

Agenda

Yankton County Commission

9:30 AM, Friday, March 27, 2020

Commission Chamber

Yankton County Government Center

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Meeting chaired by: Cheri Loest, Chair

01 Call to order: 9:30 AM **PLEDGE OF ALLEGIANCE**

02 Roll Call: _____ Joseph Healy _____ Gary Swensen

_____ Don Kettering _____ Dan Klimisch _____ Cheri Loest

AGENDA ITEMS

No.	Time	Item Description	Presenter
03	9:30 AM	Abstain Financial Conflict of Interest (SDCL 6-1-17) Non-Financial Interest-Must State Reason for Abstaining	Commissioners
04		Approval of Agenda	Commissioners
05		Public Comment	
06	9:35 AM	COVID-19 Discussion State Resolution Pertaining to COVID-19 City Resolution Pertaining to COVID-19 Set Up A County Board of Health	
07		Public Comment	

The Executive Order reads:

***Whereas**, An outbreak of the severe respiratory disease, COVID-19, which is caused by and is transmitted by the person-to-person spread of the novel coronavirus, started in late 2019 and has currently been detected in more than 100 countries, including the United States; and,*

***Whereas**, The World Health Organization has designated COVID-19 a pandemic, and the U.S. Centers for Disease Control and Prevention (CDC) has declared a public health emergency; and,*

***Whereas**, The CDC has issued guidance to state and local governments and all citizens recommending steps to prevent community spread and guard against the COVID-19 outbreak; and,*

***Whereas**, Executive Order 2020-04 declared South Dakota to be in a State of Emergency due to the COVID-19 pandemic; and,*

***Whereas**, As members of a community, South Dakotans join together in times of crisis to confront difficult times and help their neighbors:*

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

Every South Dakotan should:

- 1. **Review and practice** the recommended CDC hygiene practices designed to stop the spread of the disease COVID-19 and encourage others to do so as well.*
- 2. **Know** the signs and symptoms of COVID-19, call a health care provider if suffering symptoms in advance of a visit to a provider, and stay at home if sick.*
- 3. **Understand** that those who are particularly vulnerable to COVID-19, including those over age 60 and those suffering from respiratory or cardiac conditions, should take extra precautions and remain home if possible.*
- 4. **Implement** social distancing measures and support businesses who are adjusting their business model to reduce the spread of COVID-19.*
- 5. **Assist** those who work in essential jobs such as emergency personnel, medical professionals, and law enforcement.*

All employers, both for profit and not-for-profit, within the State of South Dakota should:

- 6. **Implement** the recommended CDC hygiene practices and other business strategies designed to reduce the likelihood of spreading the disease.*
- 7. **Understand** that the COVID-19 is not a short-term challenge, and operations will need to endure a difficult and limited social environment for potentially eight weeks or more.*
- 8. **Innovate** and continue to demonstrate entrepreneurial excellence in their operations during this difficult and uncertain environment.*
- 9. **Encourage** staff to telework if possible, implement social distancing measures, limit unnecessary work gatherings, limit non-essential travel, and consider regular health checks including CDC guidance for COVID-19 screening if possible.*
- 10. **Offer**, to the extent possible, special shopping times or access periods for populations particularly vulnerable to COVID-19.*

Any “enclosed retail business that promotes public gatherings” within the State of South Dakota should:

11. **Suspend or modify** business practices as recommended by CDC guidance that involve ten or more people to be in an enclosed space where physical separation of at least six feet is not possible.
 12. **Continue offering** or consider offering business models that do not involve public gatherings, including takeout, delivery, drive-through, curbside service, off-site services, social distancing models, or other innovative business practices that do not involve public gatherings in an enclosed space.
 13. **Consider** business arrangements and innovative ideas intended to support the critical infrastructure sectors, as defined by the Department of Homeland Security.
- For the purpose of sections 11 through 13, an “enclosed retail business that promotes public gatherings” means any enclosed facility operating as a bar, restaurant, brewery, cafe, casino, coffee shop, recreational or athletic facility, health club, or entertainment venue.

All healthcare organizations within the State of South Dakota should:

14. **Implement or Continue** to follow CDC guidance and maintain their exceptional efforts to prepare for the expected surge of patients needing health care services as a result of the COVID-19 disease.
15. **Postpone** all non-essential elective surgeries to conserve (and thereby maximize) supplies of personal protective equipment (PPE).

All local and municipal governments within the State of South Dakota should:

16. **Implement** the recommended CDC hygiene practices and public employee arrangements designed to reduce the likelihood of spreading the disease, and take action based on facts, data, and science.
17. **Restrict** public gatherings of ten people or more, unless it is necessary.
18. **Review** the business practices of each “enclosed retail business that promotes public gatherings” in their community for compliance with this Executive Order and protect the ability of those businesses to innovate.
19. **Encourage** entrepreneurial innovation in the private sector to provide employment opportunities to protect the continued operation of the free market consistent with recommended CDC hygiene practices and understand that COVID-19 will impact their communities for potentially eight weeks or more.
20. **Protect** the critical infrastructure sectors, as defined by the Department of Homeland Security, such as healthcare services, pharmaceutical industry, and food supply entities, as these sectors have a special responsibility to maintain their normal work schedule.

