to dates of employment, position titles and rates of pay are a matter of public record. The Auditor will publish such information as required by law.

Department Heads are responsible for completing personnel action forms for new hires, promotions, demotions, transfers, terminations, or related personnel changes. Employees are responsible for informing the Auditor's Office of changes in name, address, marital status, dependents, emergency contacts, and beneficiaries as soon as they occur.

SECTION III: CONDUCT OF EMPLOYEES

301 APPEARANCE

It is the policy of Yankton County that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.

Employees are expected at all times to present a professional, business-like image to the public.

1. The appearance of employees that do not regularly meet the public is to be governed by the requirements of safety and comfort, but should still be as neat as working conditions permit.
2. The appearance of office workers and employees who have regular contact with the public shall follow normally accepted standards for similar situations.
3. Department heads may authorize periodic "casual days" and establish dress standards for those occasions. This option is solely at the discretion of individual department heads and may be rescinded by the County Commission at any time should abuses and/or public complaints arise.

Any employee that does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises or work location. Any work time missed, because of failure to comply with this policy, may not be compensated. Repeated violations of this policy will be cause for disciplinary action.

302 ATTITUDE

It is the policy of Yankton County that certain rules, concerning employee behavior, are necessary for the efficient operation of County government.

Employees are expected to conduct themselves in a positive manner so as to promote the best interests of Yankton County. This conduct includes:

1. Reporting to work as scheduled and being at the proper workstation, ready for work, at the assigned starting time;
2. Giving proper advance notice whenever unable to work or report on time;
3. Complying with all County safety and security regulations;
4. Smoking only at times and places not prohibited by the County Commission;
5. Eating meals in the workplace is discouraged, except during designated breaks and within designated eating areas;
6. Maintaining work place cleanliness and orderliness;
7. Treating all customers, visitors and fellow employees in a courteous manner;
8. Refraining from behavior or conduct deemed offensive or undesirable;
9. Performing assigned work efficiently and in accord with established quality standards; and
10. Reporting to the supervisor and/or County Commission suspicious, unethical, or illegal conduct by fellow employees, customers or suppliers.

303 PUBLIC RELATIONS

It is the policy of Yankton County to be service oriented and to require all employees to treat the public in a courteous and respectful manner at all times.

All employees have an obligation to make the public feel as comfortable as possible in dealing with County government.

Employees should attempt to educate the public in using County services and should seek ways to improve services.

Employees are encouraged to report recurring customer-related problems to their supervisor. If a customer becomes unreasonable or abusive and the employee cannot resolve the problem, the customer should be referred to the supervisor.

304 COUNTY EQUIPMENT

Supervisors are responsible for instructing employees on the proper use of County equipment, the proper care, maintenance and safety of County equipment, and for assuring that any required certification and/or licensing is maintained.

Employees should not use County equipment for personal purposes.

305 PERSONAL PROPERTY

It is the policy of Yankton County to ask employees to refrain from bringing unnecessary or inappropriate personal property to work.

The County recognizes that employees may wish to bring certain personal items to work. However, personal property that is not related to the employee's job performance may disrupt work or pose a safety risk to other employees. The employee's supervisor shall determine the appropriateness of personal items in the work place.

306 CONFLICTS OF INTEREST

It is the policy of Yankton County to prohibit employees from engaging in any activity, practice or act, which conflicts with, or appears to conflict with, the interests of the County.

A conflict of interest is defined to include any situation in which a County official, employee or board member, in the discharge of official duties, would be required to take any action or make any decision that may cause financial benefit to:

1. the same County official, employee or board member;
2. any member of that official's, employee's or board member's immediate family, defined to include a spouse, parent, child or a sibling related by blood, marriage or adoption; or
3. a business enterprise owned in whole or in part by the public official, employee, or board member; unless the benefit is extended to the general public or a broad segment of the public at large.

As soon as a County official, employee, or a board member is actually aware or should reasonably be aware of a conflict of interest, they are required either to make full public disclosure of or to remove himself/herself from the conflict of interest.

Specifically, County officials, employees, and board members are prohibited from:

1. using their County position or any influence, power, authority, or confidential information

- derived from it, or any County time, equipment, property, or supplies for private gain; or
2. receiving any outside compensation, gift, or gratuity, for the performance of County duties except as follows:
 - a. awards for meritorious public contributions publicly awarded.
 - b. Receipt of honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees with the approval of the employee's department head or the County Commission
 - c. Receipt of social amenities, ceremonial gifts, or advertising gifts, worth less than \$100 in value.

Unless directed otherwise by the County Commission, any gifts beyond those listed above received for performance of County duties will be considered County property and will be immediately reported to the County Auditor's Office for inventory.

307 NEPOTISM

A member of an employee's family will be considered for employment by Yankton County, provided the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if such employment would:

1. Create either a direct or indirect supervisor/subordinate relationship with a family member;
or
2. Create either an actual conflict of interest or the appearance of a conflict of interest.

308 SECONDARY EMPLOYMENT

County employment must be the principal vocation of all full-time employees; however, a County employee may engage in outside employment, subject to all of the following conditions:

1. The secondary employment must not interfere with the efficient performance of the employee's County duties;
2. The secondary employment must not conflict with the financial or public interests of the County or any department thereof; and
3. The secondary employment must not be the type that would give rise to criticism or suspicion of conflicting interests or duties.

County employees must notify their supervisor before engaging in secondary employment. Non-elected department heads must notify the County Commission before engaging in secondary employment that exceeds ten hours per work week.

309 WORKPLACE VIOLENCE PREVENTION

The County is committed to preventing workplace violence and to maintaining a safe work environment.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law;

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the supervisor, sheriff's office, or any member of the County Commission. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a

threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to the supervisor or sheriff's office.

310 SMOKING PROHIBITED

~~Smoking is prohibited inside all Yankton County buildings and vehicles. This limitation on smoking applies to employees, customers, and visitors.~~

~~An exception to the smoking ban is allowed in County road maintenance and heavy equipment vehicles (example — road maintainer). However, should smoking related complaints arise from other employees operating the same piece of equipment, the preferences of the nonsmokers shall prevail.~~

It is the policy of Yankton County, and in accordance with applicable state law, that smoking, including electronic cigarettes, smokeless tobacco and all vaping devices, shall not be permitted in County buildings or any County vehicle. Such use is permissible only in personal vehicles while on break, or in other designated areas. No additional breaks beyond those normally scheduled may be taken for the purpose of smoking or using similar products. When smoking or using tobacco or similar products outside, please leave no traces of litter or residue.

311 DISTRACTED DRIVING

Employees are prohibited from undertaking any activity that could distract them from the safe operation of County vehicles. Examples of distractions while operating a vehicle include but are not limited to operating a cell phone, consuming food or beverages, reading, and smoking.

Employees who use cell phones or radios as part of their normal work activities should operate those communication devices in a manner that does not inhibit or interfere with the safe operation of County vehicles.

312 ELECTRONIC INFORMATION SYSTEMS

Any use of Yankton County's Internet access or E-mail services shall be considered and treated as any other work product, subject to periodic or specific review by, and approval of, the employee's immediate supervisor or department head.

Supervisors or department heads shall designate which employees may use E-mail. Each employee using E-mail or the Internet shall be required to sign an *"Acceptable Use Agreement."* Yankton County reserves the right to monitor transmissions of E-mail. Supervisors and department heads shall periodically monitor both Internet and E-mail use by Yankton County employees in their office to ensure they are in conformance with these policies and the *Acceptable Use Agreement*. Any employee found to be in violation of the *Acceptable Use Agreement* shall be subject to disciplinary action up to and including termination.

In addition to the terms of the *Acceptable Use Agreement*, prohibited uses of Yankton County's E-mail and Internet systems via County-owned computer equipment include, but are not limited to the following:

1. To transmit, receive, access, unload, download, or distribute offensive, threatening, pornographic, obscene, or sexually explicit material;
2. To vandalize, damage, or disable property of the County or another individual or organization;
3. To access another individual's materials, information, or files without permission;
4. To use the network or Internet for commercial or political campaign purposes;
5. To release personal information, files, addresses, passwords, or other vital accessing information;

6. To promote or solicit for illegal activities, including gambling;
7. To interfere with another person's use or account in any way;
8. To violate copyright or other protected material laws, trade secrets, proprietary financial information, or similar materials without authorization;
9. To attempt to log on to the Internet as a system administrator;
10. To subscribe, without authorization, to mailing lists, e-mail messages, games, chain letters, or other services;
11. To circumvent security measures on County or remote computers or networks;
12. To enroll in or engage in any activity on the Internet which results in an unauthorized charge or assessment to Yankton County or its representatives;
13. Use of the system to conduct non-Yankton County activities, including, but not limited to, operation of a private business, conducting job searches, promoting religious beliefs, or forwarding political advertisements; and
14. Use of the system to harass, intimidate, defame, or injure another individual or group.

Any member of the Yankton County Commission may inspect the contents of the E-mail or Internet activity of any employee or department head without prior notice. **Department heads also have the right to inspect E-mail or Internet activity of any employee within their department.**

Information technology and equipment is to be used for county business purposes and to increase the timeliness and effectiveness of county business communications. Any personal use of county information technology and equipment during work hours, such as for checking personal E-mail, is expected to be limited to incidental use or emergency situations only. Excessive time spent on such personal activities during work hours will subject the employee to disciplinary action.

Employee use of information technology and equipment must be able to withstand public scrutiny without embarrassment to the County, its taxpayers, its clients, or its employees. Employees should use generally accepted standards of business conversation in all computer, electronics and internet usage. Employees should use good judgment in the type of messages created and the tone and content of messages. The content of messages is always considered personal opinion unless specifically stated as a county position.

Employees learning of any misuse of County electronic information systems or a violation of this policy must notify their Department Head or the Commissioners of such misuse or violation immediately. Failure to notify may result in corrective action up to and including termination. **Nothing in this policy, however, shall be deemed to interfere with employee rights to engage in discussions protected by law.**

313 SOCIAL MEDIA

Personal websites, blogs and social media sites have become prevalent methods of self-expression in our culture. However, the County is also committed to ensuring that the use of such communications does not detract from our business by maintaining the County's identity, integrity, and reputation in a manner consistent with our values and policies.

The County respects the right of employees to use these media outlets during their personal time. Employees may not use their County email addresses to register for social media sites. If you, as an employee, choose to identify yourself as a County employee on a website or blog, you should make it clear to the readers that the views expressed are the employee's alone and that they do not necessarily reflect the views of the County.

Employees are prohibited from using, disclosing or discussing confidential and/or proprietary information,

including business and personal information about clients, vendors and co-workers.

Employees are prohibited from posting or displaying comments about customers, suppliers and co-workers that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the employer's workplace policies against discrimination, bullying, harassment, retaliation, or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, or other protected class, status, or characteristic. Instead, it is recommended to use the following questions as a guideline in the creation of social media content: Is the content positive? Is it professional? Is this information protected?

As an employee, you must be careful not to let online communications interfere with your job or customer commitments. Refrain from using social media while on work time or on equipment provided by Yankton County unless it is work-related as authorized by your Department Head or consistent with County policy.

If an employee believes that a blog or other online communication violates any County policy, the employee should immediately report the blog or online communication to their Department Head.

The County reserves the right to monitor all public blogs and social networking forums for the purpose of protecting its interests and monitoring compliance with County policies. If online activity is seen as compromising the County, the County may request a cessation of such commentary, and the employee may be subject to coaching and, potentially, disciplinary action.

Any employee who violates this policy may be subject to disciplinary action, up to and including termination. Additionally, legal action may be taken where necessary against employees who engage in prohibited or unlawful conduct.

Nothing in this policy, however, shall be deemed to interfere with employee rights to engage in discussions protected by law. This policy is not intended to restrict an employee's right to discuss wages and other terms and conditions of employment with co-workers or in any way limit employees' rights under applicable laws. For any questions about these guidelines or any matter related to personal websites or blogs, contact the Department Head.

SECTION IV: DRUG AND ALCOHOL-FREE WORKPLACE

401 COUNTY COMMITMENT

It is the policy of Yankton County to maintain a work place that is free from the effects of drug and alcohol abuse.

Consistent with the spirit and intent of this policy, Yankton County will act to eliminate any substance abuse which could impair an employee's ability to safely and effectively perform a particular job and which increases the potential for accidents, absenteeism, substandard performance and tends to undermine public confidence in the County's workforce.

402 DEFINITIONS

1. **Alcohol** - means the intoxicating agent is beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
2. **Drugs** - means any substance (other than alcohol) that is a controlled substance as defined in this section.
3. **Controlled Substance** – that which has a stimulant, depressant, or hallucinogenic effect on the central nervous system.
4. **Reasonable Suspicion** – means a belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drug or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
 - a. A pattern of abnormal or erratic behavior which is so unusual that it warrants summoning a supervisor, department head or other individual for assistance.
 - b. Information provided by a reliable and credible source with personal knowledge.
 - c. Direct observation of drug or alcohol use.
 - d. Presence of the physical symptoms of drug or alcohol use: (i.e. glossy or blood-shot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
 - e. Possession of substances in violation of the County's drug and alcohol policy.
5. **Refusing to Submit** - to an alcohol or controlled substance test means that an employee:
 - a. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
 - b. Fails to provide adequate urine for controlled substance testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; or
 - c. Engages in conduct that clearly obstructs the testing process.

403 COUNTY POLICIES

1. Employees are prohibited from the use, sale, dispensing, distribution, possession, or manufacture of illegal drugs and narcotics or alcoholic beverages on County premises or work sites. In addition, employees are prohibited from the off-premises use of alcohol and possession,

use, or sale of illegal drugs when such activities adversely affect job performance or job safety. Illegal and/or inappropriate use of prescription and over-the-counter medications are also prohibited.

2. Employees will be subject to disciplinary action, as provided in Section 4X for violations of these policies. Such violations include, but are not limited to, possessing illegal or non-- prescribed drugs and narcotics or alcoholic beverages at work; being under the influence of is such substance while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on County property and work sites. Employees, their possessions, and County issued equipment and containers under their control are subject to search and surveillance at all times while on County property or while conducting County business.
3. Certain positions with the County may require that an applicant pass a post-offer, pre-employment drug test. Applicants for those positions will be notified of the need for such test. Failure to pass the pre-employment test, or failure to submit to testing, will prevent the applicant from further consideration for that position.
4. Employees may be requested to undergo drug and alcohol testing if there is a "reasonable suspicion" that the employee is under the influence of drugs or alcohol during work hours. Where "reasonable suspicion" exists that the policies have been violated, the supervisor should report the situation immediately to their Department Head. The Department Head may ask the employee to submit to blood and urine testing by a qualified medical physician or hospital at the County's expense. Prior to testing, the County shall secure a signed release statement from the employee to have the hospital/physician release medical information to the County. If a Department Head is suspected of "reasonable suspicion", the suspecting party should report their suspicions to the Commission Chair.
5. An employee who refuses to consent to a drug and alcohol test when reasonable suspicion exists may be subject to disciplinary action. A positive result from the drug and/or alcohol test confirming the reasonable suspicion may result in disciplinary action. All information from an employee's drug and/or alcohol test is confidential, and only those with a need to know are to be informed of the results.
6. Individual departments may require random drug testing as a condition of employment, especially when individual and/or public safety concerns exist.
7. Employees are required to notify their supervisor no later than five (5) days after any criminal drug statute conviction for a violation occurring in the work place.
8. The County Commission will take one or both of the following actions within thirty (30) days of the notice specified in 403, item 7:
 - a. Take appropriate disciplinary action against the employee up to and including termination; and/or
 - b. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program.
9. Employees who use legal drugs or narcotics during work, and have any reasons to expect such use may affect their ability to perform their work, must report this fact to their supervisor. A determination will then be made as to whether the employee should be able to perform the essential functions of the job safely and properly.
10. Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or

alcohol abuse or dependency may request, or be required to seek, counseling help. County required counseling should be kept confidential and should not have any influence on performance appraisals. Job performance alone, not the fact that an employee seeks counseling, is to be the basis of all performance appraisals.

11. Any employee who is abusing drugs or alcohol may be granted a leave of absence to undertake rehabilitation treatment. The employee will not be permitted to return to work until certification is presented to the supervisor that the employee is capable of performing his job. Failure to cooperate with an agreed upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other County policies.
12. If any employee has been found to have violated County policies the employee may in certain circumstances be permitted to return to **their** position. Determination of whether or not an employee will be returned to work, and what specific conditions may be set for an employee's return to work, will be made on a case by case basis by the County Commission. The specific conditions may include, but are not limited to:
 - a. An employee may be required to submit to an alcohol and controlled substance abuse assessment with a designated substance abuse professional.
 - b. An employee may be required to successfully complete an in-patient or out-patient chemical dependency treatment program as recommended by a substance abuse professional.
 - c. An employee may be required to continue participation in aftercare treatment programs, counseling, support groups, or other rehabilitation/maintenance program as may be recommended by the substance abuse professional.
 - d. An employee may be required to meet very specific on-the-job requirements involving performance, sick leave use, attendance, etc.
 - e. An employee may be required to submit to a return-to-work alcohol and controlled substance tests, with negative results, before being allowed to return to work.
 - f. An employee may be required to submit to a number of unannounced follow-up alcohol and controlled substance tests for an extended period following return to work, with consistently negative outcomes.

404 MANAGEMENT GUIDELINES

Supervisors and department heads should not physically search the person of employees nor should they search the personal possession of the employees without the freely given consent of, and in the presence of the employee.

Supervisors and department heads shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in **their** possession or in an area jointly or fully controlled by the County.

Any supervisor or department head encountering an employee who refuses to consent to a drug and/or alcohol analysis when "reasonable suspicion" has been identified, should remind the employee of the requirements of the policy and that **they** may be subject to disciplinary action. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the supervisor or department head should direct the employee to remain at work for a reasonable

time until the employee can be safely transported home.

Nothing in this policy shall be interpreted as constituting any waiver of or limitation on the County's responsibility to maintain discipline, or the right to invoke disciplinary measures, nor the employee's right to due process and the processing of grievances concerning such disciplinary measures in accordance with the grievance procedures set forth in this handbook.

SECTION V: SAFETY RULES AND REGULATIONS

501 GENERAL POLICIES

Yankton County is subject to the Occupational Safety and Health Act (OSHA) and will strive to provide a safe working environment for its employees.

Yankton County is committed to making the best effort to detect and correct unsafe conditions and unsafe practices on the job. However, employees are in an especially good position to observe such hazards. Without employee participation in recognizing and reporting hazards, perhaps the greatest source of discovering them would be lost.

Employees are required to support the safety rules and regulations that have been implemented for their protection on the job. Always remember, safety never just happens. If a job is safe, it is because somebody is working to make it safe. Every employee of Yankton County has an important role in maintaining a safe working place for all County employees. Therefore, all employees are required to follow safety rules and regulations, and participate in any safety training that is required of their position.

502 SUPERVISOR'S RESPONSIBILITIES FOR SAFETY

Supervisors have the definite responsibility for the following:

1. Maintaining safe working conditions;
2. Making available suitable protective equipment as furnished by the County and seeing that it is properly used by all employees;
3. Properly maintaining tools and equipment in safe working condition;
4. Properly planning all work performed in a safe manner;
5. Requiring all employees to practice the general and specific safety rules;
6. Assigning employees to jobs which they are capable of doing safely; and
7. Taking immediate steps to correct any violation of safety rules observed or reported to them.

Employees assigned to direct or lead a working crew will be held responsible for seeing that job procedures are carried out in a safe manner. They should make certain that the employees understand the following:

1. The work to be done;
2. The hazards that may be encountered;
3. The proper procedures for doing the work safely including any recommended training;
4. The proper use of suitable protective equipment as furnished by the County; and
5. The work plan and individual job responsibilities and job procedures.

Frequent periodic inspections of road construction sites, hazardous areas, maintenance equipment, materials, conditions, and methods will be made by supervisors as a part of their routine duty. Such inspections are essential to prevent accidents.

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503 ACCIDENT REPORTING AND INVESTIGATION

Any employee who suffers an injury while working for the County shall report as soon as possible (the same workday) such injury to the person directly in charge of the job.

All accidents to the public involving County personnel, motor vehicles, equipment, or property shall be reported as soon as possible (the same workday).

Every accident shall be investigated to determine the cause and steps needed to prevent a recurrence. It shall be the responsibility of the supervisor to obtain complete and detailed information about the accident.

Supervisors shall see to it, as soon as possible after the occurrence of any accident, that the Accident Report Form is filled out completely, giving the fullest possible description of the accident and any resulting injuries. Department heads should review and approve all accident reports originating in their areas of operation.

Recommendations should be made on each accident concerning any corrective safety measures needed and proper follow-up and monitoring of these recommendations provided by department heads. Even accidents that do not result in personal injury should be reported and investigated as if an injury had occurred so that proper corrective safety measures may be taken.

504 ACCIDENT INVESTIGATION POLICY

Some key points about conducting an accident investigation are:

1. Accurately identify locations, machines, equipment, operations, and individuals involved;
2. Provide enough detail to be understood; and
3. Provide additional description as needed.

The following list comprises the information needed for the investigation of each accident:

1. Date, time, location, employees, and equipment involved;
2. What was the employee doing? Explain;
3. How was the employee injured? Explain;
4. Was an unsafe or hazardous condition present? Explain;
5. What were the environmental conditions of the work site (heat, cold, noise, ventilation, lighting, etc.)?
6. Were all guards in place and functioning properly? Explain;
7. Was all necessary protective equipment supplied, in good condition, and properly used? Explain;
8. Were proper job procedures being followed? Explain;
9. Was an existing safety rule violated? Explain;
10. To what degree was the employee being supervised, and was the employee properly instructed in the safe way to perform this task? Explain; and
11. What corrective actions could be taken to avoid this type of accident in the future? Explain recommendations.

The **State of South Dakota Workers' Compensation First Report of Injury Form** should be filled out completely within twenty-four (24) hours of the accident or incident and turned in to the County Auditor. The County Auditor has immediate responsibility for **submitting the First Report of Injury Form to the insurance carrier** within twenty-four (24) hours of receipt of the form.

505 JOB RELATED INJURIES

Employees injured on the job are covered by the South Dakota State Worker's Compensation Act. This law provides specific benefits. In order to qualify for these benefits, certain specific procedures shall be followed:

1. The employee shall immediately report any injury, regardless of extent, to their immediate supervisor. The immediate supervisor shall provide first aid treatment or the injured employee shall be taken to the hospital or a physician;
2. The supervisor shall immediately inform the department head of the action taken. The department head shall be responsible for providing the necessary information to the Auditors office for the completion of all accident reports within seventy-two (72) hours of the injury. Upon the employee's return to work, the department head will inform the Auditor and Board of County Commissioners by memorandum;
3. Medical and hospital expenses incurred due to on-the-job injuries received shall be paid for in accordance with County policy and the applicable provisions of the Worker's Compensation Act;
4. The County shall compensate employees on injury leave up to a maximum of ninety (90) calendar days by paying the difference between any payment made to the employee for salary by the County's Workers Compensation insurance carrier and the employee's County salary at the time he/she was placed on injury leave;
5. After the ninety (90) day period, the employee may elect to use accumulated sick leave and/or vacation credits to continue receiving full pay;
6. Should the employee not elect such action or should the employee exhaust all available leave benefits he/she may apply for disability under the provisions of the Workers' Compensation Act or unpaid disability leave of absence under County policies; and
7. All vacation, sick leave, and holiday leave earned while on injury leave shall accrue at the employee's regular rate.

SECTION VI: WORK PERIODS AND TIME RECORDS

601 WORKWEEK AND WORKDAY

It is the policy of Yankton County to establish the time and duration of working hours as required by workload, customer service needs, the efficient management of personnel resources, and applicable laws.

The normal workweek is Monday through Sunday, beginning and ending at midnight on Sunday. **Some departments, however, may use a different work week for scheduling and tracking purposes.**

Each supervisor will determine the schedule of hours for employees. The supervisor will inform employees of their daily schedule, including meal periods and rest or coffee breaks.

Yankton County offices will normally be open to the public Monday through Friday. The County Commission will establish the daily office hours.

Highway Department

1. Highway Department will generally work Monday through Friday, forty (40) hours per week as scheduled; and
2. Eight (8) hours base payper day; and
3. Any hours worked beyond the forty (40) hour work week must be approved by the Department Head prior to being worked, emergencies being the exception.

County Government Center Offices

1. County Government Center offices shall be open and functioning during each day of the year, except Saturdays, Sundays, designated holidays, and emergencies;
2. The Auditor's office shall remain open, upon the request of a person in charge of school or municipal elections, until the closing of the polls for that election; and
3. Any hours worked beyond a forty (40) hour work week must be approved by the Department Head ~~Yankton County Commission~~ prior to being worked, emergencies being the exception.

Soil Conservation and Extension Services Office

Employees working with these offices will work according to the hours established by those departments. County employees will follow County policies for holidays and any other unscheduled time off (example - weather related office closing).

Custodians

The custodian's work week shall not exceed forty (40) hours in any calendar week unless approved by the Department Head. The work scheduled shall be approved by the Yankton County Commission.

Sheriff's Department, Ambulance Department, Emergency Services and Homeland Security

These department personnel shall work as scheduled, **and work shifts may vary**. These departments are required to provide coverage 24 hours a day, seven days a week.

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602 CHANGES IN WORKDAYS

A change in the workday schedule within any calendar week to establish a long weekend is permissible provided the department head approves and it is recommended to the Yankton County Commission before such action is taken and providing no overtime is involved.

In accordance with SDCL §7-7-2.1, the Chairperson of the Board of the Yankton County Commission **has the discretion to** close the Yankton County Government Center in case of emergency or severe weather and each such closing shall be for no more than one business day. The public shall be adequately notified. An emergency for the purpose of this section is an unforeseen occurrence or combination of circumstances that calls for immediate action or remedy. Any extended closings due to emergency situations must be approved by the Commission.

