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March 27, 2020

Via E-mail and U.S. Mail

Mohrman, Kaardal, & Erickson, P.A.
Vincent J. Fahnlander
Email: Fahnlander@mklaw.com
150 South Fifth Street Suite 130
Minneapolis, Minnesota 55402

Dear Mr. Fahnlander,

The Lincoln County Board of Commissioners have been holding meetings concerning a Public Safety Center for over a year. These discussions have been properly noticed and posted on the agenda three days prior to the scheduled meetings. The February 18, 2020 meeting was noticed with the posted agenda plainly stating, "Consider a motion to bond for a Public Safety Center." The agenda gave sufficient notice that the County Commissioners were discussing bonding for a Public Safety Center. Your letter correctly points out the County Commissioners asked questions of staff and each member had a briefing packet outlining their options. The briefing packet was available to the public at the time of the meeting and it was offered to Mr. Tuntland when he approached the Auditor requesting the material from the meeting. Mr. Tuntland declined the briefing packet due to the volume of the paperwork. Mr. Tuntland only requested the minutes, recording and resolution from the meeting.

Present at the February 18th meeting was the bond company representative and bond counsel. The draft resolution was available to the public at the meeting. The resolution had to be drafted and edited to reflect the decisions and the motion made by the County Commissioners. The bond company representative and bond counsel were present to answer question from the board. They assisted the Commission in determining how best to proceed with raising the funds for the Public Safety Center. Multiple options were discussed in the meeting with the Commissioners choosing what would be the final resolution. At the following county commission meeting the board approved the prior meeting's minutes which included the resolution. These meeting minutes were unanimously approved. These facts do not support your assertion that the Lincoln County Commissioners, after numerous meetings on the topic of the Public Safety Center, did not know at the time what they were voting on.

The resolution was published with the last date of publication being February 28, 2020. The public had the opportunity to circulate a petition within 20 days to place the resolution on the ballot for public vote. See SDCL 7-18A-8. This petition process was discussed in the public meeting held after the commissioner's bond decision. The 20 days expired on March 19th, 2020 at 5:00 PM. Further, there is a 20-day period within which to challenge county commission

decisions in Circuit Court. See SDCL 7-8-29. The resolution received media coverage throughout Lincoln County and three public meetings were noticed and held in the county prior to March 19, 2020. Your client, Mr. Tuntland, appeared at the public meeting held in Canton, South Dakota to discuss the Public Safety Center. The county commissioners were at these meetings explaining the resolution, jail studies, accounting assessments, and the bonding options they had reviewed over the last year. The commissioners took questions from the public and explained their reasons for their vote.

Your letter will be presented to the commissioners for their review. The commission does not meet until March 31st, 2020 at 8:30 am and cannot formally respond by the three-day deadline set in your letter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W H Golden', with a long horizontal flourish extending to the right.

William H. Golden
Chief Civil Deputy State's Attorney