Limitations:

1. This Order should be read in conjunction with the list that is attached to the Cybersecurity and Infrastructure Security Agency (CISA) memorandum dated March 19, 2020.
2. This Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of South Dakota, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
3. Sovereign nations within the borders of South Dakota should review the matters set forth herein and make their own decisions in accordance with tribal law.
4. This Order is based on developing data, facts, and science and may be rescinded or amended, and shall expire on the earlier of when revoked, superseded, or automatically on May 2, 2020.

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RESOLUTION NO. 20-24

RESOLUTION TO POSTPONE MUNICIPAL ELECTION

AN EMERGENCY RESOLUTION TO POSTPONE THE 2020 MUNICIPAL ELECTION TO BE HELD IN CONJUNCTION WITH THE JUNE PRIMARIES PURSUANT TO SDCL 9-13-37.

WHEREAS, the City of Yankton has the authority pursuant to SDCL 9-13-37 to combine its municipal elections with the June primary elections conducted by Yankton County contingent upon approval by Yankton County and the obligation for the City to share the costs of the election; and

WHEREAS, the City has the power to take necessary actions pursuant to SDCL 9-29-1 and 9-32-1 for the purpose of promoting the health, safety, morals and general welfare, of the community and to do what may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, an outbreak of the COVID-19 disease, which is caused by the novel coronavirus SARS-CoV-2 (the "virus"), has been confirmed in more than 100 countries, including the United States; and

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

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

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency in response to the global pandemic of COVID-19; and

WHEREAS, on the same day, Governor Kristi Noem, issued Executive Order 2020-04 which declared a state of emergency to exist in the State of South Dakota in response to the spread of the virus causing the COVID-19 disease; and on March 23, 2020, Governor Kristi Noem issued another executive order directing municipalities to restrict public gatherings of ten (10) or more people; and

WHEREAS, on March 16, 2020, the City of Yankton passed resolution 20-21, which declared a state of emergency to exist in the City of Yankton in response to the spread of the virus causing the COVID-19 disease; and

WHEREAS, cases of infection from the virus causing the COVID-19 disease have been confirmed in the State of South Dakota, and cases of community transmission are reasonably suspected to exist; and

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

WHEREAS, in response to the need to implement social distancing, all schools in the State of South Dakota have been closed for at least two weeks; and

WHEREAS, on March 16, 2020, the White House issued guidance recommending that gatherings of more than ten (10) people be avoided and that people avoid eating or drinking at bars, restaurants, and food courts; and

WHEREAS, the failure to successfully implement social distancing will likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the City's health care providers; and

WHEREAS, it is important that control measures be taken to reduce or slow down the spread of the virus in order to protect the health and safety of the City's residents, especially for seniors and those with underlying health conditions that make them particularly vulnerable to the COVID-19 disease.

WHEREAS, the City of Yankton has closed its buildings to the public; and

WHEREAS, the City's municipal elections encourage public gatherings and result in large numbers of citizens passing through single locations and public buildings inconsistent with directives of Governor Kristi Noem and President Donald Trump; and

WHEREAS, the Yankton City Board of Health, exercising its authority within Ordinance Sec. 11-32 of the Yankton Code of Municipal Ordinances, has recommended postponing the municipal election previously scheduled for April 14, 2020, to be combined with the June primary election consistent with State law and the City's police powers. This was deemed necessary for the prevention and spread of the contagious virus causing the deadly COVID-19 disease within the city.

NOW THEREFORE, IT IS HEREBY RESOLVED, by the Yankton Board of City Commissioners that:

- (1) The 2020 municipal election previously scheduled for April 14, 2020, shall be postponed and shall be combined with the June primary election held by Yankton County, contingent upon approval by Yankton County and cost sharing by the City consistent with the requires in SDCL 9-13-37.
- (2) The City Manager is directed to coordinate with City staff to seek the approval of Yankton County to conduct a combined election.
- (3) The City shall pay all shared costs as statutorily required to participate in a combined election held by Yankton County.
- (4) The City Manager and City Finance Officer are directed to take all steps necessary to hold the municipal elections in June in a combined June primary election conducted in cooperation with Yankton County.
- (5) Consistent with state law, all seated Commissioners whose terms otherwise would have ended in May shall continue to hold their seats until the election is held and newly elected Commissioners are sworn into office consistent with State law.

Dated this 24 day of March, 2020.

CITY OF YANKTON

NATHAN V. JOHNSON

Nathan V Johnson, Mayor

ATTEST:

Al Viereck, Finance Officer
(SEAL)

BEADLE COUNTY ORDINANCE NO. _____

AN EMERGENCY ORDINANCE TO ADDRESS A PUBLIC HEALTH CRISIS BY IMPLEMENTING CERTAIN MEASURES WHICH HAVE BEEN DEEMD NECESSARY TO SLOW THE COMMUNITY SPREAD OF CORONAVIRUS (COVID-19).