County employees shall receive their regular pay should the County Government Center or other facilities be closed under the circumstances described in 502B. Employees on authorized leave (example - sick or vacation time) during a closed event shall not be allowed to substitute the weather or emergency related leave for their already approved absence.

If any full-time employee is unable to get to work due to inclement weather and County offices are open, the employee can take earned vacation time or time off without pay will be charged.

603 BREAKS

County employees subject to work regular office hours are allowed a one (1) hour unpaid midday break and two (2) paid fifteen (15) minute breaks. Break times shall be at the discretion of the department head. There may be times when job conditions and/or work demands do not permit a break.

604 TIME RECORDS

All non-exempt employees (employees subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) may be required to complete an individual time record showing the daily hours worked or annual leave, sick leave, or compensatory time used. The following points should be considered in filling out time records:

1. Employees may be required to record their hours worked, using a monthly time sheet;
2. Employees are not permitted to sign in or commence work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of their supervisor;
3. Employees are required, whenever possible, to take scheduled lunch or meal breaks;
4. Employee time records are to be checked and signed by the supervisor involved. Leave time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) should be entered on the time record. Authorized comp time should also be identified;
5. Unapproved absences are not to be considered as hours worked for pay purposes. Supervisors are to inform employees if they will not be paid for certain hours of absence;
6. The filling out of another employee's time record or the falsifying of any time record is prohibited and may be grounds for disciplinary action, up to and including termination;
7. Time Sheets should be turned in to the Auditors office by noon on the 25th of each

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month, unless the employee is otherwise directed by their supervisor; and

8. Personnel employed in executive, administrative, professional, or certain computer-related capacities are exempt from the provisions of the Fair Labor Standards Act. Such employees may **still** be required to fill out monthly time records and must account for daily attendance.

605 HOLIDAY HOURS

For the purposes of this **Handbook**, holiday hours will be included as "hours worked" during a workweek, in determining overtime. Vacation, sick, and other leave categories will not be included as "hours worked," in determining overtime.

606 HOLIDAYS

Each full-time employee, beginning with starting date of employment, shall be eligible for eleven (11) legal holidays, with regular base pay.*

A holiday that occurs on a Saturday will be observed on the preceding Friday and a holiday occurring on a Sunday will be observed on the following Monday.

The following days are deemed holidays for eligible employees:

- | | |
|--------------------------------|------------------------------------|
| 1. New Year's Day | January 1 |
| 2. Martin Luther King, Jr. Day | January, 3 rd Monday |
| 3. President's Day | February, 3 rd Monday |
| 4. Good Friday | Friday prior to Easter Sunday |
| 5. Memorial Day | May, last Monday |
| 6. Independence Day | July 4 |
| 7. Labor Day | September, 1 st Monday |
| 8. Veteran's Day | November 11 |
| 9. Thanksgiving Day | November, 4 th Thursday |
| 10. Day after Thanksgiving | November, Day after Thanksgiving |
| 11. Christmas Day | December 25 |

In addition, every day appointed by the President of the United States or by the Governor of South Dakota for a public fast, thanksgiving, or holiday may be observed as a legal holiday, if approved by the County Commission.

If any employee is required to work during a holiday caused by emergency circumstances, then that employee shall receive overtime pay plus holiday pay.

*[Employees in certain departments are required to work on holidays. Those departments, including Sheriff's Department and Ambulance Department, handle holidays differently than described here.](#) Efforts will be made to let these employees off when deemed possible by the [Department Head](#).

607 PAYDAY

All employees will be paid by electronic deposit (direct deposit) on the last working day of each month. Payroll will not be issued in advance.

Individual timecards or timesheets are issued to each employee and are used to record the number of hours worked per week. It is the responsibility of each employee to record their own time accurately. Employees are not allowed to record time for another employee. If an error occurs, only your Department Head is to adjust the card.

608 OVERTIME PAY

1. [For non-exempt employees in most positions,](#) any work performed in excess of the standard forty (40) hours in a workweek shall be considered overtime and shall be compensated as overtime or as compensatory time off.
2. The work period for certain employees, [including public safety employees in the Sheriff's Department, and for employees in the Department of Emergency Management and Homeland Security, shall be based on a different work cycle that conforms to Fair Labor Standard requirements.](#)
3. Any overtime worked shall be with the prior knowledge and approval of the department head.
4. Overtime shall be [paid](#) at one and one-half (1½) times the employee's regular hourly rate of pay.
5. Compensatory time off shall be granted at a rate of one and one-half (1½) hours of compensatory time for each hour of overtime worked.
6. The decision to compensate with compensatory time must be agreed to or understood before the work is performed. Department heads may establish the limit of compensatory time to be earned in their department, [except that](#) the maximum compensatory time accrual will not exceed 90 hours (for 60 hours of overtime worked).
7. Compensatory time may be used with the approval of the department head at the convenience of the County.
8. All department heads and other employees exempt from the provisions of the Fair Labor Standards Act shall not receive extra compensation or overtime pay. The need for them to work extra or irregular hours from time to time in order to carry out their assigned responsibilities and properly administer the authority vested in them is a consideration in the determination of their salary. Supervisors serving positions below the administrative or staff level shall be eligible for overtime pay subject to the approval of the department head and compliance with federal regulations pertaining to the Fair Labor Standard Act.

609 PAYROLL DEDUCTIONS

Employees are required by law to file forms with the County authorizing withholdings for federal income taxes and other special deductions. Yankton County uses official government tables to determine the amount of federal withholding taxes to be deducted from employee pay. If an employee wants additional taxes withheld, they may arrange to do so by notifying their [department head, County Auditor's office, which processes payroll.](#)

The Federal Social Security tax is deducted as required by law. The employee's Social Security number must be on file with the County before the first paycheck can be issued. Employees must be certain that their Social Security number is included with the information supplied when they are first placed on the payroll.

Other regular deductions may include hospitalization and major medical insurance premiums, optional life insurance premium, and/or other voluntary contributions.

[Garnishments are court orders requiring an employer to withhold specific amounts from an employee's wages for payment of a debt owed by the employee to a third party. State law requires the County to honor garnishments of employee wages \(including child support\) as a court or other legal judgment may instruct. The law also provides for an administrative fee to be charged when a garnishment occurs. The County will not terminate any employee solely for the reason of being subject to garnishment.](#)

610 CHANGE OF STATUS

To assure that the county employee list is complete and up-to-date, it is important that department heads have the most current information regarding employee addresses and telephone numbers. Additionally, for tax and health insurance purposes, any changes in marital status and dependents must be reported to the employee's department head immediately. In turn, the department head must pass along that information to the Auditor's Office.

611 PAY PLAN

The County's goal is to recruit and retain high performing employees that provide outstanding service to our citizens. While recognizing that we are stewards of taxpayers' dollars, we focus on offering pay that is generally competitive and recognizes employees' growth and development. The objectives of the compensation program are to ensure appropriate compensation for positions considering both internal worth to the organization and external market. The wages and compensation method for a position depends on its classification. The following provisions apply to regular, full-time, non-elected positions unless otherwise specified.

The County utilizes a grade and step pay plan for most full-time, non-elected position within the County. A job analysis process is used to evaluate each position. This analysis is used to develop a job description for the position and to assign, or classify, a position to a pay grade.

Each pay grade is associated with a salary range and has prescribed points referred to as "steps." Each grade and step will be associated with a rate of pay. This grade and step structure is referred to as the "pay matrix." Salary ranges increase by each pay grade and, within each pay grade, rates of pay increase with each step.

Employees may obtain a copy of the pay matrix, a listing of position pay grades, and their grade and step placement from their Department Head or the Auditor's office.

Pay Matrix Adjustments - The County Commission considers adjustments to the pay matrix periodically. When evaluating adjustments to the pay matrix, the County Commission may consider compensation philosophy, County's relative position to the market, cost of living, and other factors. The County's current financial status, revenue sources, and expenditures may also impact any type of pay structure adjustment.

If an adjustment is warranted, the entire structure would be adjusted by the determined amount. When a structure adjustment is completed, each employee's pay moves with the structure so that all employees stay on step.

Rate of Pay upon Hire - New employees are typically hired at the base of their position's pay grade. With approval from the County Commission, Department Heads may hire new employees at a higher pay grade if warranted by the individual's experience and after consideration of equity issues within the department.

Seasonal, Variable Hour and Part-time Position Pay - Pay ranges for individuals in seasonal or variable hour positions are based on a variety of factors including market, equity within the County, economic environment, and other items. Compensation for individuals in regular, part-time positions which are authorized as part of the County budget depends on the position classification and funding source. Part-time positions may either be paid similarly to those on the matrix or based on a rate similar to variable hour positions.

Pay Increases - Changes are recommended by Department Heads to the County Commissions as part of the annual budget process. The County Commission reviews and must approve all pay changes. Approved pay increases become effective at the beginning of the pay period in which an employee's anniversary occurs.

612 POSITION CHANGES

New Positions - New positions may be requested by the Department Head. The County Commission must approve all new positions and the position's associated pay grade. New position requests will typically be considered as part of the annual budget process. When necessary, new job descriptions will be developed in cooperation with the Department Head.

Transfers - County employees may apply for job openings in other County departments. If the new position is at the same level of responsibility as the current position, the employee will receive the same rate of pay.

Promotions - A promotion is the movement of an individual to a position with greater responsibilities or to a position with a different employment status. Promotions are situations where employees either apply and are selected for a position with greater minimum qualifications or when a supervisor advances them to a position in the same series when they possess the qualifications to perform the required duties of the higher-level position. Employees who are promoted may receive a pay increase. If a non-exempt employee is promoted into an exempt position, any accrued compensatory time will be paid out the pay period following the first date the employee works in the promoted position.

Demotions - An employee may be demoted for performance concerns, misconduct, in the event of a reduction in force, or at management's discretion. Demotions also occur when employees apply for or voluntarily accept a position with a lower pay grade than their current position.

In the case of a demotion, the employee's rate of pay may be reduced within the range established for the position to which demoted. If an employee had been promoted and is currently demoting to their previous classification, the employee may be placed at the rate of pay the employee would have been at if he/she had never been promoted.

Reclassification - A reclassification is the movement of a position to a higher or lower pay grade or a change in exemption status. Reclassification requests will typically be considered as part of the annual budget process and must be approved by the County Commission. Because a reclassification is the movement of a position, all employees in the position are consequently also moved to the new pay grade, retaining their current rate of pay (or, if that is not possible in the new range, the step closest to but higher than their current rate of pay).

Reduction in Force - A reduction in force (RIF) occurs when changing priorities, budgetary constraints or other business conditions require Yankton County to abolish positions. A RIF can also occur when a position changes so significantly that the employee is no longer able to perform the required duties. Any Department Head may terminate or demote any employee without prejudice because of lack of funds or curtailment of work. In such event, the Department Head or immediate supervisor will give at least a two week notice of the intended action to the employee. The employee's rate and receipt of pay will not be altered until at least two weeks after the date notice is given. In the event of demotion or job termination, the monies received by the employee during the two weeks will be considered the total sum of any "severance pay" which may be claimed by the employee.

613 COMPENSATION FOR ELECTED OFFICIALS

Elected Officials are paid on a salary that is set by the County Commission. The salary for each elected official will be reviewed during the annual budget process. Items to be considered when budgeting for adjustments may include, but not be limited to, market for similar positions, equity within Yankton County management positions, pay of subordinate staff, performance and funding. Adjustments in the flat rate, either increases or decreases, will be made at the discretion of the County Commission.

SECTION VII: EMPLOYEE BENEFITS

701 STATUTORY BENEFITS

In accordance with applicable law, the following benefits are provided to all employees:

1. Worker's Compensation Insurance provides financial protection in case you are injured or become ill as a result of your employment. This coverage complies with the worker's compensation laws of the state, and the County pays the cost of this protection on your behalf.
2. Social Security coverage entitles you and your family to certain health and retirement benefits based on income and number of years worked. The County contributes to this coverage by paying one half of the Social Security tax.

702 VACATION LEAVE

1. Vacation leave is allowed after six (6) months of employment as a full-time staff employee.
2. The employee's anniversary date of hiring shall be the date used for determining vacation accrual. Vacations must be scheduled and approved in advance by the department head. The following conditions are based upon "years of service to Yankton County, not continuous years of service:
 - a. Payment is based on regular day's pay not to exceed eight hours. Any changes to this policy must be authorized by the County Commission;
 - b. Vacation Leave Accrual:

Years of Service	40 Hour Per Week Employees		35 Hour Per Week Employees	
	Hours Per Month	8 Hour Days Per Year	Hours Per Month	7 Hour Days Per Year
0-6 (72 months)	6.6667	10 (80 hours)	5.8333	10 (70 hours)
7-14 (168 mos)	10	15 (120 hours)	8.7500	15 (105 hours)
15-19 (228 mos)	13.3333	20 (160 hours)	11.6667	20 (140 hours)
20+ (240 mos)	16.6667	25 (200 hours)	14.5836	25 (175 hours)

Years of Service	60 Hour Per Week Employees	
	Hours Per Month	12 Hour Days Per Year
0-6 (72 months)	6.6667	10 (120 hours)
7-14 (168 mos)	10	15 (180 hours)
15-19 (228 mos)	13.3333	20 (240 hours)
20+ (240 mos)	16.6667	25 (300 hours)

- c. At the option of the employee, persons with at least seven (7) years of service may take a payout (through direct deposit) of one (1) week of vacation accrual per year. Persons with at least 15 years of service may take a payout (through direct deposit) of two (2) weeks of vacation accrual per year. Such payment will be at the employee's current base rate of pay and the Department Head must be notified prior to the 25th day of the month.

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- d. Employees are allowed to accrue a maximum of 200 hours of vacation leave that may be carried over from year to year.
3. Years of service shall mean full years of service based on the anniversary date of employment.
4. Any employee, upon retirement or who is terminated through no fault of their own, shall be allowed credit for a partial year of accumulated vacation based on their status. It will be allowed as time off with pay or lump sum payment.
5. Department heads shall maintain monthly records for all their employees on the approved form.
6. This section does not cover elected officials.

703 SICK LEAVE ~~(This Section does not cover elected officials.)~~

1. Full-time employees shall accumulate sick leave at the rate of one (1) day consisting of seven (7) or eight (8) hours, depending upon their normal work day period per month beginning with the first full month of employment. A maximum of one hundred twenty (120) usable sick days (840 or 960 hours depending upon their normal work day) may be accrued. Accumulated sick leave days may not be used until after sixty (60) days of employment
2. As an incentive for good work attendance, accumulated sick leave days in excess of the one hundred twenty (120) days accrual limit shall be paid back to the employee annually at one-fourth (1/4) of the employee's current base pay. This payment shall be included in the monthly pay (through direct deposit) in which the hiring anniversary date of the employee falls. A County voucher requesting this annual payment shall be submitted to the County Auditor by the department head at least five (5) working days prior to the normal monthly payday.
3. Sick leave may be used when an employee is legitimately ill, consulting a doctor, or utilizing clinic or hospital facilities. Sick leave may also be used to care for an immediate family member. For the purposes of this section, an immediate family member is the employee's husband or wife, son or daughter, or mother or father.
4. If at any time the County questions the validity of the illness, the employee shall be required to furnish adequate proof of the actual illness.
5. Any employee abusing sick leave privileges or falsifying a doctor's statement shall be subject to disciplinary action.
6. Any person who has been employed by the County for five (5) years shall be entitled to payment (through direct deposit) from Yankton County in an amount equal to twenty (20) percent of the employee's total accumulated sick days effective upon leaving employment from Yankton County.

7. This section does not cover elected officials.

704 DONATED SICK LEAVE

Full-time employees may transfer sick leave to a fellow full-time employee suffering an extended illness, family crisis, or maternity leave.

1. Each request will be reviewed on a case-by-case basis and approved by the County Commission.
2. A donor may authorize the transfer of a minimum of four (4) hours and a maximum of forty (40) hours. There will also be a forty (40) hour maximum per year.
3. The sick leave balance of the employee donating hours may not go below twenty-four (24) hours after the transfer has been made.

4. A special authorization "Sick Leave Transfer" form available in the Auditor's Office must be completed. The donor's names will be confidential; however, individual donors may personally inform the recipient of their transfer if they so desire;
5. Transfers will only be permitted for a specified individual and during a specified time period upon administrative approval. Donations will be taken in the order they are received, and in the event that all hours are not needed the remainder will be given back to the employee donating the hours;
6. In the case of a family crisis, all sick leave must be exhausted by the recipient prior to the transfer of sick leave;
7. In the case of personal illness, both vacation leave and sick leave must be exhausted by the recipient prior to the transfer of sick leave;
8. The recipient must be on leave-of-absence status, and will not accrue benefit time. They will be covered for the full costs of the health insurance, dental insurance and life insurance premiums, if they be enrolled, during this time as required by FMLA (Family and Medical Leave Act);
9. Recipients will receive sick leave at their hourly rate and they will not be obligated to repay it; and
10. Recipients receiving Worker's Compensation will not be eligible for this program.

705 BEREAVEMENT LEAVE

Regular, full time employees will be granted up to four (4) days leave from work with pay, in the event of death in the employee's immediate family. Immediate family is defined as a spouse, child, mother, father, mother-in-law, father-in-law, brother, sister, grandparents and grandchildren.

A regular, full time employee may take one (1) day leave from work with pay to attend the funerals of other relatives or friends. This benefit is limited to two (2) occurrences per year. Any additional days taken by the eligible employee for any one situation will be deducted from vacation time or be taken without pay.

706 TIME OFF TO VOTE

In general, if you wish to vote, you are expected to do so before or after your scheduled shift. If, on the day of any election, the polls are not open for at least two consecutive hours before or after your scheduled shift, you may be granted up to two consecutive paid hours off work during times that the polls are open in order to allow you to vote.

To be granted time off to vote, you must provide reasonable advance notice to your supervisor. In order to provide you with sufficient time to vote while minimizing disruption to County business, your supervisor may specify the particular hours you may take off work to vote. Such time will be treated as regular work time for the purpose of pay.

707 JURY DUTY

County employees who are summoned for jury duty during assigned work hours will receive regular county pay. All fees received by the employee for serving on the jury will be returned to the County. Mileage, lodging, meals, and any other travel expenses paid to the employee by the court system will be retained by the employee. County travel compensation will not be allowed.

Jury time off duty shall not be used in combination with annual or other leave, unless authorized in advance by the Department Head. Eligible employees will continue to accrue authorized leave benefits during the jury leave period.

708 COURT APPEARANCE

An employee who is required to make a court appearance in an official capacity in connection with the County or as an expert witness shall be deemed to be on duty and no charge will be made against leave.

If an employee is involved in a personal case, either as a plaintiff or as a defendant, the employee may be granted leave but the time off will be charged to annual leave, compensatory time, or leave of absence without pay.

Any payments received by an employee for appearing as a legally required or expert witness, in their official county capacity, shall be turned over to the County.

709 LEAVE OF ABSENCE

The County recognizes that there are circumstances when, for various reasons, employees may find it necessary to be absent themselves for an indefinite period of time. Leaves of absence constitute an additional expense to the County and will be carefully controlled. Each request will be considered on its own merits. If the leave is granted, preferential treatment will be given and every effort will be made to re-employ such people when their leave is up, provided the type and kind of work for which they are suited is available, and under the following conditions and/or rules:

1. Request for leave of absence is to be made in advance so far as possible;
2. Employees shall notify their supervisor and fill out the appropriate form, obtaining written approval of those officers listed under authorization;
3. Employees must notify the County Commission and department head at least one week in advance of their agreed-upon return to work date. If the employee fails to report to work on the agreed-upon date, they will be terminated and coded as a voluntary quit. If, while on leave, the employee decides to terminate, they shall notify the County Commission;
4. If a leave of absence is applied for under false pretenses, the employee will be subject to automatic discharge;
5. If a leave of absence is for a time period of less than sixty (60) days, the returning employee does not suffer a break in continuous service. However, the employee must complete the specified period of time required for earning benefits (i.e., vacations) and will be eligible for holiday pay as soon as he/she returns; and
6. If a leave of absence is for more than sixty (60) days, the remaining employee will be treated as a new employee and will serve the one hundred eighty (180) days introductory period. Exceptions to this rule are jobs related and non-job-related disability leaves.

710 JOB RELATED AND NON-JOB-RELATED DISABILITY LEAVE

Disability leave may be granted to any regular full-time employee. A disability leave of absence requires a continued physician's statement of disability (each two [2] weeks). A maximum of twelve (12) months applies. During this period the employee wishing to continue insurance coverage will continue to pay their portion of all insurance premiums. Section 607 F applies if disability leave is in excess of twelve (12) months. Employees must present a signed physician's "release to return to work" form in order to return to work.

711 MILITARY LEAVE

1. Regular employees ordered for temporary monthly training (usually two [2] days) or annual training (usually two [2] weeks) by the respective military reserve or National Guard unit will be granted time off without pay for this purpose. However, employees are required to provide department heads with

a copy of written military orders sufficiently in advance of training dates so that work-scheduling adjustments can be made.

2. Employees will continue to accrue all of the normal employment benefits for which they are eligible during periods of temporary or annual military training.
3. Employees may voluntarily use accrued vacation time during military leave if they choose.
4. Employees are responsible for making their required contributions to keep their health insurance in force during military leave.
5. Employees called to active duty in the Armed Forces of the United States will be reinstated under the provisions of the Veteran's Reemployment Rights Act and other applicable state and federal laws. Every reasonable effort will be made to return eligible employees to their previous position or a comparable one.
6. Employees on military leave will be treated as if they were continuously employed for the purpose of determining benefits, based upon the length of service.

712 FAMILY AND MEDICAL LEAVE OF ABSENCE

The federal **Family & Medical Leave Act of 1993** (FMLA) as amended, requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available, including the basic 12-week leave entitlement (Basic FMLA Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy.

Eligibility

Employees are eligible for FMLA leave if they:

1. Have worked for the company for at least 12 months;
2. Have worked at least 1,250 hours for the company during the 12 calendar months immediately preceding the request for leave; and
3. Are employed at a work site that has 50 or more employees within a 75-mile radius.

The 12 months of service need not be consecutive. Employment before a break in service of 7 years or more will not be counted, unless the break in service was caused by the employee's USERRA-covered service obligation, or there was a written agreement that the employer intended to rehire the employee after the break in service.

Under certain conditions, employees who are designated as "key" may be denied job restoration rights. These employees must be in the highest paid ten percent (10%) of the workforce, and their absence must mean a substantial economic loss to Yankton County. Supervisors are urged not to use a "key" person designation unless absolutely necessary. If a person designated as "key" still takes family leave, Yankton County will pay the health care premiums, but no guarantees are made about returning the key employee to the job he or she left. Yankton County will not attempt to recover health care premiums from such employees who do not return to work.

Basic FMLA Leave

Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

1. To care for the employee's son or daughter during the first 12 months following birth;
2. To care for a child during the first 12 months following placement with the employee for adoption or foster care;
3. To care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition;

4. [For incapacity due to the employee's pregnancy, prenatal medical or child birth; or](#)
5. [Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.](#)

[The twelve \(12\) month period is determined on a "rolling basis"; measured backward from the date an employee uses any FMLA leave. Under this method, each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the twelve \(12\) weeks that has not been used during the immediately preceding twelve \(12\) months. Employees will be required to take any unused sick and vacation time as part of this 12-week period.](#)

[In cases where a married couple is employed by the County, the two spouses together may take a combined total of 12 weeks' leave during any 12-month period for reasons 1 and 2, or to care for the same individual pursuant to reason 3.](#)

[Military Family Leave](#)

[There are two types of Military Family Leave available.](#)

1. **[Qualifying exigency leave.](#)** [Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave for a qualifying exigency while the employee's spouse, son, daughter, or parent \(the military member or member\) is on covered active duty or call to covered active duty status \(or has been notified of an impending call or order to covered active duty\).](#)

[For Regular Armed Forces members, "covered active duty or call to covered active duty status" means duty during the deployment of the member with the Armed Forces to a foreign country \(outside of the United States, the District of Columbia, or any territory or possession of the United States, including international waters\).](#)

[For a member of the Reserve components of the Armed Forces \(members of the National Guard and Reserves\), "covered active duty or call to covered active duty status" means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.](#)

[Qualifying exigencies may include:](#)

- [Short-notice deployment \(seven or less calendar days\)](#)
- [Attending certain military events and related activities](#)
- [Childcare or school activities](#)
- [Addressing certain financial and legal arrangements](#)
- [Periods of rest and recuperation for the military member \(up to 15 calendar days of leave, dependent on orders\)](#)
- [Attending certain counseling sessions](#)
- [Attending post-deployment activities \(available for up to 90 days after the termination of the covered military member's covered active duty status, and to address issues arising from death of military member\)](#)
- [Attending to parental care needs arising from covered active duty or call to duty \(arrange for alternative care for a parent of a military member, provide urgent or immediate care, admit or transfer to a care facility, or attend non-routine caregiver meetings with care facility staff\)](#)
- [Other activities arising out of the military member's covered active duty or call to active duty and agreed upon by the company and the employee](#)

2. **[Leave to care for a covered service member.](#)** [There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave during a single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military](#)

service member or veteran recovering from a serious injury or illness, as defined by FMLA's regulations.

For a current member of the Armed Forces, including a member of the National Guard or Reserves, the member must be undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness.

For a covered veteran, he or she must be undergoing medical treatment, recuperation or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

An eligible employee must begin leave to care for a covered veteran within five years of the veteran's active duty service, but the single 12-month period may extend beyond the five-year period.

Use of FMLA Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave. Employees are prohibited from engaging in alternative employment while on FMLA leave from the County. Employment by a branch of the United States' Armed Forces during approved military leave does not constitute alternative employment during sick leave.

