

**JOINT BROWN, CLARK, DAY & SPINK COUNTY COMMISSION PROCEEDINGS
REDFIELD, SOUTH DAKOTA**

A joint session of the Brown County Commission, Clark County Commission, Day County Commission and Spink County Commission was held at 2:00 PM, Tuesday, July 7, 2009. Present from Brown County were Commissioners Tom Fischbach, Nancy Hansen and Duane Sutton; from Clark County were Commissioners Eugene Furness, Francis Hass, Clara Luvaas, Richard Reints and Jerry Wicks; from Day County were Commissioners Marvin Bury, Chuck Hesla, Richard Tobin and Mark Wattier; from Spink County were Commissioners Dave Albrecht, Jeff Albrecht, Brian Johnson, Craig Johnson and Gerald Zerbel. Spink County Commission Chairman Dave Albrecht opened the meeting with the Pledge of Allegiance.

Also present was a delegation of interested parties, list of which is on file in the offices of the Brown, Clark, Day and Spink County Auditors.

ADOPT AGENDA

Motion was made by Brown County Commissioner Sutton, seconded by Spink County Commissioner C. Johnson, to adopt the agenda. All Commissioners present voted aye. Motion carried.

Commissioner D. Albrecht called for testimony in favor of the petition. Lynn Sanderson, Conde, distributed and explained data supporting the establishment of a Conde Rural Fire Protection District.

Commissioner D. Albrecht called for testimony against the petition and there was none.

Motion was made by Commissioner Sutton, seconded by Commissioner Hanson, both Brown County, to amend the petition to include Section 36, Bates Township. Upon roll call vote: Fischbach-aye, Hansen-aye and Sutton-aye, motion passed.

Motion was made by Commissioner Sutton, seconded by Commissioner Hanson, both Brown County, and, upon unanimous vote of the Brown County Commissioners present, the following Order Establishing Conde Rural Fire Protection District passed as amended:

RESOLUTION

ORDER ESTABLISHING CONDE RURAL FIRE PROTECTION DISTRICT

WHEREAS, the Board of County Commissioners of Brown County, Clark County, Day County and Spink County, South Dakota, jointly acting upon Notice of Hearing on Petitions for the formation of the proposed Conde Rural Fire Protection District, having been given by the County Auditor of Brown County, South Dakota under date of May 29, 2009, having been given by the County Auditor of Clark County under date of May 26, 2009, having been given by the County Auditor of Day County under date of May 26, 2009 and having been given by the County Auditor of Spink County under date of May 13, 2009, and pursuant to the Certificate of the County Auditors of Brown, Clark, Day and Spink Counties, South Dakota on file in the office of the respective County Auditor, reference to which Notice of Hearing and Certificate is hereby made and incorporated herein by this reference, and

WHEREAS the Board of County Commissioners of Brown, Clark, Day and Spink Counties, South Dakota, at a joint meeting this 7th day of July, 2009 at 2:00 PM, in the City of Conde, Spink County, South Dakota, having met, and all persons residing in or owning taxable property within the proposed district having had a opportunity to be heard respecting the formation of said District or the location of the boundaries thereof, and

WHEREAS the Board of County Commissioners of Brown County, Clark County, Day County and Spink County, South Dakota have determined that the proposed Conde Rural Fire Protection District is suited to having determined that the boundaries of the proposed district, as suggested in the Petition now on file herein in this matter, reference to which is hereby made and incorporated herein by this preference, and having been otherwise fully advised in the premises, and good cause having been shown and now appearing,

NOW, THEREFORE, it is hereby ordered by the Board of County Commissioners of Brown County, South Dakota, the Board of County Commissioners of Clark County, South Dakota, the Board of County Commissioners of Day County, South Dakota and the Board of County Commissioners of Spink County, South Dakota that the proposed Conde Rural Fire Protection District is suited to the general fire protection and rescue policies of Brown County, Clark County, Day County and Spink County, South Dakota, as a whole, and that the boundaries of said Conde Rural Protection District be, and they are, determined and established as embracing and including all or a portion of the area and real properties within the

boundaries of Conde Township including the City of Conde, Benton Township, Beotia Township and Olean Township, all in Spink County; Oak Gulch Township, Day County; Warren Township, Clark County; Bates Township and the City of Verdon, Brown County, and all plats and subdivisions within said area, such area covering 252 square miles, specifically described as:

In Conde Township: Sections 1 - 36, Township 120N, Range 60, West of the 5th P.M., Spink County, South Dakota including the City of Conde;

In Benton Township: Sections 1 - 36, Township 119N, Range 61, West of the 5th P.M., Spink County, South Dakota;

In Beotia Township: Sections 1 – 36, Township 120N, Range 61 West of the 5th P.M., Spink County, South Dakota;

In Olean Township: Sections 1 – 36, Township 124N, Range 61, West of the 5th P.M., Spink County, South Dakota;

In Oak Gulch Township: Sections 1 – 36, Township 120N, Range 59, West of the 5th P.M., Day County, South Dakota;

In Warren Township: Section 1 – 36, Township 119N, Range 59, West of the 5th P.M., Clark County, South Dakota;

In Bates Township: Sections 1 – 36, Township 121N, Range 60, West of the 5th P.M., Brown County, South Dakota;

City of Verdon, Brown County, South Dakota.

and that the said Conde Rural Fire Protection District be, and the same hereby is, established as aforesaid, pursuant to SDCL 34-31A.

That the County Auditors are hereby directed to designate a time and place for an election, pursuant to law to determine if the organization of the Conde Rural Fire Protection shall be completed.

That an original of this Order shall be entered into the books and minutes of Brown County, Clark County, Day County and Spink County, South Dakota.

Dated this 7th day of July, 2009 at Conde, Spink County, South Dakota.

Tom Fischbach
Brown County Board of Commissioners

Richard Reints
Clark County Board of Commissioners

Charles D. Hesla Jr.
Day County Board of Commissioners

Dave Albrecht
Spink County Board of Commissioners

ATTEST:

Maxine Taylor, Auditor
Brown County, South Dakota

Nancy Worth, Auditor
Clark County, South Dakota

Sandra Raap, Auditor
Day County, South Dakota

Cindy Schultz, Auditor
Spink County, South Dakota

Motion was made by Commissioner Luvaas, seconded by Commissioner Furness, both Clark County, and, upon vote of the Clark County Commissioners present: Furness-aye, Hass-nay, Luvaas-aye, Reints-aye and Wicks-aye, the above Order Establishing Conde Rural Fire Protection District passed as amended.

Motion was made by Commissioner Wattier, seconded by Commissioner Tobin, both Day County, and, upon unanimous vote of the Day County Commissioners present, the above Order Establishing Conde Rural Fire Protection District passed as amended.

Motion was made by Commissioner J. Albrecht, seconded by Commissioner Zerbel, both Spink County, and, upon unanimous vote of the Spink County Commissioners present, the above Order Establishing Conde Rural Fire Protection District passed as amended.

At 3:00 PM motion was made by Commissioner Sutton, second by J. Albrecht, to adjourn the meeting. All members present voted aye. Motion carried.

Cindy Schultz
Spink County Auditor