WHEREAS, the Beadle County Commission has the authority to pass ordinances for the purpose of promoting the health, safety, morals and general welfare, of the community and the promotion of health and the suppression of disease; and

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

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

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

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

WHEREAS, on the same day, Governor Kristi Noem, issued Executive Order 2020-04 which declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19; and

WHEREAS, cases of COVID-19 have been confirmed in Beadle County, South Dakota; and

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

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

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

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

WHEREAS, the guidance issued by the White House further recommended that in states with evidence of community transmission, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate should be closed; and

WHEREAS, many states and communities across the country have already implemented the White House recommendations by ordering all bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate be closed until the public health emergency is over; and

WHEREAS, the failure to successfully implement social distancing will likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the City's health care providers; and

WHEREAS, it is important that control measures be taken to reduce or slow down the spread of COVID-19 in order to protect the health and safety of the City's residents, especially for seniors and those with underlying health conditions that make them particularly vulnerable to COVID-19.

NOW THEREFORE, BE IT ORDAINED, by the Beadle County Commission that:

1. Effective at 12:00 a.m. on March 23, 2020, all restaurants, food courts, coffee houses, bars, breweries, distilleries, wineries, clubs, cafes and other similar places of public accommodation offering food and beverages for on-site consumption, including any alcohol licensees with on-sale privileges, are closed to on-site/on-sale patrons. These businesses may continue to operate in order to provide take-out, delivery, curbside service, drive-thru service. Any business continuing to operate in order to provide off-site service should implement procedures to ensure social distancing and operate in compliance with federal and state health guidance in order to prevent the spread of COVID-19.
2. Effective at 12:00 a.m. on March 23, 2020, all recreational facilities, public pools, health clubs, athletic facilities and theaters, including movie theaters and music or entertainment venues are directed to close and cease operations.
3. Effective at 12:00 a.m. on March 23, 2020, all hookah lounges, cigar bars, vaping lounges or other similar business which allow for on-site consumption are directed to cease allowing on-site consumption, but may continue to offer products for sale to consume off-site under the same conditions as bars and restaurants outlined in paragraph #1.
4. Effective at 12:00 a.m. on March 23, 2020, all arcades, bingo halls, bowling alleys. Indoor climbing facilities, skating rinks, trampoline parks, and other similar recreational or entertainment facilities are directed to close and cease operations.

5. The prohibitions and closures in this order do not apply to the following businesses:
 - a. Places of public accommodation that offer food and beverages for off-site consumption, including grocery stores, markets, retail stores that offer food, convenience stores, pharmacies, drug stores, and food pantries, other than any portion of such business which would be subject to the requirements of paragraph #1.
 - b. Room service in hotels.
 - c. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.
 - d. Crisis shelters, homeless shelters, soup kitchens, or other similar institutions.
 - e. Airport concessionaires.
 - f. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.
6. This ordinance shall remain in effect until such time as it is amended or repealed.
7. Any violation of this ordinance is subject to the general penalty provision in SDCL 7-18A-32. Each day a violation of this ordinance is allowed to occur is considered a separate offense.

BE IT FURTHER ORDAINED, that this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of Beadle County and shall become effective immediately upon passage.

Dated this ____ day of March, 2020.

BEADLE COUNTY:

Denis Drake, Chairman

ATTEST:

Jill Hanson, Auditor

(SEAL)

BEADLE COUNTY RESOLUTION NO. 03-22-20

**AN EMERGENCY RESOLUTOIN TO ADDRESS A PUBLIC HEALTH CRISIS BY
IMPLEMENTING CERTAIN MEASURES WHICH HAVE BEEN DEEMD NECESSARY TO
SLOW THE COMMUNITY SPREAD OF CORONAVIRUS (COVID-19).**

WHEREAS, cases of COVID-19 has been determined to have a substantial impact in Beadle County, South Dakota; and

WHEREAS, there are certain measures necessary to stop the spread of COVID-19; and

NOW THEREFORE, BE IT RESOLVED that the Beadle County Commission hereby implements the following requirements:

- Practice proper hygiene.
- Practice self-isolation.
- Practice social distancing.
- No groups of 10 or more people allowed socially or at a business.
- Stay at home and contact your medical provider if you believe you have symptoms.
- Please limit trips to purchase essential items.
- Please limit the time spent purchasing essential items.
- Stagger work schedules.
- All County offices are closed to the public.

Passed, approved and adopted this 22nd day of March, 2020 on a motion by Benson, seconded by Ramsell.

FOR: _____ 3 _____ AGAINST: _____ 1 _____. CARRIED.

Denis Drake, Chairman
Beadle County

ATTEST:

Jill Hanson, Auditor
Beadle County