Time off for FMLA

Employees are required to first use available sick and vacation time for FMLA qualifying events. Department Heads and Deputy States Attorneys who do not receive vacation or sick benefits will be allowed to use up to a total of 30 calendar days of paid leave for any combination of type of leave of absence, including an approved FMLA leave, per year. If all paid time off options have been exhausted, the remaining time off will be unpaid.

The substitution of paid leave time for unpaid leave time does not extend the 12- or 26-week leave period. Furthermore, in no case can the substitution of paid leave time for unpaid leave time result in the receipt of more than 100 percent of an employee's salary.

Employees are prohibited from working any other job for another employer while out on FMLA leave.

While out on leave, employees may be required to periodically report in to their supervisors regarding their return to work plans.

Medical certification

Employees must provide certification explaining their own serious health condition or that of a family member. It should detail:

1. The date on which the condition began;
2. The probable duration of the condition;
3. Appropriate medical facts regarding the condition;
4. A statement that the employee is needed to care for a spouse, parent, or child; and
5. A statement that the employee's own health condition makes it impossible for them to work.

All employees returning from medical leave caused by their own illness will be required to obtain medical certification from Yankton County's health care provider that the employee is able to resume work.

Employees on leave status will be required to report their status on a weekly basis. The employee's estimated date of return to work will be communicated to the appropriate Yankton County compliance officer or supervisor as far in advance as practical so that scheduling can be facilitated. Supervisors will communicate with employees during the leave to determine the employee's intention to return to work, and they should be informed immediately if the medical condition changes or the employee states that they will not be returning to work.

Medical and other benefits during an approved FMLA leave

During an approved family medical leave, the company will maintain the employee's health benefits as if the employee continued to be actively employed. If paid leave is substituted for unpaid family medical leave, the company will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium and make arrangements through the payroll department.

An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the payment is more than 15 days late, the company will send the employee a letter to this effect. If the company does not receive the co-payment within 15 days after the date of that letter, the employee's coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse the company for the cost of the premiums paid by the company for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

Employees will not accrue any paid time off benefits while on FMLA leave.

Return to job at end of FMLA leave

Upon return from FMLA leave, eligible employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms except as otherwise provided by law. Return to work documentation may be necessary if an employee is on leave for their own serious medical condition.

Employee Responsibilities When Requesting FMLA Leave

If an employee is unable to return to work following the expiration of all FMLA leave, the County will engage in the ADA accommodation process. If the need to use FMLA leave is foreseeable, the employee must give the company at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

Whenever possible, requests for FMLA leave should be submitted in writing to the Auditor's Office.

If the need for leave is not foreseeable, employees are required to provide as much notice as soon as practicable under the facts of the particular case. An employee requiring unforeseeable leave must, absent extraordinary circumstances, call his or her direct supervisor and provide sufficient information regarding the employee's need for leave to support a request for FMLA leave. It generally should be practicable for the employee to provide notice of leave within one business day.

When submitting a request for leave, the employee must provide sufficient information for the County to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. Calling in "sick" is not sufficient. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the company if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also will be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities during an FMLA Leave

When an employee requests leave, the County will inform the employee whether he or she is eligible under the FMLA. If the employee is eligible for FMLA leave, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible under the FMLA, the company will provide the employee with a written notice indicating the reason for ineligibility.

If leave will be designated as FMLA-protected, the County will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's 12- or 26-week entitlement.

Reporting While on FMLA Leave

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must notify their Department Head as soon as possible. If the FMLA is intermittent, it is the employee's responsibility to notify their Department Head in accordance with company call in standards. The employee also must clarify the time off is FMLA related.

713 HEALTH INSURANCE

It is the policy of Yankton County to offer health insurance benefits to regular full-time employees. Yankton County will offer one or more options for coverage, and will contribute an amount to be determined each year towards each eligible employee's premium. Employees who want to provide health insurance coverage for family members will be responsible for the additional premium cost, to be paid through payroll deduction.

Insurance coverage and options may change from year to year.

714 HEALTH INSURANCE CONTINUATION (COBRA)

Group health coverage would normally terminate on the last day of active full-time employment with Yankton County. However, under the Federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and covered dependents may be able to continue group health coverage beyond the date it would normally terminate by paying the premiums for the continued group health coverage, plus an administrative fee. Other qualifying events, such as leave of absence, change of work hours, change of marital status, change of dependent status, or death, may also trigger the ability to continue coverage.

After a qualifying event, employees and/or covered dependents may apply to continue group health coverage. Such persons will be known as continuation applicants. As continuation applicants, former employees and eligible dependents will be entitled to the same health benefits for which they were covered under the County's Plan immediately prior to the employee's termination. Coverage includes medical benefits, but does not include any life insurance or accidental death and dismemberment benefits.

When an employee becomes eligible for Yankton County's health insurance plan, they will be given a written notice describing the COBRA rights.

[In the event that you become divorced or legally separated, or one of your dependents ceases to be eligible for coverage under our group health insurance plans, you and/or your dependent\(s\) is/are responsible for contacting the Auditor's office and the Plan Administrator to discuss continuation or conversion rights. You and your qualified beneficiary are also responsible for notifying the Auditor's and the Plan Administrator within 60 days of qualifying for social security disability benefits.](#)

715 HEALTH REIMBURSEMENT ARRANGEMENT (HRA)

The Health Reimbursement Arrangement (HRA) is an employer-funded benefit to reimburse eligible full-time employees for out-of-pocket medical expenses and personal health insurance premiums. This benefit allows employees to pay for certain medical expenses not covered by insurance.

[Yankton County is a participating member of South Dakota Retirement System \(SDRS\). For eligible employees as defined by SDCL 3-12, participation in SDRS is mandatory and administered in accordance with policy and procedure outlined by SDRS. In addition, Yankton County also offer participation in the SDRS Supplemental Retirement Plan \(SRP\), which is a personal retirement savings option available to SDRS members and any person providing services to the state or a political subdivision of the state for which compensation or contractual payment is paid by an SDRS-participating employer. The SDRS-SRP allows participants to save additional dollars for retirement on either a pre-tax or after-tax \(Roth\) basis.](#)

[The SDRS is set by state statute and is subject to change, and any statutory provisions supersede all references made in any other material distributed by the County.](#)

717 LONGEVITY PAY (Bonus for time employed in County service)

The length of County employment shall be the full number of years as of the hire date of the employee during the calendar year. The employee's "years of service" shall be considered for longevity pay. The department head shall determine any question on eligibility.

Eligible employees shall be paid a prorated share of longevity pay upon their voluntary termination of employment.

Longevity pay shall be paid annually [\(through direct deposit\)](#) on or around the employee's anniversary date, according to the following formula [\(NOTE: Some departments may have a different payment formula due to a different work schedule.\)](#)

Years of Service	Annual Payment	Years of Service	Annual Payment
0-5	NONE	31 (\$30 increase each year)	\$930
6-10	\$100	32	\$960
11-15	\$175	33	\$990
16 (\$15 increase each year)	\$250	34	\$1,020
17	\$265	35	\$1,050
18	\$280	36 (\$35 increase each year)	\$1,260
19	\$295	37	\$1,295
20	\$310	38	\$1,330
21 (\$20 increase each year)	\$420	39	\$1,365
22	\$440	40	\$1,400
23	\$460	41 (\$40 increase each year)	\$1,640
24	\$480	42	\$1,680
25	\$500	43	\$1,720
26 (\$25 increase each year)	\$650	44	\$1,760
27	\$675	45	\$1,800
28	\$700	46 (\$45 increase each year)	\$2,070
29	\$725	47	\$2,115
30	\$750	48	\$2,160

718 EMPLOYEE BENEFIT ELIGIBILITY SUMMARY TABLE

The following table outlines the benefits that are generally available to various employee classifications. The table's purpose is to provide a "quick reference" for employees. It may not accurately represent the benefit situation for each employee within a particular classification; nor does it infer a promise by the County to provide particular benefits to any group of employees.

***Please refer to the individual benefit descriptions for information on the timing of benefit accrual and use.**

Employee Classification The following classifications are defined in the "Terms and Definitions" Section page v. ✓ - Indicates benefit eligibility	Worker's Comp & Injury Leave	Vacation Leave	Sick Leave	Donated Sick Leave	Funeral Leave	Jury Duty	Court Appearance	Leave of Absence	Disability Leave	Military Leave	Family & Medical Leave	Health Insurance	Health Insurance Continuum	Retirement	Longevity Pay
Temporary or Seasonal (Less than 6 months)	✓						✓								
Temporary or Seasonal (More than 6 months)	✓						✓					✓			
Part Time (Under 20 hours per week)	✓						✓								
Regular Full Time (At least 35 hours per week)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Regular Full Time (At least 30 hours per week)	✓					✓	✓			✓		✓		✓	
Regular Part Time (Over 20 hours per week)	✓					✓	✓			✓				✓	
Contract (Under County supervision)	✓						✓								
Introductory (Regular Full Time) *	✓	✓	✓		✓	✓	✓			✓		✓		✓	
Introductory (Regular Part Time) *	✓					✓	✓			✓		✓		✓	

719 INCLEMENT WEATHER

Weather conditions may, on occasion, make it impossible for you to arrive at work safely. The County does not want you to take unnecessary risks to get to work under such circumstances and you should use common sense and your best judgment when traveling to work in inclement weather.

If weather conditions cause the Government Center to close, hourly employees who have reported to work will be paid for all hours worked or a minimum of two (2) hours, whichever is greater.

If the County opens for business and you elect not to come into work or to leave early because of dangerous weather conditions, available paid time off will be used or otherwise the time off is unpaid.

720 NURSING MOTHERS

Nursing mothers are entitled to reasonable break times each day to allow for expressing breast milk for her nursing child. The County will provide a room or location (not a restroom), for a nursing mother to express milk with privacy.

721 STAFF DEVELOPMENT

Yankton County employees are afforded various training opportunities for the purpose of providing academic and technical knowledge in the area of their official duties. Budget permitting, these may include in-service seminars, workshops, or training for academic credit. All travel and expenses outside of approved budget items are subject to approval by the County Commissioners.

722 CREDIT CARDS

County employees traveling outside the county on county business may be issued a credit card under their name and office.

Credit cards may be used for motels, gas and/or repairs for county vehicles, and purchases where open accounts are unavailable or inefficient including conference registration. Meals are covered on a per diem basis and credit cards are not used.

Department Heads are responsible for cards issued to their offices and shall code all credit card receipts monthly for the Auditor. Department officials shall immediately report any lost cards to the bank. Misuse of credit cards may result in loss of the card privilege.

SECTION VIII: TRAVEL POLICIES

801 MILEAGE COMPENSATION

1. It is the policy of Yankton County to reimburse employees for business related travel, in personal vehicles, according to the following conditions:
 - a. The travel must have been approved by the employee's supervisor; and
 - b. A properly prepared voucher must have been submitted to the Auditor.
2. The mileage rate is subject to change. Employees should contact their supervisor or the County Auditor to obtain the current mileage rate. State mileage figures will be considered in determining the rate amount.

802 MEALS

1. County business related meal expenses will be reimbursed under the following conditions:
 1. The employee was on authorized County business; and
 2. A properly prepared voucher must have been submitted to the Auditor.
2. The County will reimburse the employee based upon current state government rates.
3. Meal payments will be based upon the following time periods.
 - a. Breakfast. Leave before 6:00 a.m.
 - b. Lunch Leave before 11:00 a.m.
 - c. Dinner Leave before 5:00 p.m.
4. The meal rates are subject to change. Employees should contact their supervisor or the County Auditor to obtain the current rates.
5. Meal costs may not be allowable expenses unless the business trip is overnight. Meal compensation may be treated as employee income if the activity does not involve an overnight stay.

803 LODGING

1. Yankton County will reimburse employees for lodging expenses, while on official business, under the following conditions:
 - a. The travel was authorized by their supervisor;
 - b. The accommodations were reasonable in price for the area. If the expenses appear excessive, "state lodging rates" shall be the initial consideration in evaluating costs. The location of the meeting or work sites in relation to the lodging may also be considered. Finally, the prevailing price of similar accommodations may be reviewed; and
 - c. A completed voucher and applicable receipt are submitted to the Auditor.
2. Employees are encouraged to stay at the most economical accommodations available.

804 REGISTRATION AUTHORIZATION

1. Except otherwise noted in state law, no registration charges for attending meetings shall be approved by Yankton County, unless authorized by the County Commission in advance, **such as through the budget approval process.**
2. A completed voucher must be submitted to the Auditor.

805 RIDESHARING AND USE OF COUNTY VEHICLES

1. County personnel are encouraged to pool rides whenever possible while traveling to worksites, meetings, conferences, or training locations.
2. Vehicles, owned, or leased by Yankton County are to be used for business purposes only. This includes transportation for County personnel during business hours (on County business).
3. The personal use of county vehicles is not allowed without prior approval of the County Commission. Commission's approval will be contingent, in part, upon the necessity of the employee having immediate access to a county vehicle (Example: on call emergency personnel).
4. All Yankton County employees are reminded to wear seatbelts when traveling in any County- owned or leased vehicle, as required by state law.
5. Consumption of alcohol in any County-owned or leased vehicle, either by a driver or a passenger is expressly prohibited. Violation of this policy will result in disciplinary action, up to and including termination for the first such offense.
6. Drivers should not consume beverages or food or participate in any other behavior that could distract them while operating a vehicle.

806 DRIVERS LICENSE AND INSURANCE RESPONSIBILITIES

1. The County may require all drivers to submit a photocopy of their state operator's license to facilitate a review of their driving record and restrictions.
2. The County may request a copy of any Motor Vehicle Report or associated legal documents if the driver is under disciplinary probation or suspension.
3. Drivers are required to report to their supervisor any and all tickets received while driving a County vehicle.
4. Drivers are required to inform their Supervisor of any Driving Under the Influence (DUI) tickets, suspensions or revocation of driving privileges immediately. Continuing to drive a County vehicle while under suspension may result in termination.
5. All employees using their personal vehicle for county business on a regular basis shall provide a Certificate of Insurance or a photocopy of an insurance statement to show proof of insurance.

807 DEFENSIVE DRIVING CLASSES

1. Employees are encouraged to complete a defensive driving course at least every two years if they [regularly operate motorized vehicles and/or](#) travel regularly on County business.
2. The County may provide opportunities for all employees to take defensive driving classes as it deems necessary.

808 PERSONAL USE OF COUNTY VEHICLES

1. Certain employees may be authorized to use county vehicles to commute to and from work, if immediate access to such a vehicle is necessary for the effective delivery of services (examples - emergency response and snowremoval determinations).
2. Employees using a county vehicle for commuting may have a "financial benefit" added to their gross income. The amount of the benefit will be determined by applicable state and federal guidelines.
3. Employees will be responsible for paying appropriate taxes on the additional income.

SECTION IX: HIRING PROCEDURES AND PERFORMANCE REVIEWS

901 RESPONSIBILITIES OF THE COUNTY COMMISSION

SDCL §7-7-20 authorizes the County Commission, if it deems it necessary to dispatch business, to fix:

1. The number of deputies or clerks to be employed;
2. The time of employment; and
3. The compensation which they shall receive.

902 RESPONSIBILITIES OF CONSTITUTIONAL OFFICERS

SDCL §7-7-21 gives the officer the authority to appoint and remove clerks and deputies at pleasure.

903 RESPONSIBILITIES OF APPOINTED DEPARTMENT HEADS

The County Commission delegates the responsibility of hiring employees to appointed department heads, subject to the policies of Section 904.

904 POLICIES

1. It is the policy of Yankton County to be an equal opportunity employer and to hire individuals solely upon the basis of their qualifications and ability to perform the job. South Dakota's Veterans Preference Law must be followed in the hiring process.
2. All supervisors, including constitutional officers, shall inform the County Commission of a job opening, prior to advertising and/or filling the position, unless they are replacing an employee that was already part of the department's current annual operating budget.
3. Yankton County will normally try to fill job openings, above entry level, by promoting from within, if qualified applicants are known to be available internally.
4. Regular full-time and part-time positions will be posted internally, as well as on on-line job boards and/or newspapers advertised in the County's official newspaper(s) and other designated publications or offices.
5. Temporary positions may be filled at the discretion of the supervisor, provided the job(s) are part of the department's current annual operating budget.
6. During the recruitment, hiring, and orientation process, no statement is to be made promising permanent or guaranteed employment and no document should be called a contract unless, in fact, a written employment agreement is to be used. **No written employment agreements may be made without the prior approval of the Board of County Commissioners.**
7. The Board of County Commissioners shall be informed of all hiring decisions. Prior Commission approval is needed for any hiring decision that will result in the department exceeding its authorized budget.
8. The County Commission reserves the right to review all hiring decisions to determine if County policies have been followed in selecting the employee.

905 INTRODUCTORY PERIOD

1. Introductory employees shall work an introductory period of one hundred eighty (180) days.
2. The department head will utilize the introductory period to observe the employees work, to train and aid employees in meeting the required work standards.

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3. At the end of the introductory period, the department head will conduct a performance appraisal. If this performance appraisal results in a "satisfactory" evaluation, or better, then the employee will have successfully completed the introductory period.
4. The department head, on behalf of the supervisor or other person charged with responsibility of overseeing the employee's position may terminate the employee for any reason during the introductory period.
5. Employees will accrue benefits during the introductory period.
6. Any significant absence from work during the introductory period may result in a corresponding extension of the introductory period.

906 REGULARLY SCHEDULED REVIEW

Yankton County encourages annual performance reviews where department heads assess each individual's work and areas of responsibility, and convey this information to that person to enable the employee to know whether they are on target or not with their efforts. Positive feedback is just as important as negative in that both help an employee do a better job, which is the County's overall goal. Also, this time is set aside for employees to meet with their supervisors and to bring up any subjects they would like; such as new ideas, policy questions, etc.

The performance of employees should be evaluated according to an ongoing twelve (12) month cycle-

Department heads are encouraged to conduct performance evaluations **on a regular schedule, but** no later than November 30, of each year. Non-elected department heads may be evaluated by the County Commission on or near the first regular commission meeting in December.

907 WAGES

Changes in salary or wage rates are normally made on an annual basis in December of each year, with any adjustments to be effective January 1st of the following year.

908 POLITICAL ACTIVITY

Political affiliation or activity will not be a factor in hiring, promotion, demotion, transfer, suspension, termination, or any other conditions and privileges of employment with Yankton County. County employees will not use their County work time or County facilities to aid, encourage, or promote candidates for elected public office whether partisan or nonpartisan.

Those employees whose employment is financed by loans or grants made by the United States or a federal agency may be subject to the provisions of the Federal Elections Campaign Act (the "Hatch" Act) regardless of when or where partisan election activities occur. This Act prohibits certain types of involvement in federal, state and local elections such as use of official authority or influence to affect an election or nomination of a candidate, donations of items of value to an election fund, or becoming a candidate for office in a partisan election.

Nothing in this section will prohibit any non-elective County officer or employee from exercising his/her right as a citizen to express an opinion or do any partisan or nonpartisan political act not expressly prohibited herein as long as it is not done on County time or with County resources. This includes advocating for or against ballot issues.

A County employee will not be obliged to, by reason of employment, contribute to any political funds or collections or to render political service. Any employee refusing to contribute such funds or to render such service may not be removed or otherwise disciplined or prejudiced for that refusal. A County employee cannot use their position to coerce the political action of a person or group.

In the case of any County employee running for an elective public office, the following provisions will apply:

1. A County employee who intends to be a candidate for political office or participate in other time-consuming responsibilities connected with a governmental unit other than the County must notify their Department Head and the

County Commission in writing as soon as possible.

2. Due to the wide variance in demands on time and the employee's differing job responsibilities, leaves of absence for the purpose of campaigning or holding political office will be arranged with the County Commission on an individual basis.
3. The Commission will give the employee a written copy of any agreement it reaches regarding the employee's political activity and job responsibilities.
4. Employees who are granted a leave of absence for political activity may return to their previous employment with the County without loss of position or benefits following that absence.
5. These restrictions do not apply to elected County officials.
6. The County will not employ or retain any person who advocates or belongs to an organization that advocates the overthrow or change of our government by force or violence. Employees may be required to take an oath as set forth in the State Constitution (Art. XXI, Sec. 3), SDCL 3-1-5, SDCL 3-5-11, and SDCL 3-2-3.

SECTION X: DISCIPLINARY PROCESS AND GRIEVANCE PROCEDURES

1001 DISCIPLINARY PROCESS

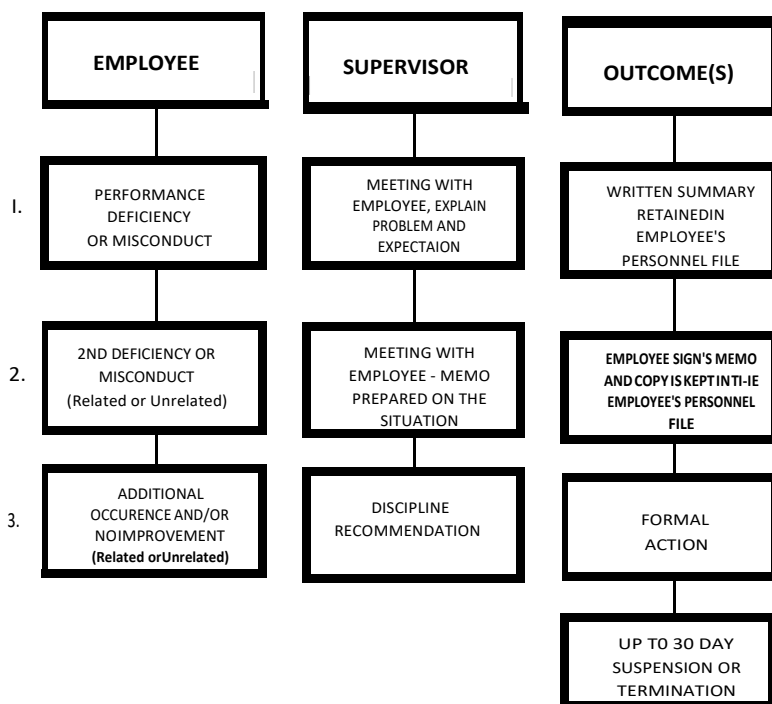
1. Yankton County encourages employees to develop their performance to the highest level or ability. To achieve this level an employee cannot let lateness, tardiness, failure to follow work rules and policies, or unacceptable job performance interfere with their job.
2. When a problem occurs, the normal process will be to encourage the employee to change the unacceptable behavior or performance problem. The normal process includes the following steps:
 - a. Verbal warning and counseling with the department head or supervisor;
 - b. Written warning with a copy in personnel file;
 - c. Up to a thirty (30) day suspension; or
 - d. Termination.

Item 3 and 4 may be applied on the first offense if the performance or behavioral problem is sufficiently serious, upon recommendation of the department head and approved by the Yankton County Commission.

3. Steps taken and time allowed for resolution is dependent upon the nature and severity of the problem.
 - a. Verbal Warning and Counseling: If a supervisor or department head views the employee's behavior or performance on the job as unacceptable, they will counsel the individual regarding the problem area. A written summary of this decision will be retained in the employee's personnel file.
 - b. Written Warning and Counseling: If unacceptable behavior or performance continues after counseling, the department head will document the behavioral or performance problem, previous discussions, the current situation, and conditions toward necessary improvements in a memo. The employee will be asked to sign this document and a copy will be retained in their personnel file. The employee will also receive a copy of this memo. Continuation of the unacceptable behavior or performance, after verbal and written warning, will be cause for termination.
 - c. Suspension or Termination: When all measures of progressive disciplinary action regarding behavioral or performance problems have been taken, and there is no improvement, there is little choice but to either impose a suspension of up to thirty (30) days or terminate the employment relationship. Employees under suspension may be subject to the withholding of wages and benefits for the period of the suspension, with the exception of health insurance contributions.
4. An employee who has been dismissed shall be entitled to a hearing at the next Commissioner's meeting following their dismissal. No written request shall be necessary. Such hearing shall be conducted in private with the dismissed employee and the department head present. The hearing may be adjourned from time to time. If the employee wishes to have an attorney present, they must notify the Commissioners who may then reschedule the hearing to a time when the states attorney can be present to advise the Board. Both sides may call sworn witnesses. Employees may provide a court reporter at their own expense. The Commissioners' decision shall be entered into the minutes of the meeting.

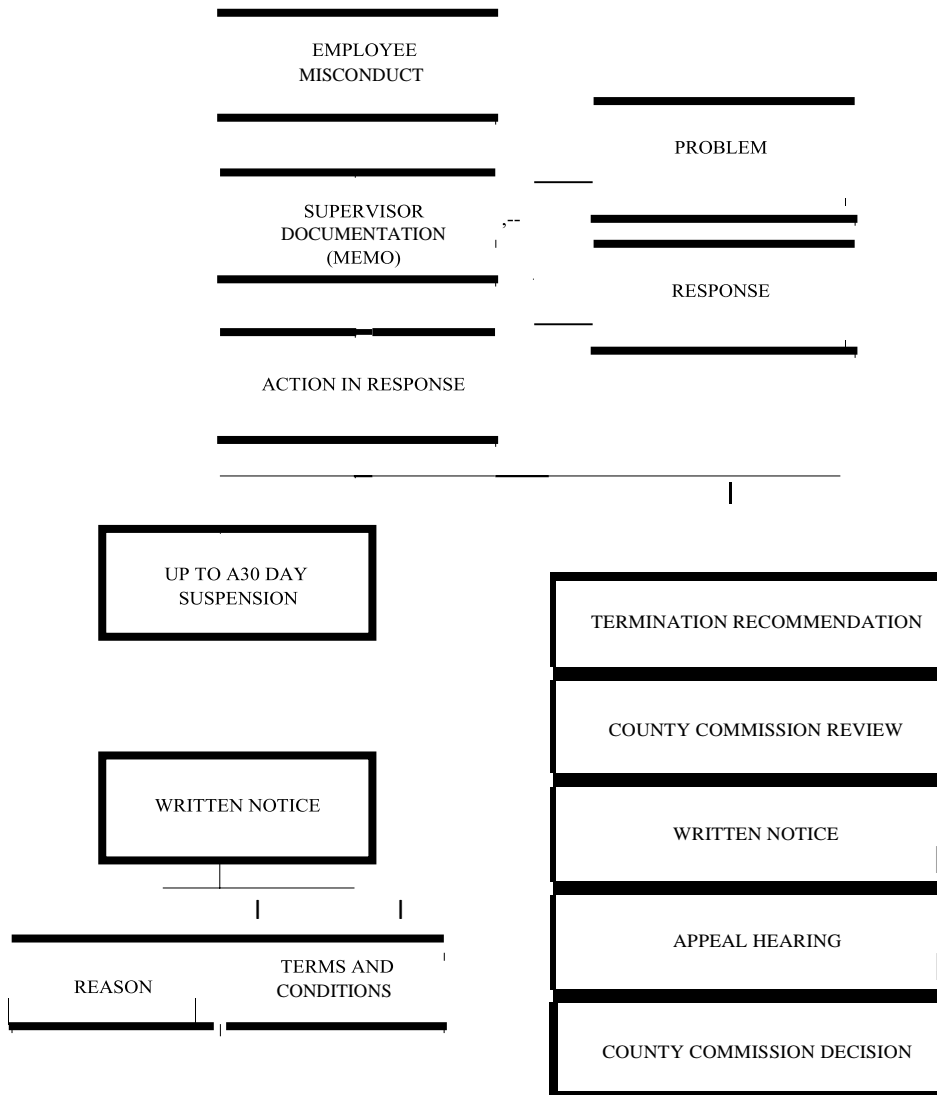
5. The following illustration is a representation of progressive discipline. It does not supersede the County's written policies, nor does it infer that the same steps will be taken in all cases. Its purpose is to show how employees and supervisors could interact and the outcomes of various misconduct situations.

ILLUSTRATION OF PROGRESSIVE DISCIPLINE



6. The following illustration is a representation of the actions associated with suspension or termination. It does not supersede the County's written policies, nor does it infer that the same steps will be taken in all cases. Its purpose is to show how the process would typically work.

ILLUSTRATION OF SUSPENSION OR TERMINATION PROCESS



1002 GRIEVANCE PROCEDURE

1. Definitions:

Grievance: An alleged violation, misrepresentation, or inequitable application of an existing agreement, contract, resolution, policy, rule or regulation, of County Commissioners or of any County office.

County Office: Any office under the supervision of the County Commissioners or of any elected County Officer.

Department Head: The County Officer in charge of the employee's office. Where applicable, it also refers to the Board of County Commissioners.

2. All employee grievances will be handled in the manner set out by this resolution. Failure to follow this grievance procedure will result in the grievance being dismissed with prejudice.
 - a. The employee will discuss the grievance with his/her department head. If the grievance is of a non-recurring nature, this step must be within thirty (30) calendar days of the event leading to the grievance. If the grievance is of a recurring nature, this step must be taken within five (5) working days of the event leading to the grievance.
 - b. If the grievance cannot be reconciled through step one to the employee's satisfaction within one week (7 calendar days) from the time the grievance is originally presented to his/her department head, the employee shall present the department head with a written grievance which shall state specifically the event(s) causing the grievance, all actions taken by the employee to resolve it and the action the employee desires the employer to take.
 - c. The department head shall resolve the grievance by themselves if he/she is able to and if he/she feels it is justified. If the department head cannot resolve it within one week (7 calendar days), he/she shall present it to the Board of County Commissioners for discussion at its next regularly scheduled meeting.
 - d. The Commissioners shall render a decision on the grievance at the meeting in which it is presented. The Commissioners may postpone a decision to the next regularly scheduled meeting if additional information or legal advice is needed.
3. The Burden of Proof in this procedure shall be on the employee. The employee will have to furnish the evidence necessary to prove any contested facts.
4. This procedure is for the benefit of the individual employees only. It may not be used by a non-employee (including former employees who have resigned, retired or been dismissed), nor by employee associations or by labor unions.
5. The department head should carry out the following four steps with fairness, firmness, and understanding, since these are fundamental to the satisfactory handling of any grievance.
 - a. The department head shall:
 - i. Receive the grievance properly;
 - ii. Arrange for privacy;
 - iii. Give a good hearing;

- iv. Give their full attention;
 - v. Don't interrupt;
 - vi. Ask questions to make certain all the facts are given;
 - vii. Repeat the essentials to the employee in their own words to assure accurate communication; and
 - viii. Assure the employee of prompt action.
- b. Get the facts:
- i. Check every angle;
 - ii. Check the union agreement (if applicable);
 - iii. Check State law and County practices; and
 - iv. Examine the employment record of the employee involved.
- c. Take action within one week:
- i. If the employee is right, take steps to correct the situation and prevent its recurrence; and
 - ii. If the employee is wrong, explain decisions to them.
- d. Follow-up:
- i. Make sure actions are carried out;
 - ii. Maintain an atmosphere which will promote high morale; and
 - iii. Check with employees to find out whether there are potential irritations, which may become grievances, and take steps toward their removal.
6. Department heads shall not discourage employees from coming to them with grievances. Neither shall an employer discriminate against or take discriminatory action against an employee who has filed or is in the process of filing a grievance. Although they may be troublesome and time-consuming, it is better that employees make their grievances known than to keep them within themselves. An unheard grievance can be a serious infection, which before long may undermine the morale of an entire office.
7. The following illustration is a representation of the County's grievance procedure. It does not supersede the County's written policies, nor does it infer that the same steps will be taken in all cases. Its purpose is to show typical steps and time frames.

GRIEVANCE PROCEDURE ILLUSTRATION



1003 Separation of Employment

Termination of employment is an inevitable part of personnel activity within any organization and many reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation – voluntary employment separation initiated by an employee
- Discharge – involuntary employment termination initiated by the organization
- Lay-off – involuntary employment termination initiated by the organization for non-disciplinary reasons
- Retirement – voluntary employment termination initiated by the employee meeting age, length of service and any other criteria for retirement from the organization.

As a matter of courtesy, non-exempt employees who desire to leave County employment are requested to give a 2-week notice. Exempt employees are requested to give at least a 30-day notice. Retirement notices should be given as far in advance as possible. Separation notices should be in written form. Generally, the last day worked will be recognized as the termination date. Employees will be paid for all time worked up to the separation date and time in accordance with the Fair Labor Standards Act. Paid time off will be paid out at the next pay period to employees that provide adequate notice and as set forth in this Handbook.

Employees must return all equipment belonging to the County on or before the last day of employment including but not limited to, all keys, County telephones and/or radios, and charge card (if issued). No final settlement of pay will be made until all items are returned in appropriate condition, unless it conflicts with state or federal laws. The cost of replacing non-returned items may be deducted from the final paycheck to the extent permitted by law. Furthermore, any outstanding financial obligations owed to the County will also be deducted from the final check.

Since employment at Yankton County is based on mutual consent between both the employee and the County, both the employee and Yankton County have the right to terminate employment at will, with or without cause, at any time.

Employee benefits will be affected by employment termination. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

1004 Reinstatement

Employees who resign from an SDRS benefits eligible position with the County may be reinstated to their former position and rate of pay under the following conditions.

1. The vacated position or an equivalent position is open;
2. The Department Head and County Commission approve the reinstatement; and
3. The employee forfeits all previously accrued leave and seniority.

Re-employment at any time later than two weeks after separation will be treated as new employment in all respects, including the requirement to compete in an open selection process.

Appendix: Code of Conduct



CODE OF CONDUCT

FOR COUNTY COMMISSIONERS, ELECTED AND APPOINTED
DEPARTMENT HEADS, MEMBERS OF ALL BOARDS, COMMISSIONS,
COMMITTEES, TASK FORCES OR OTHER APPOINTED ADVISORY GROUPS

YANKTON COUNTY, SOUTH DAKOTA

ADOPTED BY THE YANKTON COUNTY BOARD OF COMMISSIONERS

2020

PREFACE

Business Ethics and Conduct

The successful business operation and reputation of Yankton County is built upon the principles of fair dealing and ethical conduct. The reputation of county governance for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of personal conduct, integrity and public service.

The continued success of Yankton County is dependent upon the public's trust and those who serve the public on behalf of the County should be dedicated to preserving that trust. County Commissioners, elected and appointed department heads, members of all boards, commissions, committees, task forces or other appointed advisory groups owe a duty to Yankton County and the public to act in a way that will merit the continued trust and confidence of the public.

Yankton County expects its elected officials, appointed department heads, members of boards, commissions, committees, task forces and other appointed advisory groups to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest, unethical or disruptive behavior. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct.

It is the policy of the County of Yankton, South Dakota, to uphold, promote and demand the highest standard of ethical behavior from its elected and appointed department heads and individuals serving on all boards, commissions, committees, task forces or other appointed advisory groups, hereinafter referred to collectively as "Members." It is presumed that all Members have chosen to serve in order to preserve and protect the present and the future of the County. Honesty, integrity and fairness are hallmarks of public service.

This code has been created to ensure that all Members have clear guidelines for carrying out their responsibilities in their relationships with each other, with all other county employees, with the citizens of Yankton County and with all other private and governmental entities.

SECTION 1: Obey the Laws

Obeying the law, both in letter and in spirit, is the foundation on which this County's ethical standards are built. The Members shall support the Constitution of the United States and the State of South Dakota as well as all federal, state and local laws, rules and regulations.

SECTION 2: Responsibility of Public Service

Members are to be trustworthy, respectful, responsible, fair, caring and promote citizenship at all times and are not entitled to special consideration or treatment based on their official position or responsibility.

In addition to the above:

- A. Members should actively pursue policy goals they believe to be in the best interest of all residents within the parameters of orderly decision-making and the laws and rules governing those decisions.
- B. Members should respect the legitimacy of the goals and interests of other Members and should

respect the rights of others to pursue goals and policies different from their own.

- C. Members, who sit on county boards, commissions, committees, advisory groups, task forces, etc., do not individually speak for the body itself unless approved by the Member body to do so.
- D. Members should dispose of the business of the County in a deliberate manner that assures citizens have meaningful knowledge of and input into their decisions.
- E. Members should conserve the resources of the County in their charge. They should employ county equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
- F. No Member may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated.
- G. No person may offer or give to a Member, directly or indirectly, and no Member may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the Member's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the Member.
- H. Members are cautioned to refrain from giving legal advice or other related direction to members of the public on matters under investigation by Yankton County departments/offices, on matters pending before the courts or government bodies and on any matters where a conflict of interest would caution against any such communication.

SECTION 3: Members' Conduct with County Employees

Governance of the County relies on the cooperative efforts of the Members and the County employees who implement and administer adopted policies and procedures within the County. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community. The following are examples of how the Members should relate to the employees of Yankton County:

- A. Members should treat all employees as professionals. Clear, honest communication that respects the abilities, experience and dignity of each employee is expected. Poor behavior or disrespectful comments toward employees are not acceptable.
- B. Members should never publicly criticize employees. Public criticism of employees leads to poor morale of the employees and undermines their effectiveness with the public and is detrimental to their performance.
- C. Members should not attempt to influence by intimidation or other unethical means, the decisions or opinions of employees on issues that may come before the Planning Commission, Board of Commissioners or other Member bodies.
- D. Individual Members may not intentionally coerce or intimidate employees or interfere with employees' duties or authority.
- E. Members, with the exception of elected and appointed department heads interacting with their own employees, shall not instruct nor direct employees to perform duties related to the

employee's job.

- F. Requests for information and clarification on items of County business is allowed and encouraged. Communication is most effective when the Member contacts the Department Head or Elected Official in charge. Members in general should always respect and interact appropriately when requesting information pertinent to County business.

SECTION 4: Conduct in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Members toward an individual participating in a public meeting. Every effort should be made to be fair and impartial in listening to public comments. Members should listen to comments from the public and ask for clarification if they do not understand the comment. Members should not disparage or insult other Members, County employees or other members of the public.

The Chairperson presiding over any meeting, which is subject to open meetings laws or not, shall not allow an individual or other Member to interfere with the orderly progression of meetings. Personal attacks against any Member, County employees or any other person are not allowed regardless of whether the meeting is in session or in recess. If the audience dialogue or Member discussion becomes disruptive or abusive, the Chairman has the option to ask the offending individual(s) to leave or have the individual(s) removed from the meeting by law enforcement.

SECTION 5: Open Government

The citizens of Yankton County expect and deserve open government. South Dakota's open meetings law embodies the principle that the public is entitled to the greatest possible information about public affairs and is intended to encourage public participation in government.

Members who are subject to the Open Meetings Laws of the State of South Dakota shall conduct themselves in a manner that fully adheres to the intention of state laws concerning open meetings and transparency of actions. These Members are encouraged to employ a "mindset of openness" in conducting the affairs of the County in an open meeting and should resort to conducting business in executive session only when allowed by law.

SECTION 6: Conflict of Interest

In the execution of official County business, a Member shall not put himself or herself in a position where his or her personal interest conflicts with his or her duties and responsibilities. Members shall disclose any personal relationships to the governing body in the instance where there could be an appearance of a conflict of interest. The Member shall not use official information acquired in the course of their duties for personal gain.

SECTION 7: Violation of Code of Conduct

Violations of this Code of Conduct may result in disciplinary action taken by the Board of County Commissioners. Disciplinary action may involve public or private reprimand at the discretion of the appropriate governing body and may include removal from serving on an appointed body or removal from Office as provided in law.

Date of Adoption: February 4, 202



Employee Handbook

Yankton County, South Dakota

Updated and Revised
Draft August 2020

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SECTION 1: WELCOME & INTRODUCTION

101 WELCOME

Welcome to the **Yankton County** team! Together, we serve the residents of Yankton County. As an employer, Yankton County is committed to ensuring that working for the County is a rewarding and positive experience.

It is the policy of the Yankton County Commission that this document be used as the basic outline for employment policies, practices, and procedures. The Employee Handbook contains general statements of County policy and should not be read as including the fine details of each policy, or as forming an expressed or implied contract or promise that the policies discussed in it will be applied in all cases.

The Yankton County Commission may add to the policies in the Handbook or revoke or modify them from time to time. The Commission will attempt to keep the Handbook current, but there may be times when policies change before this document can be updated. In the event of a conflict between these policies and any state or federal law, the law shall prevail.

As an employee, it is important that you understand the policies and benefits available to you. This Employee Handbook explains various policies that will help you do your job to the best of your abilities. As a member of the Yankton County team, we want to help you develop professionally and personally, and to realize your potential as a valuable employee who contributes to the success of our County. Please refer to this Handbook often, and do not hesitate to contact your supervisor if you have questions or concerns that are not addressed here.

Once again, welcome to our team and we wish you a fulfilling, enjoyable future with the County.

102 ABOUT YANKTON COUNTY

Yankton County played an early and important role in the history of Dakota Territory and the state of South Dakota.

Bordered on the south by the Missouri River, the county is named for the Yankton band of Sioux Indians who lived in the area since the early 1700s. Pierre Dorion was the first non-native person to reside here. Dorion married a Yankton Sioux woman 20 years before the arrival of Lewis and Clark in 1804.

The first known white woman to visit Yankton County was Pelagie LaBarge, traveling on the Missouri River in 1847 on a steamboat piloted by her husband. Major William Lyman was the first known white settler in Yankton County in 1857. Lyman established a ferry across the James River along with a small trading post.

In 1861, the territorial government was established with the City of Yankton designated as the first capital of Dakota Territory. The year 1861 also saw the first official newspaper, "The Weekly Dakotian," published in Yankton. Steamboat trade flourished here until 1873 when the first railroad line connected Yankton and Sioux City, Iowa.

The first school, held in the home of Dr. Abram Van Osdel, opened in December of 1862. Governor Howard selected Yankton County as the site for the hospital for the insane in September of 1878. Yankton lost the fight to retain the status of Territorial Capital in 1883 when the capital was moved to Bismarck, ND.

The rich history of Yankton County is preserved through many landmark buildings, historical sites and the written word.

103 YANKTON COUNTY VISION AND MISSION STATEMENTS

The Yankton County Commission has crafted the following statements to express both its aspirations for the future and intentions in serving the public.

Vision Statement

Yankton County will be a dynamic place, with a strong sense of history, community pride, environmental responsibility, economic prosperity and rural culture.

Mission Statement

The mission of Yankton County is to provide citizens with high quality public services that create a foundation of trust, unity, safety, and collaboration.

In accomplishing this mission, the Yankton County Commission will encourage its employees and all elected officials to exhibit these values:

- Accountability, dependability, and professionalism in the performance of their duties.
- Honesty, integrity, and transparency in all proceedings.
- Inclusiveness, accessibility, and equality in working with the public.
- Efficiency, sustainability, and innovation in the design and implementation of programs and services.

Adhering to the values will help Yankton County:

- Stay focused on its goals;
- Operate in an open and welcoming manner;
- Remain positive in challenging situations; and
- Lead by example.

104 EMPLOYEE RESPONSIBILITY

It is the employee's responsibility to follow the guidelines, regulations, policies, and procedures of Yankton County. An employee's refusal to correct a violation or repeated violations can lead to disciplinary action, up to and including suspension and discharge.

105 EFFECTIVE DATE

This Employee Handbook shall become effective upon formal adoption of the Yankton County Board of Commissioners.

106 TERMS AND DEFINITIONS

As used in this Employee Handbook:

1. The words “**shall**” or “**will**” are construed as mandatory.
2. The word “**may**” is construed as permissive.
3. To the extent possible, nouns and pronouns will be gender neutral and inclusive of all employees.
4. “**Supervisor**” means an individual with the authority to assign, direct, or review the work of subordinates. In many situations, the supervisor will be a County department head.
5. Unless otherwise specified, the term “**family member**” includes the employee’s mother/father, grandmother/grandfather, wife/husband, son/daughter, stepson/stepdaughter, brother/sister, aunt/uncle, niece/nephew, and mother-in-law/father-in-law.
6. The word “**County**” means Yankton County as managed under the authority of the Board of County Commissioners, elected County officers, and appointed department heads.

7. **"Commissioners"** are elected by the citizens of Yankton County, and are responsible for the oversight of all county services.
8. **"Elected County Officers"** are elected by the citizens of Yankton County for a designated term of office, and are responsible for the oversight of services within their area of responsibility. Elected County officers in Yankton County include Auditor, Register of Deeds, Sheriff, States Attorney, and Treasurer.
9. **"Appointed Officials"** are appointed to their position by the County Commission, and serve at the pleasure of the Commission.
10. **"Exempt"** employees are those whose position contains duties and responsibilities of an executive, administrative or professional nature as described under the Fair Labor Standards Act and is therefore exempt from the overtime provisions of the Act. Exempt employees may be required to perform work in excess of the standard work week without additional compensation.
11. **"Non-Exempt"** employees are those whose position is covered by the overtime provisions of the Fair Labor Standards Act due to the duties and responsibilities of the position. The Fair Labor Standards Act includes the provision for payment of all overtime hours worked in excess of 40 hours per week for these non-exempt positions.
12. **"Temporary or seasonal"** employees are those who are hired as interim replacements to supplement the work force or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Generally, they are not eligible for benefits beyond workers compensation.
13. **"Part-time"** employees are those required to work less than 20 hours of compensated work per week. Generally, they are not eligible for benefits beyond workers compensation.
14. **"Regular full-time"** employees are those who are not in a temporary or introductory status and who are regularly scheduled to work at least 30 hours per week. Generally, they are eligible for all employee benefits, subject to the terms, conditions and limitation of each benefit program.
15. **"Regular part-time"** employees are those who are not assigned to a temporary or introductory status and also are regularly scheduled to work at least 20 hours a week, but less than 30 hours per week. Generally, they are eligible for some benefits, subject to the terms, conditions, and limitations of each program.
16. **"Contract"** employees are those who work under a special agreement and conditions established by the County Commission, and whose compensation may include specified benefits.
17. **"Introductory"** employees are those whose performance is being evaluated to determine whether further employment as regular full-time or regular part-time employees with the County is appropriate. Introductory employees include new hires plus present employees being transferred or promoted to a new position.

Section II: EMPLOYMENT POLICIES & PRACTICES

201 WELCOME

1. **Employment-At-Will:** Employment with Yankton County is voluntarily entered into, and the employer/employee relationship may be terminated at any time for any lawful reason by either party. In the event an employee resigns their position, the employee is expected to give the County two weeks' notice of the intended action.
2. **Not a Contract:** Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the County and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or canceled at any time, at the County's sole discretion.
3. **Changes to these Policies:** These provisions supersede all existing policies and practices and may not be amended or added to without the expressed written approval of the Yankton County Commission. Proposed changes to existing policies can be brought to the County Commission for consideration by one of the Commissioners, by an elected official, by an appointed officer, or by any department head within the County. Proposed changes should be reviewed by the States Attorney.

202 EQUAL EMPLOYMENT OPPORTUNITY

In compliance with Title VII of the Civil Rights Act of 1964 as amended and under authority of SDCL 7-8-20, it is the policy of Yankton County to provide equal opportunities to all employees and applicants for employment. The County does not discriminate in hiring or in any terms and conditions of employment based on sex, race, color, creed, religion, national origin, ancestry, citizenship, gender, age, disability, sexual orientation, genetic information or veteran status or on any other status that is protected under law against discrimination. This policy applies to employees and applicants and to all phases of employment including, but not limited to, hiring, promotion, demotion, and treatment during employment, rates of pay or other forms of compensation, and termination of employment.

If an individual is concerned about a violation of this policy, they may utilize the Complaint Resolution policy set forth in this handbook.

203 VETERAN'S PREFERENCE

Yankton County will comply with South Dakota's Veterans Preference Law, SDCL 3-3-1, which means that eligible veterans receive preference for appointment, employment and promotion. If the applicant possesses at least the minimum qualifications necessary to fill the position, the qualifying veteran shall be granted an interview. The unmarried spouse of a deceased veteran is entitled to the same preference, as is the spouse of a disabled veteran who is unable to exercise his or her right due to a disability.

204 AMERICANS WITH DISABILITIES ACT (ADA)

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act of 2008, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with qualified disabilities and require employers to provide reasonable accommodations to applicants and employees as below discussed.

It is the policy of Yankton County to comply with all federal and state laws concerning the employment of persons with disabilities. Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

Reasonable accommodation is available to all qualified individuals with disabilities in accordance with the ADA and provided such accommodation does not pose an undue hardship or pose a direct threat to the safety of the employee or others. Employees requesting reasonable accommodation during either a recruitment or employment process should contact the Department Head to begin an interactive discussion about potential accommodations that would be available and appropriate. The Department Head may need to visit with the States Attorney and County Commissioners in considering potential accommodations. The County will consider specific requests but reserves the right to offer its own recommendations for accommodations to the extent permitted by law.

If an employee makes a request to the Department Head and no response is received within one (1) week, the employee should take the matter to the Commissioners.

All employment decisions regarding disability accommodations will be based on the merits of the situation in accordance with the defined criteria and federal and state regulations.

Any form of retaliation against an employee for engaging in activity under this provision is expressly prohibited and will result in disciplinary action up to and including termination. Please see the complaint and retaliation provisions set out in the Discrimination and Harassment policy.

205 IMMIGRATION LAW COMPLIANCE

The County is committed to employing only people who are United States citizens or non-citizens who are legally authorized to work in the United States. We do not discriminate because of a person's citizenship or national origin.

To comply with the Immigration Reform and Control Act of 1986, every new employee is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility. All employees will be expected to complete the I-9 Form on or before the first day of work. If the employee is not able to provide the necessary documentation within three (3) working days from the date of hire, they must provide proof that they have applied for the required documents. If this is not provided, the employee will be terminated. Former employees who are rehired must complete the form if they have not completed an I-9 or it is no longer retained or valid.

206 COUNTY PROPERTY

It is the policy of Yankton County to:

1. Prohibit the purchase of supplies, equipment or tools without authorization from a supervisor; and
2. Prohibit the loaning or selling of equipment, supplies or tools unless the action was previously and clearly authorized by the County Commission.
3. Require employees to turn in County vehicle and/or building keys and any County equipment prior to receiving their final paycheck.
4. Seek reimbursement for the replacement value of County property that is damaged or destroyed by employee negligence.

207 EDUCATION AND TRAINING

1. The County may support certain training events, such as workshops and conferences when such training, including travel, has been approved as part of a department's annual budget.
2. Yankton County encourages employees to take advantage of educational opportunities that will enhance their job performance.

208 DISCRIMINATION & HARASSMENT-FREE WORKPLACE

Yankton County recognizes that the strength of the organization relies on an environment where people are treated with dignity and respect without intimidation, oppression or exploitation. Therefore, the County is committed to providing a work environment that is free of unlawful discrimination and harassment. The County expressly prohibits any form of employee harassment, which includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual, based upon on race, color creed, religion, national origin, citizenship, ancestry, gender, gender identity, sexual orientation, marital status, pregnancy, age, disability, veteran's status, genetic information, or any other protected group in accordance with state and federal law. Yankton County will strive to prevent, correct and discipline behavior that is not consistent with its commitment to provide equal opportunity and an environment free from harassment and discrimination. This policy is adopted using the following definitions:

Discrimination includes conduct, in violation of federal and state law, where unfavorable decisions are made, or unfavorable actions are taken, based on an individual's protected classification, as listed above. This policy is intended to be consistent with the prohibitions stated in such anti-discrimination laws.

Harassment based on an individual's protected classification as listed above includes conduct which interferes with an individual's ability to do their job by creating an intimidating, hostile or offensive work environment; unreasonably interfering with the individual's work performance and/or adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following:

- Epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to the categories above. This includes jokes or pranks that are hostile or demeaning to the above protected categories.
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group included in the above categories.

Sexual harassment (both overt and subtle) is a form of unlawful harassment that includes employee misconduct that is demeaning to another person or undermines the integrity of the employment relationship and is strictly prohibited. Sexual harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Sexual harassment occurs when:

- Submission to such conduct is made either explicitly or implicitly as a condition of employment
- Submission or rejection of such conduct by an individual is used as a basis for employment decisions
- Such conduct has a purpose or effect of substantially interfering with an individual's work performance
- Such conduct has a purpose or effect of creating an intimidating, hostile or offensive work environment

Some examples of sexual harassment include, but are not limited to, the following:

- Sexual innuendo, jokes of a sexual nature, propositions, threats
- Sexually suggestive pictures or objects, staring, leering, obscene gestures
- Unwanted physical contact
- Unwelcome repeated requests for a date, telephone calls, letters or messages
- Discussion of sexual activities

This policy applies not only to normal working hours, but also to social contact, off-premises work and business travel. This policy protects employees from harassment by supervisors, co-workers, and third parties with whom they come into contact with during the course of their job.

Harassment can be found where, in aggregate, the incidents are sufficiently pervasive, persistent or severe that a reasonable person with the same characteristics of the victim of the harassing conduct would be adversely affected to a degree that unreasonably interferes with employment. If the victim does not subjectively perceive

the environment to be hostile or the conduct has not actually altered the conditions of employment, then there may not be a violation of this policy.

Reporting Discrimination / Harassment

It is the responsibility of every employee to act consistently with the spirit and intent of this policy. Department Heads and supervisors shall work to establish and maintain a climate in the work unit which encourages employees to communicate questions or concerns regarding this policy, recognize incidents of harassment and discrimination, and take immediate action in accordance with this policy.

If you experience any possible unlawful harassment or discrimination, promptly report the concern to your immediate supervisor, to a Department Head, or to any Commissioner. The County takes complaints of discrimination and harassment very seriously and investigates claims received. Thus, there is no need to follow any formal chain of command when filing a complaint or discussing or expressing any issue of concern regarding alleged discrimination or harassment, and you may bypass anyone in your direct chain of command.

This policy applies to all incidents of alleged discrimination or harassment, including those which occur off-premises, or off-hours, where the alleged offender is a group leader, supervisor, coworker, or even a nonemployee, such as a vendor or customer, with whom the employee is involved, directly or indirectly, in a business or potential business relationship.

Should the alleged discrimination or harassment occur at a time other than your normal business hours, your complaint should be made as early as practicable following the incident. The County will undertake an investigation of any complaints in a timely and appropriate manner. All complaints will be kept confidential to the extent possible.

All employees have a duty to report any conduct which they believe violates this policy. In addition, every employee has a duty to cooperate with any investigation conducted by the County, regardless of whether the investigation is being conducted by County officials or outside parties retained by the County for this purpose, or, for that matter, by an outside agency.

If the County determines that an employee has violated this policy including unlawfully discriminated against or harassed another individual, violated the confidentiality or nonretaliation provisions, or who have been found to have knowingly made a false complaint, appropriate disciplinary action will be taken against the offending employee, up to and including an unpaid suspension or termination of employment.

Retaliation

The County, in accordance with state and federal law, prohibits any form of retaliation against any employee for reporting in good faith a violation of this policy, filing a complaint under this policy, or assisting in a complaint investigation.

One type of retaliation occurs when an employer takes adverse employment action against an employee who complains about harassment or discrimination, or who engages in activities such as refusal to provide genetic information, testifying at or providing information related to a labor investigation, filing or having filed a workers' compensation claim, or whistleblower status as provided for by law. Another type of retaliation occurs when coworkers ostracize, employ derogatory epithets (verbal, written or gestural) against or otherwise harass an employee because he or she has complained about discrimination or harassment.

It is illegal to retaliate against any employee because of a complaint about harassment or discrimination, even if no harassment or discrimination ever happened. The County policy strictly PROHIBITS any form of retaliation against an employee because of a complaint about harassment or discrimination. Any complaints of retaliation should be reported to your direct supervisor, any Department Head, or any Commissioner.

However, if an individual is found to have made a complaint in bad faith, fails to cooperate with an investigation or provides false or intentionally misleading information or testimony, that employee is subject to disciplinary action up to and including termination.

209 COMPLAINT RESOLUTION

General Complaints

The County is committed to providing an excellent working environment for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any complaint or problem can be discussed rather than utilizing any formal, restrictive grievance procedure. No employee will be penalized, formally or informally, for voicing a complaint in a reasonable, business-like manner.

Employees with concerns or complaints should first discuss the problem with their immediate supervisor or, if this is not possible, with their Department Head. Employees who believe they are not able to discuss the concern with their Department Head may instead contact a Commissioner.

Employees who have a complaint about the interpretation or application of a specific County policy or about a disciplinary act may submit a written inquiry or complaint to their Department Head and, if unresolved at that level, to the Commissioners. Department Heads and the Commissioners will strive to respond to written inquiries or complaints in a timely manner. Although not all complaints can be resolved to everyone's complete satisfaction, this written option provides employees with a method for receiving information about their inquiries and for potentially resolving concerns.

Individuals who wish to pursue a formal complaint to the Commissioners should submit a timely written statement of the factual basis for the complaint to their immediate supervisor. If the employee is not comfortable going to their immediate supervisor, alternative contact can be made with the State's Attorney, another Department Head, or any Commissioner. The Commissioners or their Agent will coordinate an investigation into the complaint in a timely manner. All interested parties will be afforded the opportunity to submit evidence on the complaint. At the conclusion of the investigation, the Commissioners will review the evidence in executive session and determine the appropriate course of action. The decision made by the County Commissioners shall be deemed final.

However, if an individual is found to have made a complaint in bad faith, fails to cooperate with an investigation or provides false or intentionally misleading information or testimony, that employee is subject to disciplinary action up to and including termination.

210 CONFIDENTIAL NATURE OF WORK

Yankton County will comply with all applicable laws and regulations and expects its employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and refrain from any illegal, dishonest or unethical conduct. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be openly discussed with your immediate supervisor and, if necessary, with your Department Head or the Commissioners for advice and consultation.

While much of the work that the County does is public, certain information obtained during your employment may be sensitive or confidential. Employees must not disclose such information, purposefully or inadvertently through casual conversation, to any unauthorized person inside or outside the County. Employees who are unsure about the confidential nature of specific information must ask their supervisor for clarification. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

211 PERSONNEL RECORDS

Official personnel files for each employee will be maintained in the Auditor's Office. Although supervisors may keep some records within the department, the official personnel file is maintained in the Auditor's Office.

Records to be maintained in the official personnel file include, but are not limited to, the following: application forms, personnel actions, training records, performance appraisals, and disciplinary actions. Due to the particularly sensitive nature, some records pertaining to employees are maintained in separate files outside the basic files such as relating to medical issues and internal investigations.

All information maintained in the official personnel files will be considered confidential and may be accessed by the Auditor's staff, the supervisor, the Department Head, and the Commissioners. Current employees may also review their own personnel file upon request to the Auditor. In addition, when potential legal issues arise regarding an employee, the County's legal counsel will have access to that employee's personnel files. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information. Employees, or their representative, may be provided access according to state law and at the discretion of the County.

Information relating to dates of employment, position titles and rates of pay are a matter of public record. The Auditor will publish such information as required by law.

Department Heads are responsible for completing personnel action forms for new hires, promotions, demotions, transfers, terminations, or related personnel changes. Employees are responsible for informing the Auditor's Office of changes in name, address, marital status, dependents, emergency contacts, and beneficiaries as soon as they occur.

SECTION III: CONDUCT OF EMPLOYEES

301 APPEARANCE

It is the policy of Yankton County that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.

Employees are expected at all times to present a professional, business-like image to the public.

1. The appearance of employees that do not regularly meet the public is to be governed by the requirements of safety and comfort, but should still be as neat as working conditions permit.
2. The appearance of office workers and employees who have regular contact with the public shall follow normally accepted standards for similar situations.
3. Department heads may authorize periodic "casual days" and establish dress standards for those occasions. This option is solely at the discretion of individual department heads and may be rescinded by the County Commission at any time should abuses and/or public complaints arise.

Any employee that does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises or work location. Any work time missed, because of failure to comply with this policy, may not be compensated. Repeated violations of this policy will be cause for disciplinary action.

302 ATTITUDE

It is the policy of Yankton County that certain rules, concerning employee behavior, are necessary for the efficient operation of County government.

Employees are expected to conduct themselves in a positive manner so as to promote the best interests of Yankton County. This conduct includes:

1. Reporting to work as scheduled and being at the proper workstation, ready for work, at the assigned starting time;
2. Giving proper advance notice whenever unable to work or report on time;
3. Complying with all County safety and security regulations;
4. Smoking only at times and places not prohibited by the County Commission;
5. Eating meals in the workplace is discouraged, except during designated breaks and within designated eating areas;
6. Maintaining work place cleanliness and orderliness;
7. Treating all customers, visitors and fellow employees in a courteous manner;
8. Refraining from behavior or conduct deemed offensive or undesirable;
9. Performing assigned work efficiently and in accord with established quality standards; and
10. Reporting to the supervisor and/or County Commission suspicious, unethical, or illegal conduct by fellow employees, customers or suppliers.

303 PUBLIC RELATIONS

It is the policy of Yankton County to be service oriented and to require all employees to treat the public in a courteous and respectful manner at all times.

All employees have an obligation to make the public feel as comfortable as possible in dealing with County government.

Employees should attempt to educate the public in using County services and should seek ways to improve services.

Employees are encouraged to report recurring customer-related problems to their supervisor. If a customer becomes unreasonable or abusive and the employee cannot resolve the problem, the customer should be referred to the supervisor.

304 COUNTY EQUIPMENT

Supervisors are responsible for instructing employees on the proper use of County equipment, the proper care, maintenance and safety of County equipment, and for assuring that any required certification and/or licensing is maintained.

Employees should not use County equipment for personal purposes.

305 PERSONAL PROPERTY

It is the policy of Yankton County to ask employees to refrain from bringing unnecessary or inappropriate personal property to work.

The County recognizes that employees may wish to bring certain personal items to work. However, personal property that is not related to the employee's job performance may disrupt work or pose a safety risk to other employees. The employee's supervisor shall determine the appropriateness of personal items in the work place.

306 CONFLICTS OF INTEREST

It is the policy of Yankton County to prohibit employees from engaging in any activity, practice or act, which conflicts with, or appears to conflict with, the interests of the County.

A conflict of interest is defined to include any situation in which a County official, employee or board member, in the discharge of official duties, would be required to take any action or make any decision that may cause financial benefit to:

1. the same County official, employee or board member;
2. any member of that official's, employee's or board member's immediate family, defined to include a spouse, parent, child or a sibling related by blood, marriage or adoption; or
3. a business enterprise owned in whole or in part by the public official, employee, or board member; unless the benefit is extended to the general public or a broad segment of the public at large.

As soon as a County official, employee, or a board member is actually aware or should reasonably be aware of a conflict of interest, they are required either to make full public disclosure of or to remove himself/herself from the conflict of interest.

Specifically, County officials, employees, and board members are prohibited from:

1. using their County position or any influence, power, authority, or confidential information derived from it, or any County time, equipment, property, or supplies for private gain; or
2. receiving any outside compensation, gift, or gratuity, for the performance of County duties except as follows:

- a. awards for meritorious public contributions publicly awarded.
- b. Receipt of honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees with the approval of the employee's department head or the County Commission
- c. Receipt of social amenities, ceremonial gifts, or advertising gifts, worth less than \$100 in value.

Unless directed otherwise by the County Commission, any gifts beyond those listed above received for performance of County duties will be considered County property and will be immediately reported to the County Auditor's Office for inventory.

307 NEPOTISM

A member of an employee's family will be considered for employment by Yankton County, provided the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if such employment would:

- 1. Create either a direct or indirect supervisor/subordinate relationship with a family member; or
- 2. Create either an actual conflict of interest or the appearance of a conflict of interest.

308 SECONDARY EMPLOYMENT

County employment must be the principal vocation of all full-time employees; however, a County employee may engage in outside employment, subject to all of the following conditions:

- 3. The secondary employment must not interfere with the efficient performance of the employee's County duties;
- 4. The secondary employment must not conflict with the financial or public interests of the County or any department thereof; and
- 5. The secondary employment must not be the type that would give rise to criticism or suspicion of conflicting interests or duties.

County employees must notify their supervisor before engaging in secondary employment. Non-elected department heads must notify the County Commission before engaging in secondary employment that exceeds ten hours per work week.

309 WORKPLACE VIOLENCE PREVENTION

The County is committed to preventing workplace violence and to maintaining a safe work environment.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law;

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the supervisor, sheriff's office, or any member of the County Commission. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to the supervisor or sheriff's office.

310 SMOKING PROHIBITED

It is the policy of Yankton County, and in accordance with applicable state law, that smoking, including electronic cigarettes, smokeless tobacco and all vaping devices, shall not be permitted in County buildings or any County vehicle. Such use is permissible only in personal vehicles while on break, or in other designated areas. No additional breaks beyond those normally scheduled may be taken for the purpose of smoking or using similar products. When smoking or using tobacco or similar products outside, please leave no traces of litter or residue.

311 DISTRACTED DRIVING

Employees are prohibited from undertaking any activity that could distract them from the safe operation of County vehicles. Examples of distractions while operating a vehicle include but are not limited to operating a cell phone, consuming food or beverages, reading, and smoking.

Employees who use cell phones or radios as part of their normal work activities should operate those communication devices in a manner that does not inhibit or interfere with the safe operation of County vehicles.

312 ELECTRONIC INFORMATION SYSTEMS

Any use of Yankton County's Internet access or E-mail services shall be considered and treated as any other work product, subject to periodic or specific review by, and approval of, the employee's immediate supervisor or department head.

Supervisors or department heads shall designate which employees may use E-mail. Each employee using E-mail or the Internet shall be required to sign an *"Acceptable Use Agreement."* Yankton County reserves the right to monitor transmissions of E-mail. Supervisors and department heads shall periodically monitor both Internet and E-mail use by Yankton County employees in their office to ensure they are in conformance with these policies and the *Acceptable Use Agreement*. Any employee found to be in violation of the *Acceptable Use Agreement* shall be subject to disciplinary action up to and including termination.

In addition to the terms of the *Acceptable Use Agreement*, prohibited uses of Yankton County's E-mail and Internet systems via County-owned computer equipment include, but are not limited to the following:

1. To transmit, receive, access, unload, download, or distribute offensive, threatening, pornographic, obscene, or sexually explicit material;
2. To vandalize, damage, or disable property of the County or another individual or organization;
3. To access another individual's materials, information, or files without permission;
4. To use the network or Internet for commercial or political campaign purposes;
5. To release personal information, files, addresses, passwords, or other vital accessing information;
6. To promote or solicit for illegal activities, including gambling;
7. To interfere with another person's use or account in any way;
8. To violate copyright or other protected material laws, trade secrets, proprietary financial information, or similar materials without authorization;
9. To attempt to log on to the Internet as a system administrator;
10. To subscribe, without authorization, to mailing lists, e-mail messages, games, chain letters, or other services;
11. To circumvent security measures on County or remote computers or networks;
12. To enroll in or engage in any activity on the Internet which results in an unauthorized charge

or assessment to Yankton County or its representatives;

13. Use of the system to conduct non-Yankton County activities, including, but not limited to, operation of a private business, conducting job searches, promoting religious beliefs, or forwarding political advertisements; and

14. Use of the system to harass, intimidate, defame, or injure another individual or group.

Any member of the Yankton County Commission may inspect the contents of the E-mail or Internet activity of any employee or department head without prior notice. Department heads also have the right to inspect E-mail or Internet activity of any employee within their department.

Information technology and equipment is to be used for county business purposes and to increase the timeliness and effectiveness of county business communications. Any personal use of county information technology and equipment during work hours, such as for checking personal E-mail, is expected to be limited to incidental use or emergency situations only. Excessive time spent on such personal activities during work hours will subject the employee to disciplinary action.

Employee use of information technology and equipment must be able to withstand public scrutiny without embarrassment to the County, its taxpayers, its clients, or its employees. Employees should use generally accepted standards of business conversation in all computer, electronics and internet usage. Employees should use good judgment in the type of messages created and the tone and content of messages. The content of messages is always considered personal opinion unless specifically stated as a county position.

Employees learning of any misuse of County electronic information systems or a violation of this policy must notify their Department Head or the Commissioners of such misuse or violation immediately. Failure to notify may result in corrective action up to and including termination. **Nothing in this policy, however, shall be deemed to interfere with employee rights to engage in discussions protected by law.**

313 SOCIAL MEDIA

Personal websites, blogs and social media sites have become prevalent methods of self-expression in our culture. However, the County is also committed to ensuring that the use of such communications does not detract from our business by maintaining the County's identity, integrity, and reputation in a manner consistent with our values and policies.

The County respects the right of employees to use these media outlets during their personal time. Employees may not use their County email addresses to register for social media sites. If you, as an employee, choose to identify yourself as a County employee on a website or blog, you should make it clear to the readers that the views expressed are the employee's alone and that they do not necessarily reflect the views of the County.

Employees are prohibited from using, disclosing or discussing confidential and/or proprietary information, including business and personal information about clients, vendors and co-workers.

Employees are prohibited from posting or displaying comments about customers, suppliers and co-workers that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the employer's workplace policies against discrimination, bullying, harassment, retaliation, or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, or other protected class, status, or characteristic. Instead, it is recommended to use the following questions as a guideline in the creation of social media content: Is the content positive? Is it professional? Is this information protected?

As an employee, you must be careful not to let online communications interfere with your job or customer commitments. Refrain from using social media while on work time or on equipment provided by Yankton County unless it is work-related as authorized by your Department Head or consistent with County policy.

If an employee believes that a blog or other online communication violates any County policy, the employee

should immediately report the blog or online communication to their Department Head.

The County reserves the right to monitor all public blogs and social networking forums for the purpose of protecting its interests and monitoring compliance with County policies. If online activity is seen as compromising the County, the County may request a cessation of such commentary, and the employee may be subject to coaching and, potentially, disciplinary action.

Any employee who violates this policy may be subject to disciplinary action, up to and including termination. Additionally, legal action may be taken where necessary against employees who engage in prohibited or unlawful conduct.

Nothing in this policy, however, shall be deemed to interfere with employee rights to engage in discussions protected by law. This policy is not intended to restrict an employee's right to discuss wages and other terms and conditions of employment with co-workers or in any way limit employees' rights under applicable laws. For any questions about these guidelines or any matter related to personal websites or blogs, contact the Department Head.

SECTION IV: DRUG AND ALCOHOL-FREE WORKPLACE

401 COUNTY COMMITMENT

It is the policy of Yankton County to maintain a work place that is free from the effects of drug and alcohol abuse.

Consistent with the spirit and intent of this policy, Yankton County will act to eliminate any substance abuse which could impair an employee's ability to safely and effectively perform a particular job and which increases the potential for accidents, absenteeism, substandard performance and tends to undermine public confidence in the County's workforce.

402 DEFINITIONS

1. **Alcohol** - means the intoxicating agent is beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
2. **Drugs** - means any substance (other than alcohol) that is a controlled substance as defined in this section.
3. **Controlled Substance** – that which has a stimulant, depressant, or hallucinogenic effect on the central nervous system.
4. **Reasonable Suspicion** – means a belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drug or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
 - a. A pattern of abnormal or erratic behavior which is so unusual that it warrants summoning a supervisor, department head or other individual for assistance.
 - b. Information provided by a reliable and credible source with personal knowledge.
 - c. Direct observation of drug or alcohol use.
 - d. Presence of the physical symptoms of drug or alcohol use: (i.e. glossy or blood-shot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
 - e. Possession of substances in violation of the County's drug and alcohol policy.
5. **Refusing to Submit** - to an alcohol or controlled substance test means that an employee:
 - a. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
 - b. Fails to provide adequate urine for controlled substance testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; or
 - c. Engages in conduct that clearly obstructs the testing process.

403 COUNTY POLICIES

1. Employees are prohibited from the use, sale, dispensing, distribution, possession, or manufacture of illegal drugs and narcotics or alcoholic beverages on County premises or work sites. In addition, employees are prohibited from the off-premises use of alcohol and possession, use, or sale of illegal drugs when such activities adversely affect job performance or job safety. Illegal and/or inappropriate use of prescription and over-the-counter medications are also prohibited.
2. Employees will be subject to disciplinary action, as provided in Section X for violations of these policies. Such violations include, but are not limited to, possessing illegal or non-- prescribed drugs

and narcotics or alcoholic beverages at work; being under the influence of is such substance while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on County property and work sites. Employees, their possessions, and County issued equipment and containers under their control are subject to search and surveillance at all times while on County property or while conducting County business.

3. Certain positions with the County may require that an applicant pass a post-offer, pre-employment drug test. Applicants for those positions will be notified of the need for such test. Failure to pass the pre-employment test, or failure to submit to testing, will prevent the applicant from further consideration for that position.
4. Employees may be requested to undergo drug and alcohol testing if there is a "reasonable suspicion" that the employee is under the influence of drugs or alcohol during work hours. Where "reasonable suspicion" exists that the policies have been violated, the supervisor should report the situation immediately to their Department Head. The Department Head may ask the employee to submit to blood and urine testing by a qualified medical physician or hospital at the County's expense. Prior to testing, the County shall secure a signed release statement from the employee to have the hospital/physician release medical information to the County. If a Department Head is suspected of "reasonable suspicion", the suspecting party should report their suspicions to the Commission Chair.
5. An employee who refuses to consent to a drug and alcohol test when reasonable suspicion exists may be subject to disciplinary action. A positive result from the drug and/or alcohol test confirming the reasonable suspicion may result in disciplinary action. All information from an employee's drug and/or alcohol test is confidential, and only those with a need to know are to be informed of the results.
6. Individual departments may require random drug testing as a condition of employment, especially when individual and/or public safety concerns exist.
7. Employees are required to notify their supervisor no later than five (5) days after any criminal drug statute conviction for a violation occurring in the work place.
8. The County Commission will take one or both of the following actions within thirty (30) days of the notice specified in 403, item 7:
 - a. Take appropriate disciplinary action against the employee up to and including termination; and/or
 - b. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program.
9. Employees who use legal drugs or narcotics during work, and have any reasons to expect such use may affect their ability to perform their work, must report this fact to their supervisor. A determination will then be made as to whether the employee should be able to perform the essential functions of the job safely and properly.
10. Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek, counseling help. County required counseling should be kept confidential and should not have any influence on performance appraisals. Job performance alone, not the fact that an employee seeks counseling, is to be the basis of all performance appraisals.
11. Any employee who is abusing drugs or alcohol may be granted a leave of absence to undertake

rehabilitation treatment. The employee will not be permitted to return to work until certification is presented to the supervisor that the employee is capable of performing his job. Failure to cooperate with an agreed upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other County policies.

12. If any employee has been found to have violated County policies the employee may in certain circumstances be permitted to return to their position. Determination of whether or not an employee will be returned to work, and what specific conditions may be set for an employee's return to work, will be made on a case by case basis by the County Commission. The specific conditions may include, but are not limited to:
 - a. An employee may be required to submit to an alcohol and controlled substance abuse assessment with a designated substance abuse professional.
 - b. An employee may be required to successfully complete an in-patient or out-patient chemical dependency treatment program as recommended by a substance abuse professional.
 - c. An employee may be required to continue participation in aftercare treatment programs, counseling, support groups, or other rehabilitation/maintenance program as may be recommended by the substance abuse professional.
 - d. An employee may be required to meet very specific on-the-job requirements involving performance, sick leave use, attendance, etc.
 - e. An employee may be required to submit to a return-to-work alcohol and controlled substance tests, with negative results, before being allowed to return to work.
 - f. An employee may be required to submit to a number of unannounced follow-up alcohol and controlled substance tests for an extended period following return to work, with consistently negative outcomes.

404 MANAGEMENT GUIDELINES

Supervisors and department heads should not physically search the person of employees nor should they search the personal possession of the employees without the freely given consent of, and in the presence of the employee.

Supervisors and department heads shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in their possession or in an area jointly or fully controlled by the County.

Any supervisor or department head encountering an employee who refuses to consent to a drug and/or alcohol analysis when "reasonable suspicion" has been identified, should remind the employee of the requirements of the policy and that they may be subject to disciplinary action. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the supervisor or department head should direct the employee to remain at work for a reasonable time until the employee can be safely transported home.

Nothing in this policy shall be interpreted as constituting any waiver of or limitation on the County's responsibility to maintain discipline, or the right to invoke disciplinary measures, nor the employee's right to due process and the processing of grievances concerning such disciplinary measures in accordance with the grievance procedures set forth in this handbook.

SECTION V: SAFETY RULES AND REGULATIONS

501 GENERAL POLICIES

Yankton County will strive to provide a safe working environment for its employees.

Yankton County is committed to making the best effort to detect and correct unsafe conditions and unsafe practices on the job. However, employees are in an especially good position to observe such hazards. Without employee participation in recognizing and reporting hazards, perhaps the greatest source of discovering them would be lost.

Employees are required to support the safety rules and regulations that have been implemented for their protection on the job. Always remember, safety never just happens. If a job is safe, it is because somebody is working to make it safe. Every employee of Yankton County has an important role in maintaining a safe working place for all County employees. Therefore, all employees are required to follow safety rules and regulations, and participate in any safety training that is required of their position.

502 SUPERVISOR'S RESPONSIBILITIES FOR SAFETY

Supervisors have the definite responsibility for the following:

1. Maintaining safe working conditions;
2. Making available suitable protective equipment as furnished by the County and seeing that it is properly used by all employees;
3. Properly maintaining tools and equipment in safe working condition;
4. Properly planning all work performed in a safe manner;
5. Requiring all employees to practice the general and specific safety rules;
6. Assigning employees to jobs which they are capable of doing safely; and
7. Taking immediate steps to correct any violation of safety rules observed or reported to them.

Employees assigned to direct or lead a working crew will be held responsible for seeing that job procedures are carried out in a safe manner. They should make certain that the employees understand the following:

1. The work to be done;
2. The hazards that may be encountered;
3. The proper procedures for doing the work safely including any recommended training;
4. The proper use of suitable protective equipment as furnished by the County; and
5. The work plan and individual job responsibilities and job procedures.

Frequent periodic inspections of road construction sites, hazardous areas, maintenance equipment, materials, conditions, and methods will be made by supervisors as a part of their routine duty. Such inspections are essential to prevent accidents.

503 ACCIDENT REPORTING AND INVESTIGATION

Any employee who suffers an injury while working for the County shall report as soon as possible (the same workday) such injury to the person directly in charge of the job.

All accidents to the public involving County personnel, motor vehicles, equipment, or property shall be reported as soon as possible (the same workday).

Every accident shall be investigated to determine the cause and steps needed to prevent a recurrence. It shall be the responsibility of the supervisor to obtain complete and detailed information about the accident.

Supervisors shall see to it, as soon as possible after the occurrence of any accident, that the Accident Report Form is filled out completely, giving the fullest possible description of the accident and any resulting injuries. Department heads should review and approve all accident reports originating in their areas of operation.

Recommendations should be made on each accident concerning any corrective safety measures needed and proper follow-up and monitoring of these recommendations provided by department heads. Even accidents that do not result in personal injury should be reported and investigated as if an injury had occurred so that proper corrective safety measures may be taken.

504 ACCIDENT INVESTIGATION POLICY

Some key points about conducting an accident investigation are:

1. Accurately identify locations, machines, equipment, operations, and individuals involved;
2. Provide enough detail to be understood; and
3. Provide additional description as needed.

The following list comprises the information needed for the investigation of each accident:

1. Date, time, location, employees, and equipment involved;
2. What was the employee doing? Explain;
3. How was the employee injured? Explain;
4. Was an unsafe or hazardous condition present? Explain;
5. What were the environmental conditions of the work site (heat, cold, noise, ventilation, lighting, etc.)?
6. Were all guards in place and functioning properly? Explain;
7. Was all necessary protective equipment supplied, in good condition, and properly used? Explain;
8. Were proper job procedures being followed? Explain;
9. Was an existing safety rule violated? Explain;
10. To what degree was the employee being supervised, and was the employee properly instructed in the safe way to perform this task? Explain; and
11. What corrective actions could be taken to avoid this type of accident in the future? Explain recommendations.

The State of South Dakota Workers' Compensation First Report of Injury Form should be filled out

completely within twenty-four (24) hours of the accident or incident and turned in to the County Auditor. The County Auditor has immediate responsibility for submitting the First Report of Injury Form to the insurance carrier within twenty-four (24) hours of receipt of the form.

505 JOB RELATED INJURIES

Employees injured on the job are covered by the South Dakota State Worker's Compensation Act. This law provides specific benefits. In order to qualify for these benefits, certain specific procedures shall be followed:

1. The employee shall immediately report any injury, regardless of extent, to their immediate supervisor. The immediate supervisor shall provide first aid treatment or the injured employee shall be taken to the hospital or a physician;
2. The supervisor shall immediately inform the department head of the action taken. The department head shall be responsible for providing the necessary information to the Auditors office for the completion of all accident reports within seventy-two (72) hours of the injury. Upon the employee's return to work, the department head will inform the Auditor and Board of County Commissioners by memorandum;
3. Medical and hospital expenses incurred due to on-the-job injuries received shall be paid for in accordance with County policy and the applicable provisions of the Worker's Compensation Act;
4. The County shall compensate employees on injury leave up to a maximum of ninety (90) calendar days by paying the difference between any payment made to the employee for salary by the County's Workers Compensation insurance carrier and the employee's County salary at the time he/she was placed on injury leave;
5. After the ninety (90) day period, the employee may elect to use accumulated sick leave and/or vacation credits to continue receiving full pay;
6. Should the employee not elect such action or should the employee exhaust all available leave benefits he/she may apply for disability under the provisions of the Workers' Compensation Act or unpaid disability leave of absence under County policies; and
7. All vacation, sick leave, and holiday leave earned while on injury leave shall accrue at the employee's regular rate.

SECTION VI: WORK PERIODS AND TIME RECORDS

601 WORKWEEK AND WORKDAY

It is the policy of Yankton County to establish the time and duration of working hours as required by workload, customer service needs, the efficient management of personnel resources, and applicable laws.

The normal workweek is Monday through Sunday, beginning and ending at midnight on Sunday. Some departments, however, may use a different work week for scheduling and tracking purposes.

Each supervisor will determine the schedule of hours for employees. The supervisor will inform employees of their daily schedule, including meal periods and rest or coffee breaks.

Yankton County offices will normally be open to the public Monday through Friday. The County Commission will establish the daily office hours.

Highway Department

1. Highway Department will generally work Monday through Friday, forty (40) hours per week as scheduled; and
2. Eight (8) hours base pay per day; and
3. Any hours worked beyond the forty (40) hour work week must be approved by the Department Head prior to being worked, emergencies being the exception.

County Government Center Offices

1. County Government Center offices shall be open and functioning during each day of the year, except Saturdays, Sundays, designated holidays, and emergencies;
2. The Auditor's office shall remain open, upon the request of a person in charge of school or municipal elections, until the closing of the polls for that election; and
3. Any hours worked beyond a forty (40) hour work week must be approved by the Department Head prior to being worked, emergencies being the exception.

Soil Conservation and Extension Services Office

Employees working with these offices will work according to the hours established by those departments. County employees will follow County policies for holidays and any other unscheduled time off (example - weather related office closing).

Custodians

The custodian's work week shall not exceed forty (40) hours in any calendar week unless approved by the Department Head. The work scheduled shall be approved by the Yankton County Commission.

Sheriff's Department, Ambulance Department, Emergency Services and Homeland Security

These department personnel shall work as scheduled, and work shifts may vary. These departments are required to provide coverage 24 hours a day, seven days a week.

602 CHANGES IN WORKDAYS

A change in the workday schedule within any calendar week to establish a long weekend is permissible provided the department head approves and it is recommended to the Yankton County Commission before such action is taken and providing no overtime is involved.

In accordance with SDCL §7-7-2.1, the Chairperson of the Board of the Yankton County Commission has the discretion to close the Yankton County Government Center in case of emergency or severe weather and each such closing shall be for no more than one business day. The public shall be adequately notified. An emergency for the purpose of this section is an unforeseen occurrence or combination of circumstances that calls for immediate action or remedy. Any extended closings due to emergency situations must be approved by the Commission.

County employees shall receive their regular pay should the County Government Center or other facilities be closed under the circumstances described in 502B. Employees on authorized leave (example - sick or vacation time) during a closed event shall not be allowed to substitute the weather or emergency related leave for their already approved absence.

If any full-time employee is unable to get to work due to inclement weather and County offices are open, the employee can take earned vacation time or time off without pay will be charged.

603 BREAKS

County employees subject to work regular office hours are allowed a one (1) hour unpaid midday break and two (2) paid fifteen (15) minute breaks. Break times shall be at the discretion of the department head. There may be times when job conditions and/or work demands do not permit a break.

604 TIME RECORDS

All non-exempt employees (employees subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) may be required to complete an individual time record showing the daily hours worked or annual leave, sick leave, or compensatory time used. The following points should be considered in filling out time records:

1. Employees may be required to record their hours worked, using a monthly time sheet;
2. Employees are not permitted to sign in or commence work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of their supervisor;
3. Employees are required, whenever possible, to take scheduled lunch or meal breaks;
4. Employee time records are to be checked and signed by the supervisor involved. Leave time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) should be entered on the time record. Authorized comp time should also be identified;
5. Unapproved absences are not to be considered as hours worked for pay purposes. Supervisors are to inform employees if they will not be paid for certain hours of absence;
6. The filling out of another employee's time record or the falsifying of any time record is prohibited and may be grounds for disciplinary action, up to and including termination;
7. Time Sheets should be turned in to the Auditors office by noon on the 25th of each month, unless the employee is otherwise directed by their supervisor; and
8. Personnel employed in executive, administrative, professional, or certain computer-

related capacities are exempt from the provisions of the Fair Labor Standards Act. Such employees may still be required to fill out monthly time records and must account for daily attendance.

605 HOLIDAY HOURS

For the purposes of this Handbook, holiday hours will be included as "hours worked" during a workweek, in determining overtime. Vacation, sick, and other leave categories will not be included as "hours worked," in determining overtime.

606 HOLIDAYS

Each full-time employee, beginning with starting date of employment, shall be eligible for eleven (11) legal holidays, with regular base pay.*

A holiday that occurs on a Saturday will be observed on the preceding Friday and a holiday occurring on a Sunday will be observed on the following Monday.

The following days are deemed holidays for eligible employees:

- | | |
|--------------------------------|------------------------------------|
| 1. New Year's Day | January 1 |
| 2. Martin Luther King, Jr. Day | January, 3 rd Monday |
| 3. President's Day | February, 3 rd Monday |
| 4. Good Friday | Friday prior to Easter Sunday |
| 5. Memorial Day | May, last Monday |
| 6. Independence Day | July 4 |
| 7. Labor Day | September, 1 st Monday |
| 8. Veteran's Day | November 11 |
| 9. Thanksgiving Day | November, 4 th Thursday |
| 10. Day after Thanksgiving | November, Day after Thanksgiving |
| 11. Christmas Day | December 25 |

In addition, every day appointed by the President of the United States or by the Governor of South Dakota for a public fast, thanksgiving, or holiday may be observed as a legal holiday, if approved by the County Commission.

If any employee is required to work during a holiday caused by emergency circumstances, then that employee shall receive overtime pay plus holiday pay.

*Employees in certain departments are required to work on holidays. Those departments, including Sheriff's Department and Ambulance Department, handle holidays differently than described here. Efforts will be made to let these employees off when deemed possible by their Department Head.

607 PAYDAY

All employees will be paid by electronic deposit (direct deposit) on the last working day of each month. Payroll will not be issued in advance.

Individual timecards or timesheets are issued to each employee and are used to record the number of hours worked per week. It is the responsibility of each employee to record their own time accurately. Employees are not allowed to record time for another employee. If an error occurs, only your Department Head is to adjust the card.

608 OVERTIME PAY

1. For non-exempt employees in most positions, any work performed in excess of the standard forty (40) hours in a workweek shall be considered overtime and shall be compensated as overtime or as compensatory time off.
2. The work period for certain employees, including public safety employees in the Sheriff's Department, and for employees in the Department of Emergency Management and Homeland Security, shall be based on a different work cycle that conforms to Fair Labor Standard requirements.
3. Any overtime worked shall be with the prior knowledge and approval of the department head.
4. Overtime shall be paid at one and one-half (1½) times the employee's regular hourly rate of pay.
5. Compensatory time off shall be granted at a rate of one and one-half (1½) hours of compensatory time for each hour of overtime worked.
6. The decision to compensate with compensatory time must be agreed to or understood before the work is performed. Department heads may establish the limit of compensatory time to be earned in their department, except that the maximum compensatory time accrual will not exceed 90 hours (for 60 hours of overtime worked).
7. Compensatory time may be used with the approval of the department head at the convenience of the County.
8. All department heads and other employees exempt from the provisions of the Fair Labor Standards Act shall not receive extra compensation or overtime pay. The need for them to work extra or irregular hours from time to time in order to carry out their assigned responsibilities and properly administer the authority vested in them is a consideration in the determination of their salary. Supervisors serving positions below the administrative or staff level shall be eligible for overtime pay subject to the approval of the department head and compliance with federal regulations pertaining to the Fair Labor Standard Act.

609 PAYROLL DEDUCTIONS

Employees are required by law to file forms with the County authorizing withholdings for federal income taxes and other special deductions. Yankton County uses official government tables to determine the amount of federal withholding taxes to be deducted from employee pay. If an employee wants additional taxes withheld, they may arrange to do so by notifying the County Auditor's office, which processes payroll.

The Federal Social Security tax is deducted as required by law. The employee's Social Security number must be on file with the County before the first paycheck can be issued. Employees must be certain that their Social Security number is included with the information supplied when they are first placed on the payroll.

Other regular deductions may include hospitalization and major medical insurance premiums, optional life insurance premium, and/or other voluntary contributions.

Garnishments are court orders requiring an employer to withhold specific amounts from an employee's wages for payment of a debt owed by the employee to a third party. State law requires the County to honor garnishments of employee wages (including child support) as a court or other legal judgment may instruct. The law also provides for an administrative fee to be charged when a garnishment occurs. The County will not terminate any employee solely for the reason of being subject to garnishment.

610 CHANGE OF STATUS

To assure that the county employee list is complete and up-to-date, it is important that department heads have the most current information regarding employee addresses and telephone numbers. Additionally, for tax and health insurance purposes, any changes in marital status and dependents must be reported to the employee's department head immediately. In turn, the department head must pass along that information to the Auditor's Office.

611 PAY PLAN

The County's goal is to recruit and retain high performing employees that provide outstanding service to our citizens. While recognizing that we are stewards of taxpayers' dollars, we focus on offering pay that is generally competitive and recognizes employees' growth and development. The objectives of the compensation program are to ensure appropriate compensation for positions considering both internal worth to the organization and external market. The wages and compensation method for a position depends on its classification. The following provisions apply to regular, full-time, non-elected positions unless otherwise specified.

The County utilizes a grade and step pay plan for most full-time, non-elected position within the County. A job analysis process is used to evaluate each position. This analysis is used to develop a job description for the position and to assign, or classify, a position to a pay grade.

Each pay grade is associated with a salary range and has prescribed points referred to as "steps." Each grade and step will be associated with a rate of pay. This grade and step structure is referred to as the "pay matrix." Salary ranges increase by each pay grade and, within each pay grade, rates of pay increase with each step.

Employees may obtain a copy of the pay matrix, a listing of position pay grades, and their grade and step placement from their Department Head or the Auditor's office.

Pay Matrix Adjustments - The County Commission considers adjustments to the pay matrix periodically. When evaluating adjustments to the pay matrix, the County Commission may consider compensation philosophy, County's relative position to the market, cost of living, and other factors. The County's current financial status, revenue sources, and expenditures may also impact any type of pay structure adjustment.

If an adjustment is warranted, the entire structure would be adjusted by the determined amount. When a structure adjustment is completed, each employee's pay moves with the structure so that all employees stay on step.

Rate of Pay upon Hire - New employees are typically hired at the base of their position's pay grade. With approval from the County Commission, Department Heads may hire new employees at a higher pay grade if warranted by the individual's experience and after consideration of equity issues within the department.

Seasonal, Variable Hour and Part-time Position Pay - Pay ranges for individuals in seasonal or variable hour positions are based on a variety of factors including market, equity within the County, economic environment, and other items. Compensation for individuals in regular, part-time positions which are authorized as part of the County budget depends on the position classification and funding source. Part-time positions may either be paid similarly to those on the matrix or based on a rate similar to variable hour positions.

Pay Increases - Changes are recommended by Department Heads to the County Commissions as part of the annual budget process. The County Commission reviews and must approve all pay changes. Approved pay increases become effective at the beginning of the pay period in which an employee's anniversary occurs.

612 POSITION CHANGES

New Positions - New positions may be requested by the Department Head. The County Commission must approve all new positions and the position's associated pay grade. New position requests will typically be considered as part of the annual budget process. When necessary, new job descriptions will be developed in

cooperation with the Department Head.

Transfers - County employees may apply for job openings in other County departments. If the new position is at the same level of responsibility as the current position, the employee will receive the same rate of pay.

Promotions - A promotion is the movement of an individual to a position with greater responsibilities or to a position with a different employment status. Promotions are situations where employees either apply and are selected for a position with greater minimum qualifications or when a supervisor advances them to a position in the same series when they possess the qualifications to perform the required duties of the higher-level position. Employees who are promoted may receive a pay increase. If a non-exempt employee is promoted into an exempt position, any accrued compensatory time will be paid out the pay period following the first date the employee works in the promoted position.

Demotions - An employee may be demoted for performance concerns, misconduct, in the event of a reduction in force, or at management's discretion. Demotions also occur when employees apply for or voluntarily accept a position with a lower pay grade than their current position.

In the case of a demotion, the employee's rate of pay may be reduced within the range established for the position to which demoted. If an employee had been promoted and is currently demoting to their previous classification, the employee may be placed at the rate of pay the employee would have been at if he/she had never been promoted.

Reclassification - A reclassification is the movement of a position to a higher or lower pay grade or a change in exemption status. Reclassification requests will typically be considered as part of the annual budget process and must be approved by the County Commission. Because a reclassification is the movement of a position, all employees in the position are consequently also moved to the new pay grade, retaining their current rate of pay (or, if that is not possible in the new range, the step closest to but higher than their current rate of pay).

Reduction in Force - A reduction in force (RIF) occurs when changing priorities, budgetary constraints or other business conditions require Yankton County to abolish positions. A RIF can also occur when a position changes so significantly that the employee is no longer able to perform the required duties. Any Department Head may terminate or demote any employee without prejudice because of lack of funds or curtailment of work. In such event, the Department Head or immediate supervisor will give at least a two-week notice of the intended action to the employee. The employee's rate and receipt of pay will not be altered until at least two weeks after the date notice is given. In the event of demotion or job termination, the monies received by the employee during the two weeks will be considered the total sum of any "severance pay" which may be claimed by the employee.

613 COMPENSATION FOR ELECTED OFFICIALS

Elected Officials are paid on a salary that is set by the County Commission. The salary for each elected official will be reviewed during the annual budget process. Items to be considered when budgeting for adjustments may include, but not be limited to, market for similar positions, equity within Yankton County management positions, pay of subordinate staff, performance and funding. Adjustments in the flat rate, either increases or decreases, will be made at the discretion of the County Commission.

SECTION VII: EMPLOYEE BENEFITS

701 STATUTORY BENEFITS

In accordance with applicable law, the following benefits are provided to all employees:

1. Worker's Compensation Insurance provides financial protection in case you are injured or become ill as a result of your employment. This coverage complies with the worker's compensation laws of the state, and the County pays the cost of this protection on your behalf.
2. Social Security coverage entitles you and your family to certain health and retirement benefits based on income and number of years worked. The County contributes to this coverage by paying one half of the Social Security tax.

702 VACATION LEAVE

1. Vacation leave is allowed after six (6) months of employment as a full-time staff employee.
2. The employee's anniversary date of hiring shall be the date used for determining vacation accrual. Vacations must be scheduled and approved in advance by the department head. The following conditions are based upon "years of service to Yankton County, not continuous years of service:
 - a. Payment is based on regular day's pay not to exceed eight hours. Any changes to this policy must be authorized by the County Commission;
 - b. Vacation Leave Accrual:

Years of Service	40 Hour Per Week Employees		35 Hour Per Week Employees	
	Hours Per Month	8 Hour Days Per Year	Hours Per Month	7 Hour Days Per Year
0-6 (72 months)	6.6667	10 (80 hours)	5.8333	10 (70 hours)
7-14 (168 mos)	10	15 (120 hours)	8.7500	15 (105 hours)
15-19 (228 mos)	13.3333	20 (160 hours)	11.6667	20 (140 hours)
20+ (240 mos)	16.6667	25 (200 hours)	14.5836	25 (175 hours)

Years of Service	60 Hour Per Week Employees	
	Hours Per Month	12 Hour Days Per Year
0-6 (72 months)	6.6667	10 (120 hours)
7-14 (168 mos)	10	15 (180 hours)
15-19 (228 mos)	13.3333	20 (240 hours)
20+ (240 mos)	16.6667	25 (300 hours)

- c. At the option of the employee, persons with at least seven (7) years of service may take a payout (through direct deposit) of one (1) week of vacation accrual per year. Persons with at least 15 years of service may take a payout (through direct deposit) of two (2) weeks of vacation accrual per year. Such payment will be at the employee's current base rate of pay and the Department Head must be notified prior to the 25th day of the month.
- d. Employees are allowed to accrue a maximum of 200 hours of vacation leave that may be carried

over from year to year.

3. Years of service shall mean full years of service based on the anniversary date of employment.
4. Any employee, upon retirement or who is terminated through no fault of their own, shall be allowed credit for a partial year of accumulated vacation based on their status. It will be allowed as time off with pay or lump sum payment.
5. Department heads shall maintain monthly records for all their employees on the approved form.
6. This section does not cover elected officials.

703 SICK LEAVE

1. Full-time employees shall accumulate sick leave at the rate of one (1) day consisting of seven (7) or eight (8) hours, depending upon their normal work day period per month beginning with the first full month of employment. A maximum of one hundred twenty (120) usable sick days (840 or 960 hours depending upon their normal work day) may be accrued. Accumulated sick leave days may not be used until after sixty (60) days of employment
2. As an incentive for good work attendance, accumulated sick leave days in excess of the one hundred twenty (120) days accrual limit shall be paid back to the employee annually at one-fourth (1/4) of the employee's current base pay. This payment shall be included in the monthly pay (through direct deposit) in which the hiring anniversary date of the employee falls. A County voucher requesting this annual payment shall be submitted to the County Auditor by the department head at least five (5) working days prior to the normal monthly payday.
3. Sick leave may be used when an employee is legitimately ill, consulting a doctor, or utilizing clinic or hospital facilities. Sick leave may also be used to care for an immediate family member. For the purposes of this section, an immediate family member is the employee's husband or wife, son or daughter, or mother or father.
4. If at any time the County questions the validity of the illness, the employee shall be required to furnish adequate proof of the actual illness.
5. Any employee abusing sick leave privileges or falsifying a doctor's statement shall be subject to disciplinary action.
6. Any person who has been employed by the County for five (5) years shall be entitled to payment (through direct deposit) from Yankton County in an amount equal to twenty (20) percent of the employee's total accumulated sick days effective upon leaving employment from Yankton County.
7. This section does not cover elected officials.

704 DONATED SICK LEAVE

Full-time employees may transfer sick leave to a fellow full-time employee suffering an extended illness, family crisis, or maternity leave.

1. Each request will be reviewed on a case-by-case basis and approved by the County Commission.
2. A donor may authorize the transfer of a minimum of four (4) hours and a maximum of forty (40) hours. There will also be a forty (40) hour maximum per year.
3. The sick leave balance of the employee donating hours may not go below twenty-four (24) hours after the transfer has been made.
4. A special authorization "Sick Leave Transfer" form available in the Auditor's Office must be

completed. The donor's names will be confidential; however, individual donors may personally inform the recipient of their transfer if they so desire;

5. Transfers will only be permitted for a specified individual and during a specified time period upon administrative approval. Donations will be taken in the order they are received, and in the event that all hours are not needed the remainder will be given back to the employee donating the hours;
6. In the case of a family crisis, all sick leave must be exhausted by the recipient prior to the transfer of sick leave;
7. In the case of personal illness, both vacation leave and sick leave must be exhausted by the recipient prior to the transfer of sick leave;
8. The recipient must be on leave-of-absence status, and will not accrue benefit time. They will be covered for the full costs of the health insurance, dental insurance and life insurance premiums, if they be enrolled, during this time as required by FMLA (Family and Medical Leave Act);
9. Recipients will receive sick leave at their hourly rate and they will not be obligated to repay it; and
10. Recipients receiving Worker's Compensation will not be eligible for this program.

705 BEREAVEMENT LEAVE

Regular, full time employees will be granted up to four (4) days leave from work with pay, in the event of death in the employee's immediate family. Immediate family is defined as a spouse, child, mother, father, mother-in-law, father-in-law, brother, sister, grandparents and grandchildren.

A regular, full time employee may take one (1) day leave from work with pay to attend the funerals of other relatives or friends. This benefit is limited to two (2) occurrences per year. Any additional days taken by the eligible employee for any one situation will be deducted from vacation time or be taken without pay.

706 TIME OFF TO VOTE

In general, if you wish to vote, you are expected to do so before or after your scheduled shift. If, on the day of any election, the polls are not open for at least two consecutive hours before or after your scheduled shift, you may be granted up to two consecutive paid hours off work during times that the polls are open in order to allow you to vote.

To be granted time off to vote, you must provide reasonable advance notice to your supervisor. In order to provide you with sufficient time to vote while minimizing disruption to County business, your supervisor may specify the particular hours you may take off work to vote. Such time will be treated as regular work time for the purpose of pay.

707 JURY DUTY

County employees who are summoned for jury duty during assigned work hours will receive regular county pay. All fees received by the employee for serving on the jury will be returned to the County. Mileage, lodging, meals, and any other travel expenses paid to the employee by the court system will be retained by the employee. County travel compensation will not be allowed.

Jury time off duty shall not be used in combination with annual or other leave, unless authorized in advance by the Department Head. Eligible employees will continue to accrue authorized leave benefits during the jury leave period.

708 COURT APPEARANCE

An employee who is required to make a court appearance in an official capacity in connection with the

County or as an expert witness shall be deemed to be on duty and no charge will be made against leave.

If an employee is involved in a personal case, either as a plaintiff or as a defendant, the employee may be granted leave but the time off will be charged to annual leave, compensatory time, or leave of absence without pay.

Any payments received by an employee for appearing as a legally required or expert witness, in their official county capacity, shall be turned over to the County.

709 LEAVE OF ABSENCE

The County recognizes that there are circumstances when, for various reasons, employees may find it necessary to be absent themselves for an indefinite period of time. Leaves of absence constitute an additional expense to the County and will be carefully controlled. Each request will be considered on its own merits. If the leave is granted, preferential treatment will be given and every effort will be made to re-employ such people when their leave is up, provided the type and kind of work for which they are suited is available, and under the following conditions and/or rules:

1. Request for leave of absence is to be made in advance so far as possible;
2. Employees shall notify their supervisor and fill out the appropriate form, obtaining written approval of those officers listed under authorization;
3. Employees must notify the County Commission and department head at least one week in advance of their agreed-upon return to work date. If the employee fails to report to work on the agreed-upon date, they will be terminated and coded as a voluntary quit. If, while on leave, the employee decides to terminate, they shall notify the County Commission;
4. If a leave of absence is applied for under false pretenses, the employee will be subject to automatic discharge;
5. If a leave of absence is for a time period of less than sixty (60) days, the returning employee does not suffer a break in continuous service. However, the employee must complete the specified period of time required for earning benefits (i.e., vacations) and will be eligible for holiday pay as soon as he/she returns; and
6. If a leave of absence is for more than sixty (60) days, the remaining employee will be treated as a new employee and will serve the one hundred eighty (180) days introductory period. Exceptions to this rule are jobs related and non-job-related disability leaves.

710 JOB RELATED AND NON-JOB-RELATED DISABILITY LEAVE

Disability leave may be granted to any regular full-time employee. A disability leave of absence requires a continued physician's statement of disability (each two [2] weeks). A maximum of twelve (12) months applies. During this period the employee wishing to continue insurance coverage will continue to pay their portion of all insurance premiums. Section 607 F applies if disability leave is in excess of twelve (12) months. Employees must present a signed physician's "release to return to work" form in order to return to work.

711 MILITARY LEAVE

1. Regular employees ordered for temporary monthly training (usually two [2] days) or annual training (usually two [2] weeks) by the respective military reserve or National Guard unit will be granted time off without pay for this purpose. However, employees are required to provide department heads with a copy of written military orders sufficiently in advance of training dates so that work-scheduling adjustments can be made.
2. Employees will continue to accrue all of the normal employment benefits for which they are eligible during periods of temporary or annual military training.

3. Employees may voluntarily use accrued vacation time during military leave if they choose.
4. Employees are responsible for making their required contributions to keep their health insurance in force during military leave.
5. Employees called to active duty in the Armed Forces of the United States will be reinstated under the provisions of the Veteran's Reemployment Rights Act and other applicable state and federal laws. Every reasonable effort will be made to return eligible employees to their previous position or a comparable one.
6. Employees on military leave will be treated as if they were continuously employed for the purpose of determining benefits, based upon the length of service.

712 FAMILY AND MEDICAL LEAVE OF ABSENCE

The federal **Family & Medical Leave Act of 1993** (FMLA) as amended, requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available, including the basic 12-week leave entitlement (Basic FMLA Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy.

Eligibility

Employees are eligible for FMLA leave if they:

1. Have worked for the company for at least 12 months;
2. Have worked at least 1,250 hours for the company during the 12 calendar months immediately preceding the request for leave; *and*
3. Are employed at a work site that has 50 or more employees within a 75-mile radius.

The 12 months of service need not be consecutive. Employment before a break in service of 7 years or more will not be counted, unless the break in service was caused by the employee's USERRA-covered service obligation, or there was a written agreement that the employer intended to rehire the employee after the break in service.

Under certain conditions, employees who are designated as "key" may be denied job restoration rights. These employees must be in the highest paid ten percent (10%) of the workforce, and their absence must mean a substantial economic loss to Yankton County. Supervisors are urged not to use a "key" person designation unless absolutely necessary. If a person designated as "key" still takes family leave, Yankton County will pay the health care premiums, but no guarantees are made about returning the key employee to the job he or she left. Yankton County will not attempt to recover health care premiums from such employees who do not return to work.

Basic FMLA Leave

Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

1. To care for the employee's son or daughter during the first 12 months following birth;
2. To care for a child during the first 12 months following placement with the employee for adoption or foster care;
3. To care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition;
4. For incapacity due to the employee's pregnancy, prenatal medical or child birth; *or*
5. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

The twelve (12) month period is determined on a "rolling basis"; measured backward from the date an employee uses any FMLA leave. Under this method, each time an employee takes FMLA leave, the remaining leave

entitlement would be any balance of the twelve (12) weeks that has not been used during the immediately preceding twelve (12) months. Employees will be required to take any unused sick and vacation time as part of this 12-week period.

In cases where a married couple is employed by the County, the two spouses together may take a *combined total* of 12 weeks' leave during any 12-month period for reasons 1 and 2, or to care for the same individual pursuant to reason 3.

Military Family Leave

There are two types of Military Family Leave available.

- 1. Qualifying exigency leave.** Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).

For Regular Armed Forces members, "covered active duty or call to covered active duty status" means duty during the deployment of the member with the Armed Forces to a foreign country (outside of the United States, the District of Columbia, or any territory or possession of the United States, including international waters).

For a member of the Reserve components of the Armed Forces (members of the National Guard and Reserves), "covered active duty or call to covered active duty status" means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

Qualifying exigencies may include:

- Short-notice deployment (seven or less calendar days)
 - Attending certain military events and related activities
 - Childcare or school activities
 - Addressing certain financial and legal arrangements
 - Periods of rest and recuperation for the military member (up to 15 calendar days of leave, dependent on orders)
 - Attending certain counseling sessions
 - Attending post-deployment activities (available for up to 90 days after the termination of the covered military member's covered active duty status, and to address issues arising from death of military member)
 - Attending to parental care needs arising from covered active duty or call to duty (arrange for alternative care for a parent of a military member, provide urgent or immediate care, admit or transfer to a care facility, or attend non-routine caregiver meetings with care facility staff)
 - Other activities arising out of the military member's covered active duty or call to active duty and agreed upon by the company and the employee
- 2. Leave to care for a covered service member.** There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave during a single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military service member or veteran recovering from a serious injury or illness, as defined by FMLA's regulations.

For a current member of the Armed Forces, including a member of the National Guard or Reserves, the member must be undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness.

For a covered veteran, he or she must be undergoing medical treatment, recuperation or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

An eligible employee must begin leave to care for a covered veteran within five years of the veteran's active duty service, but the single 12-month period may extend beyond the five-year period.

Use of FMLA Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave. Employees are prohibited from engaging in alternative employment while on FMLA leave from the County. Employment by a branch of the United States' Armed Forces during approved military leave does not constitute alternative employment during sick leave.

Time off for FMLA

Employees are required to first use available sick and vacation time for FMLA qualifying events. Department Heads and Deputy States Attorneys who do not receive vacation or sick benefits will be allowed to use up to a total of 30 calendar days of paid leave for any combination of type of leave of absence, including an approved FMLA leave, per year. If all paid time off options have been exhausted, the remaining time off will be unpaid.

The substitution of paid leave time for unpaid leave time does not extend the 12- or 26-week leave period. Furthermore, in no case can the substitution of paid leave time for unpaid leave time result in the receipt of more than 100 percent of an employee's salary.

Employees are prohibited from working any other job for another employer while out on FMLA leave.

While out on leave, employees may be required to periodically report in to their supervisors regarding their return to work plans.

Medical certification

Employees must provide certification explaining their own serious health condition or that of a family member. It should detail:

1. The date on which the condition began;
2. The probable duration of the condition;
3. Appropriate medical facts regarding the condition;
4. A statement that the employee is needed to care for a spouse, parent, or child; and
5. A statement that the employee's own health condition makes it impossible for them to work.

All employees returning from medical leave caused by their own illness will be required to obtain medical certification from Yankton County's health care provider that the employee is able to resume work.

Employees on leave status will be required to report their status on a weekly basis. The employee's

estimated date of return to work will be communicated to the appropriate Yankton County compliance officer or supervisor as far in advance as practical so that scheduling can be facilitated. Supervisors will communicate with employees during the leave to determine the employee's intention to return to work, and they should be informed immediately if the medical condition changes or the employee states that they will not be returning to work.

Medical and other benefits during an approved FMLA leave

During an approved family medical leave, the company will maintain the employee's health benefits as if the employee continued to be actively employed. If paid leave is substituted for unpaid family medical leave, the company will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium and make arrangements through the payroll department.

An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the payment is more than 15 days late, the company will send the employee a letter to this effect. If the company does not receive the co-payment within 15 days after the date of that letter, the employee's coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse the company for the cost of the premiums paid by the company for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

Employees will not accrue any paid time off benefits while on FMLA leave.

Return to job at end of FMLA leave

Upon return from FMLA leave, eligible employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms except as otherwise provided by law. Return to work documentation may be necessary if an employee is on leave for their own serious medical condition.

Employee Responsibilities When Requesting FMLA Leave

If an employee is unable to return to work following the expiration of all FMLA leave, the County will engage in the ADA accommodation process. If the need to use FMLA leave is foreseeable, the employee must give the company at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

Whenever possible, requests for FMLA leave should be submitted in writing to the Auditor's Office.

If the need for leave is not foreseeable, employees are required to provide as much notice as soon as practicable under the facts of the particular case. An employee requiring unforeseeable leave must, absent extraordinary circumstances, call his or her direct supervisor and provide sufficient information regarding the employee's need for leave to support a request for FMLA leave. It generally should be practicable for the employee to provide notice of leave within one business day.

When submitting a request for leave, the employee must provide sufficient information for the County to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. Calling in "sick" is not sufficient. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must

inform the company if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also will be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities during an FMLA Leave

When an employee requests leave, the County will inform the employee whether he or she is eligible under the FMLA. If the employee is eligible for FMLA leave, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible under the FMLA, the company will provide the employee with a written notice indicating the reason for ineligibility.

If leave will be designated as FMLA-protected, the County will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's 12- or 26-week entitlement.

Reporting While on FMLA Leave

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must notify their Department Head as soon as possible. If the FMLA is intermittent, it is the employee's responsibility to notify their Department Head in accordance with company call in standards. The employee also must clarify the time off is FMLA related.

713 HEALTH INSURANCE

It is the policy of Yankton County to offer health insurance benefits to regular full-time employees. Yankton County will offer one or more options for coverage, and will contribute an amount to be determined each year towards each eligible employee's premium. Employees who want to provide health insurance coverage for family members will be responsible for the additional premium cost, to be paid through payroll deduction.

Insurance coverage and options may change from year to year.

714 HEALTH INSURANCE CONTINUATION (COBRA)

Group health coverage would normally terminate on the last day of active full-time employment with Yankton County. However, under the Federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and covered dependents may be able to continue group health coverage beyond the date it would normally terminate by paying the premiums for the continued group health coverage, plus an administrative fee. Other qualifying events, such as leave of absence, change of work hours, change of marital status, change of dependent status, or death, may also trigger the ability to continue coverage.

After a qualifying event, employees and/or covered dependents may apply to continue group health coverage. Such persons will be known as continuation applicants. As continuation applicants, former employees and eligible dependents will be entitled to the same health benefits for which they were covered under the County's Plan immediately prior to the employee's termination. Coverage includes medical benefits, but does not include any life insurance or accidental death and dismemberment benefits.

When an employee becomes eligible for Yankton County's health insurance plan, they will be given a written notice describing the COBRA rights.

In the event that you become divorced or legally separated, or one of your dependents ceases to be eligible for coverage under our group health insurance plans, you and/or your dependent(s) is/are responsible for contacting the Auditor's office and the Plan Administrator to discuss continuation or conversion rights. You and your qualified beneficiary are also responsible for notifying the Auditor's and the Plan Administrator within 60 days of qualifying for social security disability benefits.

715 HEALTH REIMBURSEMENT ARRANGEMENT (HRA)

The Health Reimbursement Arrangement (HRA) is an employer-funded benefit to reimburse eligible full-time employees for out-of-pocket medical expenses and personal health insurance premiums. This benefit allows employees to pay for certain medical expenses not covered by insurance.

716 RETIREMENT

Yankton County is a participating member of South Dakota Retirement System (SDRS). For eligible employees as defined by SDCL 3-12, participation in SDRS is mandatory and administered in accordance with policy and procedure outlined by SDRS. In addition, Yankton County also offer participation in the SDRS Supplemental Retirement Plan (SRP), which is a personal retirement savings option available to SDRS members and any person providing services to the state or a political subdivision of the state for which compensation or contractual payment is paid by an SDRS-participating employer. The SDRS-SRP allows participants to save additional dollars for retirement on either a pre-tax or after-tax (Roth) basis.

The SDRS is set by state statute and is subject to change, and any statutory provisions supersede all references made in any other material distributed by the County.

717 LONGEVITY PAY (Bonus for time employed in County service)

The length of County employment shall be the full number of years as of the hire date of the employee during the calendar year. The employee's "years of service" shall be considered for longevity pay. The department head shall determine any question on eligibility.

Eligible employees shall be paid a prorated share of longevity pay upon their voluntary termination of employment.

Longevity pay shall be paid annually (through direct deposit) on or around the employee's anniversary date, according to the following formula (NOTE: Some departments may have a different payment formula due to a different work schedule.)

Years of Service	Annual Payment	Years of Service	Annual Payment
0-5	NONE	31 (\$30 increase each year)	\$930
6-10	\$100	32	\$960
11-15	\$175	33	\$990
16 (\$15 increase each year)	\$250	34	\$1,020
17	\$265	35	\$1,050
18	\$280	36 (\$35 increase each year)	\$1,260
19	\$295	37	\$1,295
20	\$310	38	\$1,330
21 (\$20 increase each year)	\$420	39	\$1,365
22	\$440	40	\$1,400
23	\$460	41 (\$40 increase each year)	\$1,640
24	\$480	42	\$1,680
25	\$500	43	\$1,720
26 (\$25 increase each year)	\$650	44	\$1,760
27	\$675	45	\$1,800
28	\$700	46 (\$45 increase each year)	\$2,070
29	\$725	47	\$2,115
30	\$750	48	\$2,160

718 EMPLOYEE BENEFIT ELIGIBILITY SUMMARY TABLE

The following table outlines the benefits that are generally available to various employee classifications. The table's purpose is to provide a "quick reference" for employees. It may not accurately represent the benefit situation for each employee within a particular classification; nor does it infer a promise by the County to provide particular benefits to any group of employees.

***Please refer to the individual benefit descriptions for information on the timing of benefit accrual and use.**

Employee Classification The following classifications are defined in the "Terms and Definitions" Section page v. ✓ - Indicates benefit eligibility	Worker's Comp & Injury Leave	Vacation Leave	Sick Leave	Donated Sick Leave	Funeral Leave	Jury Duty	Court Appearance	Leave of Absence	Disability Leave	Military Leave	Family & Medical Leave	Health Insurance	Health Insurance Continuum	Retirement	Longevity Pay
Temporary or Seasonal (Less than 6 months)	✓						✓								
Temporary or Seasonal (More than 6 months)	✓						✓					✓			
Part Time (Under 20 hours per week)	✓						✓								
Regular Full Time (At least 35 hours per week)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Regular Full Time (At least 30 hours per week)	✓					✓	✓			✓		✓		✓	
Regular Part Time (Over 20 hours per week)	✓					✓	✓			✓				✓	
Contract (Under County supervision)	✓						✓								
Introductory (Regular Full Time) *	✓	✓	✓		✓	✓	✓			✓		✓		✓	
Introductory (Regular Part Time) *	✓					✓	✓			✓		✓		✓	

719 INCLEMENT WEATHER

Weather conditions may, on occasion, make it impossible for you to arrive at work safely. The County does not want you to take unnecessary risks to get to work under such circumstances and you should use common sense and your best judgment when traveling to work in inclement weather.

If weather conditions cause the Government Center to close, hourly employees who have reported to work will be paid for all hours worked or a minimum of two (2) hours, whichever is greater.

If the County opens for business and you elect not to come into work or to leave early because of dangerous weather conditions, available paid time off will be used or otherwise the time off is unpaid.

720 NURSING MOTHERS

Nursing mothers are entitled to reasonable break times each day to allow for expressing breast milk for her nursing child. The County will provide a room or location (not a restroom), for a nursing mother to express milk with privacy.

721 STAFF DEVELOPMENT

Yankton County employees are afforded various training opportunities for the purpose of providing academic and technical knowledge in the area of their official duties. Budget permitting, these may include in-service seminars, workshops, or training for academic credit. All travel and expenses outside of approved budget items are subject to approval by the County Commissioners.

722 CREDIT CARDS

County employees traveling outside the county on county business may be issued a credit card under their name and office.

Credit cards may be used for motels, gas and/or repairs for county vehicles, and purchases where open accounts are unavailable or inefficient including conference registration. Meals are covered on a per diem basis and credit cards are not used.

Department Heads are responsible for cards issued to their offices and shall code all credit card receipts monthly for the Auditor. Department officials shall immediately report any lost cards to the bank. Misuse of credit cards may result in loss of the card privilege.

SECTION VIII: TRAVEL POLICIES

801 MILEAGE COMPENSATION

1. It is the policy of Yankton County to reimburse employees for business related travel, in personal vehicles, according to the following conditions:
 - a. The travel must have been approved by the employee's supervisor; and
 - b. A properly prepared voucher must have been submitted to the Auditor.
2. The mileage rate is subject to change. Employees should contact their supervisor or the County Auditor to obtain the current mileage rate. State mileage figures will be considered in determining the rate amount.

802 MEALS

1. County business related meal expenses will be reimbursed under the following conditions:
 1. The employee was on authorized County business; and
 2. A properly prepared voucher must have been submitted to the Auditor.
2. The County will reimburse the employee based upon current state government rates.
3. Meal payments will be based upon the following time periods.
 - a. Breakfast. Leave before 6:00 a.m.
 - b. Lunch Leave before 11:00 a.m.
 - c. Dinner Leave before 5:00 p.m.
4. The meal rates are subject to change. Employees should contact their supervisor or the County Auditor to obtain the current rates.
5. Meal costs may not be allowable expenses unless the business trip is overnight. Meal compensation may be treated as employee income if the activity does not involve an overnight stay.

803 LODGING

Yankton County will reimburse employees for lodging expenses, while on official business, under the following conditions:

- a. The travel was authorized by their supervisor;
 - b. The accommodations were reasonable in price for the area. If the expenses appear excessive, "state lodging rates" shall be the initial consideration in evaluating costs. The location of the meeting or work sites in relation to the lodging may also be considered. Finally, the prevailing price of similar accommodations may be reviewed; and
 - c. A completed voucher and applicable receipt are submitted to the Auditor.
1. Employees are encouraged to stay at the most economical accommodations available.

804 REGISTRATION AUTHORIZATION

Except otherwise noted in state law, no registration charges for attending meetings shall be approved by Yankton County, unless authorized by the County Commission in advance, such as through the budget approval process.

- a. A completed voucher must be submitted to the Auditor.

805 RIDESHARING AND USE OF COUNTY VEHICLES

- a. County personnel are encouraged to pool rides whenever possible while traveling to worksites, meetings, conferences, or training locations.
- b. Vehicles, owned, or leased by Yankton County are to be used for business purposes only. This includes transportation for County personnel during business hours (on County business).
- c. The personal use of county vehicles is not allowed without prior approval of the County Commission. Commission's approval will be contingent, in part, upon the necessity of the employee having immediate access to a county vehicle (Example: on call emergency personnel).
- d. All Yankton County employees are reminded to wear seatbelts when traveling in any County- owned or leased vehicle, as required by state law.
- e. Consumption of alcohol in any County-owned or leased vehicle, either by a driver or a passenger is expressly prohibited. Violation of this policy will result in disciplinary action, up to and including termination for the first such offense.
- f. Drivers should not consume beverages or food or participate in any other behavior that could distract them while operating a vehicle.

806 DRIVERS LICENSE AND INSURANCE RESPONSIBILITIES

- g. The County may require all drivers to submit a photocopy of their state operator's license to facilitate a review of their driving record and restrictions.
- h. The County may request a copy of any Motor Vehicle Report or associated legal documents if the driver is under disciplinary probation or suspension.
- i. Drivers are required to report to their supervisor any and all tickets received while driving a County vehicle.
- j. Drivers are required to inform their Supervisor of any Driving Under the Influence (DUI) tickets, suspensions or revocation of driving privileges immediately. Continuing to drive a County vehicle while under suspension may result in termination.
- k. All employees using their personal vehicle for county business on a regular basis shall provide a Certificate of Insurance or a photocopy of an insurance statement to show proof of insurance.

807 DEFENSIVE DRIVING CLASSES

- l. Employees are encouraged to complete a defensive driving course at least every two years if they regularly operate motorized vehicles and/or travel regularly on County business.
- m. The County may provide opportunities for all employees to take defensive driving classes as it deems necessary.

808 PERSONAL USE OF COUNTY VEHICLES

- n. Certain employees may be authorized to use county vehicles to commute to and from work, if immediate access to such a vehicle is necessary for the effective delivery of services (examples - emergency response and snowremoval determinations).
- o. Employees using a county vehicle for commuting may have a "financial benefit" added to their gross income. The amount of the benefit will be determined by applicable state and federal guidelines.
- p. Employees will be responsible for paying appropriate taxes on the additional income.

SECTION IX: HIRING PROCEDURES AND PERFORMANCE REVIEWS

901 RESPONSIBILITIES OF THE COUNTY COMMISSION

SDCL §7-7-20 authorizes the County Commission, if it deems it necessary to dispatch business, to fix:

1. The number of deputies or clerks to be employed;
2. The time of employment; and
3. The compensation which they shall receive.

902 RESPONSIBILITIES OF CONSTITUTIONAL OFFICERS

SDCL §7-7-21 gives the officer the authority to appoint and remove clerks and deputies at pleasure.

903 RESPONSIBILITIES OF APPOINTED DEPARTMENT HEADS

The County Commission delegates the responsibility of hiring employees to appointed department heads, subject to the policies of Section 904.

904 POLICIES

1. It is the policy of Yankton County to be an equal opportunity employer and to hire individuals solely upon the basis of their qualifications and ability to perform the job. South Dakota's Veterans Preference Law must be followed in the hiring process.
2. All supervisors, including constitutional officers, shall inform the County Commission of a job opening, prior to advertising and/or filling the position, unless they are replacing an employee that was already part of the department's current annual operating budget.
3. Yankton County will normally try to fill job openings, above entry level, by promoting from within, if qualified applicants are known to be available internally.
4. Regular full-time and part-time positions will be posted internally, as well as on on-line job boards and/or newspapers.
5. Temporary positions may be filled at the discretion of the supervisor, provided the job(s) are part of the department's current annual operating budget.
6. During the recruitment, hiring, and orientation process, no statement is to be made promising permanent or guaranteed employment and no document should be called a contract unless, in fact, a written employment agreement is to be used. No written employment agreements may be made without the prior approval of the Board of County Commissioners.
7. The Board of County Commissioners shall be informed of all hiring decisions. Prior Commission approval is needed for any hiring decision that will result in the department exceeding its authorized budget.
8. The County Commission reserves the right to review all hiring decisions to determine if County policies have been followed in selecting the employee.

905 INTRODUCTORY PERIOD

1. Introductory employees shall work an introductory period of one hundred eighty (180) days.
2. The department head will utilize the introductory period to observe the employees work, to train and aid employees in meeting the required work standards.
3. At the end of the introductory period, the department head will conduct a performance appraisal. If this performance appraisal results in a "satisfactory" evaluation, or better, then the employee will have successfully completed the introductory period.

4. The department head, on behalf of the supervisor or other person charged with responsibility of overseeing the employee's position may terminate the employee for any reason during the introductory period.
5. Employees will accrue benefits during the introductory period.
6. Any significant absence from work during the introductory period may result in a corresponding extension of the introductory period.

906 REGULARLY SCHEDULED REVIEW

Yankton County encourages annual performance reviews where department heads assess each individual's work and areas of responsibility, and convey this information to that person to enable the employee to know whether they are on target or not with their efforts. Positive feedback is just as important as negative in that both help an employee do a better job, which is the County's overall goal. Also, this time is set aside for employees to meet with their supervisors and to bring up any subjects they would like; such as new ideas, policy questions, etc.

The performance of employees should be evaluated according to an ongoing twelve (12) month cycle.

Department heads are encouraged to conduct performance evaluations on a regular schedule, but no later than November 30, of each year. Non-elected department heads may be evaluated by the County Commission on or near the first regular commission meeting in December.

907 WAGES

Changes in salary or wage rates are normally made on an annual basis in December of each year, with any adjustments to be effective January 1st of the following year.

908 POLITICAL ACTIVITY

Political affiliation or activity will not be a factor in hiring, promotion, demotion, transfer, suspension, termination, or any other conditions and privileges of employment with Yankton County. County employees will not use their County work time or County facilities to aid, encourage, or promote candidates for elected public office whether partisan or nonpartisan.

Those employees whose employment is financed by loans or grants made by the United States or a federal agency may be subject to the provisions of the Federal Elections Campaign Act (the "Hatch" Act) regardless of when or where partisan election activities occur. This Act prohibits certain types of involvement in federal, state and local elections such as use of official authority or influence to affect an election or nomination of a candidate, donations of items of value to an election fund, or becoming a candidate for office in a partisan election.

Nothing in this section will prohibit any non-elective County officer or employee from exercising his/her right as a citizen to express an opinion or do any partisan or nonpartisan political act not expressly prohibited herein as long as it is not done on County time or with County resources. This includes advocating for or against ballot issues.

A County employee will not be obliged to, by reason of employment, contribute to any political funds or collections or to render political service. Any employee refusing to contribute such funds or to render such service may not be removed or otherwise disciplined or prejudiced for that refusal. A County employee cannot use their position to coerce the political action of a person or group.

In the case of any County employee running for an elective public office, the following provisions will apply:

1. A County employee who intends to be a candidate for political office or participate in other time-consuming responsibilities connected with a governmental unit other than the County must notify their Department Head and the County Commission in writing as soon as possible.
2. Due to the wide variance in demands on time and the employee's differing job responsibilities, leaves of absence for the purpose of campaigning or holding political office will be arranged with the County Commission on an individual basis.
3. The Commission will give the employee a written copy of any agreement it reaches regarding the employee's political activity and job responsibilities.

4. Employees who are granted a leave of absence for political activity may return to their previous employment with the County without loss of position or benefits following that absence.
5. These restrictions do not apply to elected County officials.
6. The County will not employ or retain any person who advocates or belongs to an organization that advocates the overthrow or change of our government by force or violence. Employees may be required to take an oath as set forth in the State Constitution (Art. XXI, Sec. 3), SDCL 3-1-5, SDCL 3-5-11, and SDCL 3-2-3.

SECTION X: DISCIPLINARY PROCESS AND GRIEVANCE PROCEDURES

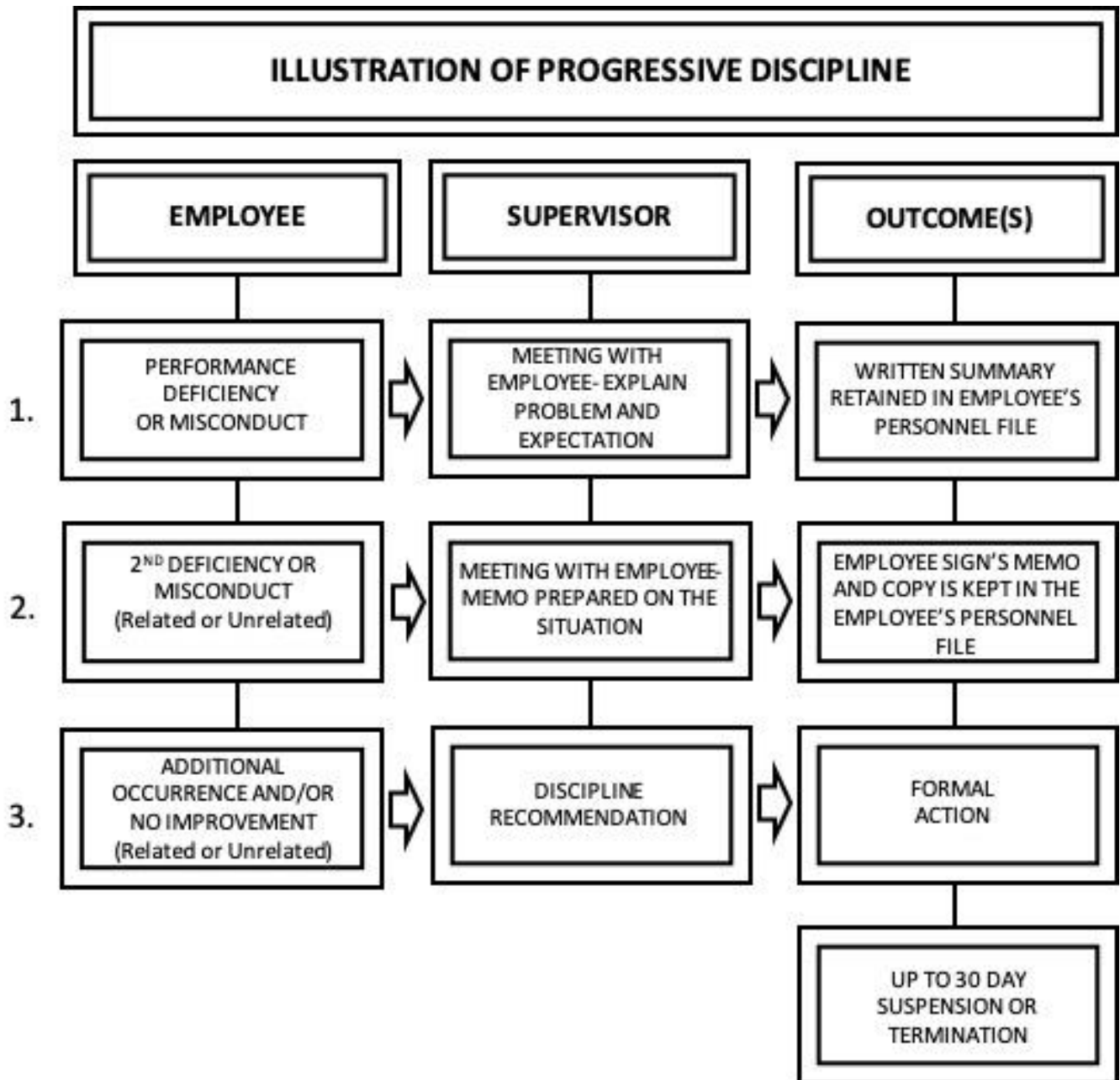
1001 DISCIPLINARY PROCESS

1. Yankton County encourages employees to develop their performance to the highest level or ability. To achieve this level an employee cannot let lateness, tardiness, failure to follow work rules and policies, or unacceptable job performance interfere with their job.
2. When a problem occurs, the normal process will be to encourage the employee to change the unacceptable behavior or performance problem. The normal process includes the following steps:
 - a. Verbal warning and counseling with the department head or supervisor;
 - b. Written warning with a copy in personnel file;
 - c. Up to a thirty (30) day suspension; or
 - d. Termination.

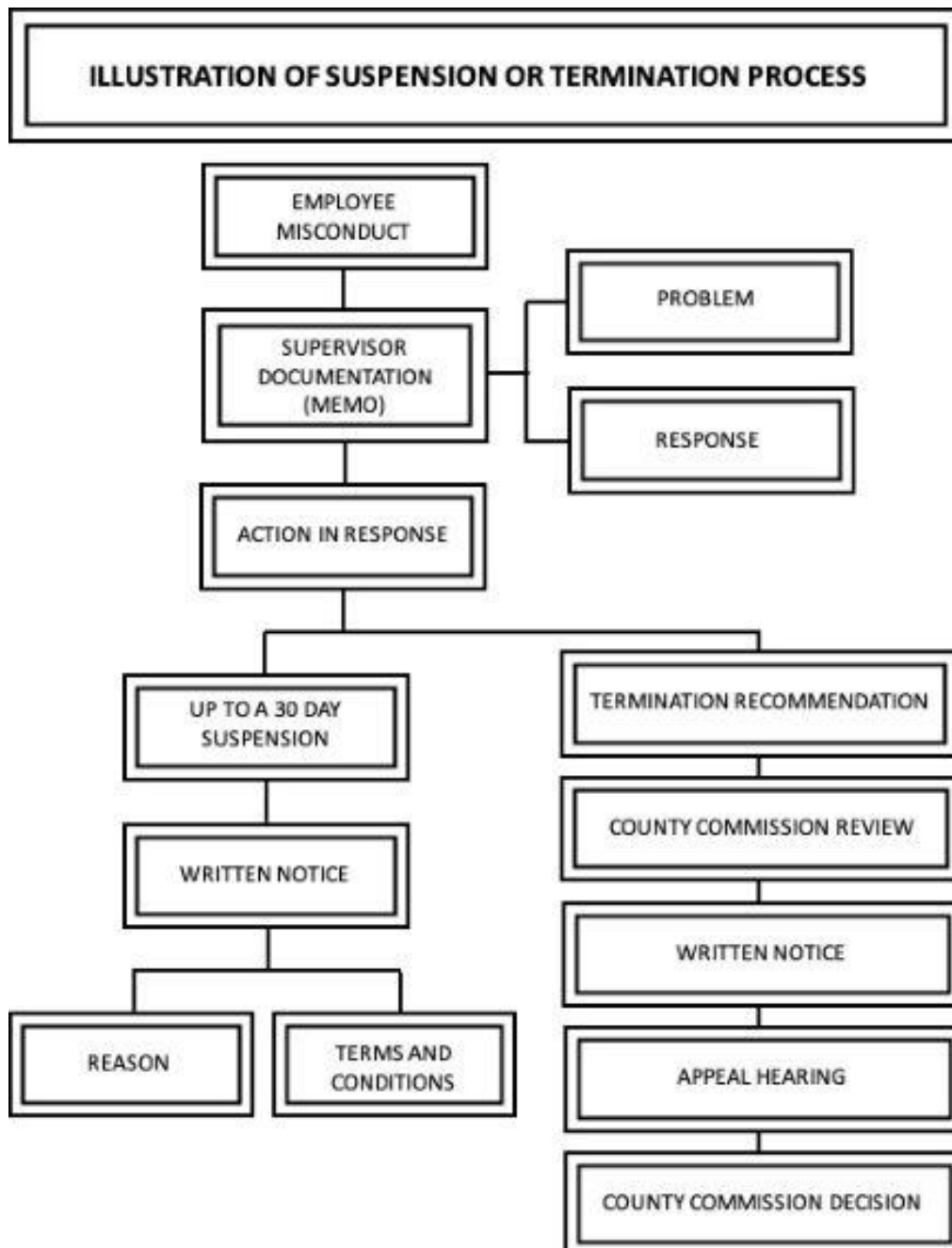
Item 3 and 4 may be applied on the first offense if the performance or behavioral problem is sufficiently serious, upon recommendation of the department head and approved by the Yankton County Commission.

3. Steps taken and time allowed for resolution is dependent upon the nature and severity of the problem.
 - a. Verbal Warning and Counseling: If a supervisor or department head views the employee's behavior or performance on the job as unacceptable, they will counsel the individual regarding the problem area. A written summary of this decision will be retained in the employee's personnel file.
 - b. Written Warning and Counseling: If unacceptable behavior or performance continues after counseling, the department head will document the behavioral or performance problem, previous discussions, the current situation, and conditions toward necessary improvements in a memo. The employee will be asked to sign this document and a copy will be retained in their personnel file. The employee will also receive a copy of this memo. Continuation of the unacceptable behavior or performance, after verbal and written warning, will be cause for termination.
 - c. Suspension or Termination: When all measures of progressive disciplinary action regarding behavioral or performance problems have been taken, and there is no improvement, there is little choice but to either impose a suspension of up to thirty (30) days or terminate the employment relationship. Employees under suspension may be subject to the withholding of wages and benefits for the period of the suspension, with the exception of health insurance contributions.
4. An employee who has been dismissed shall be entitled to a hearing at the next Commissioner's meeting following their dismissal. No written request shall be necessary. Such hearing shall be conducted in private with the dismissed employee and the department head present. The hearing may be adjourned from time to time. If the employee wishes to have an attorney present, they must notify the Commissioners who may then reschedule the hearing to a time when the states attorney can be present to advise the Board. Both sides may call sworn witnesses. Employees may provide a court reporter at their own expense. The Commissioners' decision shall be entered into the minutes of the meeting.
5. The following illustration is a representation of progressive discipline. It does not supersede the

County's written policies, nor does it infer that the same steps will be taken in all cases. Its purpose is to show how employees and supervisors could interact and the outcomes of various misconduct situations.



6. The following illustration is a representation of the actions associated with suspension or termination. It does not supersede the County's written policies, nor does it infer that the same steps will be taken in all cases. Its purpose is to show how the process would typically work.



1002 GRIEVANCE PROCEDURE

1. Definitions:

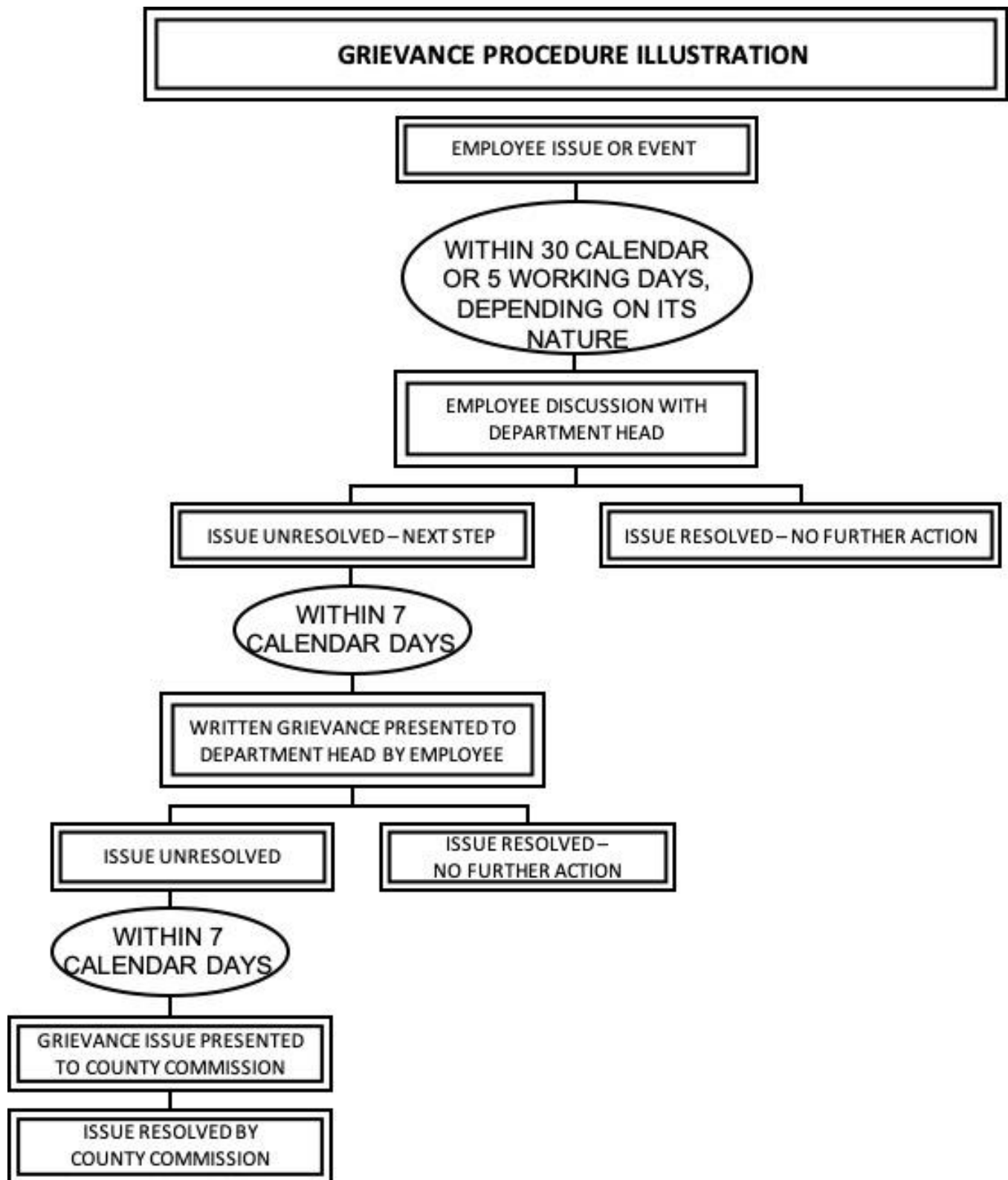
Grievance: An alleged violation, misrepresentation, or inequitable application of an existing agreement, contract, resolution, policy, rule or regulation, of County Commissioners or of any County office.

County Office: Any office under the supervision of the County Commissioners or of any elected County Officer.

Department Head: The County Officer in charge of the employee's office. Where applicable, it also refers to the Board of County Commissioners.

2. All employee grievances will be handled in the manner set out by this resolution. Failure to follow this grievance procedure will result in the grievance being dismissed with prejudice.
 - a. The employee will discuss the grievance with his/her department head. If the grievance is of a non-recurring nature, this step must be within thirty (30) calendar days of the event leading to the grievance. If the grievance is of a recurring nature, this step must be taken within five (5) working days of the event leading to the grievance.
 - b. If the grievance cannot be reconciled through step one to the employee's satisfaction within one week (7 calendar days) from the time the grievance is originally presented to his/her department head, the employee shall present the department head with a written grievance which shall state specifically the event(s) causing the grievance, all actions taken by the employee to resolve it and the action the employee desires the employer to take.
 - c. The department head shall resolve the grievance by themselves if he/she is able to and if he/she feels it is justified. If the department head cannot resolve it within one week (7 calendar days), he/she shall present it to the Board of County Commissioners for discussion at its next regularly scheduled meeting.
 - d. The Commissioners shall render a decision on the grievance at the meeting in which it is presented. The Commissioners may postpone a decision to the next regularly scheduled meeting if additional information or legal advice is needed.
3. The Burden of Proof in this procedure shall be on the employee. The employee will have to furnish the evidence necessary to prove any contested facts.
4. This procedure is for the benefit of the individual employees only. It may not be used by a non-employee (including former employees who have resigned, retired or been dismissed), nor by employee associations or by labor unions.
5. The department head should carry out the following four steps with fairness, firmness, and understanding, since these are fundamental to the satisfactory handling of any grievance.
 - a. The department head shall:
 - i. Receive the grievance properly;
 - ii. Arrange for privacy;
 - iii. Give a good hearing;

- iv. Give their full attention;
 - v. Don't interrupt;
 - vi. Ask questions to make certain all the facts are given;
 - vii. Repeat the essentials to the employee in their own words to assure accurate communication; and
 - viii. Assure the employee of prompt action.
- b. Get the facts:
 - i. Check every angle;
 - ii. Check the union agreement (if applicable);
 - iii. Check State law and County practices; and
 - iv. Examine the employment record of the employee involved.
 - c. Take action within one week:
 - i. If the employee is right, take steps to correct the situation and prevent its recurrence; and
 - ii. If the employee is wrong, explain decisions to them.
 - d. Follow-up:
 - i. Make sure actions are carried out;
 - ii. Maintain an atmosphere which will promote high morale; and
 - iii. Check with employees to find out whether there are potential irritations, which may become grievances, and take steps toward their removal.
6. Department heads shall not discourage employees from coming to them with grievances. Neither shall an employer discriminate against or take discriminatory action against an employee who has filed or is in the process of filing a grievance. Although they may be troublesome and time-consuming, it is better that employees make their grievances known than to keep them within themselves. An unheard grievance can be a serious infection, which before long may undermine the morale of an entire office.
 7. The following illustration is a representation of the County's grievance procedure. It does not supersede the County's written policies, nor does it infer that the same steps will be taken in all cases. Its purpose is to show typical steps and time frames



1003 Separation of Employment

Termination of employment is an inevitable part of personnel activity within any organization and many reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation – voluntary employment separation initiated by an employee
- Discharge – involuntary employment termination initiated by the organization
- Lay-off – involuntary employment termination initiated by the organization for non-disciplinary reasons
- Retirement – voluntary employment termination initiated by the employee meeting age, length of service and any other criteria for retirement from the organization.

As a matter of courtesy, non-exempt employees who desire to leave County employment are requested to give a 2-week notice. Exempt employees are requested to give at least a 30-day notice. Retirement notices should be given as far in advance as possible. Separation notices should be in written form. Generally, the last day worked will be recognized as the termination date. Employees will be paid for all time worked up to the separation date and time in accordance with the Fair Labor Standards Act. Paid time off will be paid out at the next pay period to employees that provide adequate notice and as set forth in this Handbook.

Employees must return all equipment belonging to the County on or before the last day of employment including but not limited to, all keys, County telephones and/or radios, and charge card (if issued). No final settlement of pay will be made until all items are returned in appropriate condition, unless it conflicts with state or federal laws. The cost of replacing non-returned items may be deducted from the final paycheck to the extent permitted by law. Furthermore, any outstanding financial obligations owed to the County will also be deducted from the final check.

Since employment at Yankton County is based on mutual consent between both the employee and the County, both the employee and Yankton County have the right to terminate employment at will, with or without cause, at any time.

Employee benefits will be affected by employment termination. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

1004 Reinstatement

Employees who resign from an SDRS benefits eligible position with the County may be reinstated to their former position and rate of pay under the following conditions.

1. The vacated position or an equivalent position is open;
2. The Department Head and County Commission approve the reinstatement; and
3. The employee forfeits all previously accrued leave and seniority.

Re-employment at any time later than two weeks after separation will be treated as new employment in all respects, including the requirement to compete in an open selection process.



CODE OF CONDUCT

FOR COUNTY COMMISSIONERS, ELECTED AND APPOINTED DEPARTMENT HEADS,
MEMBERS OF ALL BOARDS, COMMISSIONS, COMMITTEES, TASK FORCES OR OTHER
APPOINTED ADVISORY GROUPS

YANKTON COUNTY, SOUTH DAKOTA

ADOPTED BY THE YANKTON COUNTY BOARD OF COMMISSIONERS

2020

PREFACE

Business Ethics and Conduct

The successful business operation and reputation of Yankton County is built upon the principles of fair dealing and ethical conduct. The reputation of county governance for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of personal conduct, integrity and public service.

The continued success of Yankton County is dependent upon the public's trust and those who serve the public on behalf of the County should be dedicated to preserving that trust. County Commissioners, elected and appointed department heads, members of all boards, commissions, committees, task forces or other appointed advisory groups owe a duty to Yankton County and the public to act in a way that will merit the continued trust and confidence of the public.

Yankton County expects its elected officials, appointed department heads, members of boards, commissions, committees, task forces and other appointed advisory groups to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest, unethical or disruptive behavior. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct.

It is the policy of the County of Yankton, South Dakota, to uphold, promote and demand the highest standard of ethical behavior from its elected and appointed department heads and individuals serving on all boards, commissions, committees, task forces or other appointed advisory groups, hereinafter referred to collectively as "Members." It is presumed that all Members have chosen to serve in order to preserve and protect the present and the future of the County. Honesty, integrity and fairness are hallmarks of public service.

This code has been created to ensure that all Members have clear guidelines for carrying out their responsibilities in their relationships with each other, with all other county employees, with the citizens of Yankton County and with all other private and governmental entities.

SECTION 1: Obey the Laws

Obeying the law, both in letter and in spirit, is the foundation on which this County's ethical standards are built. The Members shall support the Constitution of the United States and the State of South Dakota as well as all federal, state and local laws, rules and regulations.

SECTION 2: Responsibility of Public Service

Members are to be trustworthy, respectful, responsible, fair, caring and promote citizenship at all times and are not entitled to special consideration or treatment based on their official position or responsibility.

In addition to the above:

- A. Members should actively pursue policy goals they believe to be in the best interest of all residents within the parameters of orderly decision-making and the laws and rules governing those decisions.
- B. Members should respect the legitimacy of the goals and interests of other Members and should respect the rights of others to pursue goals and policies different from their own.
- C. Members, who sit on county boards, commissions, committees, advisory groups, task forces, etc., do not individually speak for the body itself unless approved by the Member body to do so.
- D. Members should dispose of the business of the County in a deliberate manner that assures citizens have meaningful knowledge of and input into their decisions.

- E. Members should conserve the resources of the County in their charge. They should employ county equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
- F. No Member may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated.
- G. No person may offer or give to a Member, directly or indirectly, and no Member may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the Member's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the Member.
- H. Members are cautioned to refrain from giving legal advice or other related direction to members of the public on matters under investigation by Yankton County departments/offices, on matters pending before the courts or government bodies and on any matters where a conflict of interest would caution against any such communication.

SECTION 3: Members' Conduct with County Employees

Governance of the County relies on the cooperative efforts of the Members and the County employees who implement and administer adopted policies and procedures within the County. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community. The following are examples of how the Members should relate to the employees of Yankton County:

- A. Members should treat all employees as professionals. Clear, honest communication that respects the abilities, experience and dignity of each employee is expected. Poor behavior or disrespectful comments toward employees are not acceptable.
- B. Members should never publicly criticize employees. Public criticism of employees leads to poor morale of the employees and undermines their effectiveness with the public and is detrimental to their performance.
- C. Members should not attempt to influence by intimidation or other unethical means, the decisions or opinions of employees on issues that may come before the Planning Commission, Board of Commissioners or other Member bodies.
- D. Individual Members may not intentionally coerce or intimidate employees or interfere with employees' duties or authority.
- E. Members, with the exception of elected and appointed department heads interacting with their own employees, shall not instruct nor direct employees to perform duties related to the employee's job.
- F. Requests for information and clarification on items of County business is allowed and encouraged. Communication is most effective when the Member contacts the Department Head or Elected Official in charge. Members in general should always respect and interact appropriately when requesting information pertinent to County business.

SECTION 4: Conduct in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Members toward an individual participating in a public meeting. Every effort should be made to be fair and impartial in listening to public comments. Members should listen to comments from the public and ask for clarification if they do not understand the comment. Members should not disparage or insult other Members, County employees or other members of the public.

The Chairperson presiding over any meeting, which is subject to open meetings laws or not, shall not allow an individual or other Member to interfere with the orderly progression of meetings. Personal attacks against any Member, County employees or any other person are not allowed regardless of whether the meeting is in session or in recess. If the audience dialogue or Member discussion becomes disruptive or abusive, the Chairman has the option to ask the offending individual(s) to leave or have the individual(s) removed from the meeting by law enforcement.

SECTION 5: Open Government

The citizens of Yankton County expect and deserve open government. South Dakota's open meetings law embodies the principle that the public is entitled to the greatest possible information about public affairs and is intended to encourage public participation in government.

Members who are subject to the Open Meetings Laws of the State of South Dakota shall conduct themselves in a manner that fully adheres to the intention of state laws concerning open meetings and transparency of actions. These Members are encouraged to employ a "mindset of openness" in conducting the affairs of the County in an open meeting and should resort to conducting business in executive session only when allowed by law.

SECTION 6: Conflict of Interest

In the execution of official County business, a Member shall not put himself or herself in a position where his or her personal interest conflicts with his or her duties and responsibilities. Members shall disclose any personal relationships to the governing body in the instance where there could be an appearance of a conflict of interest. The Member shall not use official information acquired in the course of their duties for personal gain.

SECTION 7: Violation of Code of Conduct

Violations of this Code of Conduct may result in disciplinary action taken by the Board of County Commissioners. Disciplinary action may involve public or private reprimand at the discretion of the appropriate governing body and may include removal from serving on an appointed body or removal from Office as provided in law.

Date of Adoption: February 4, 2020