

ORDINANCE NO. MC42-12

**AN ORDINANCE FOR THE CONTINUED AUTHORIZATION
OF A 911 EMERGENCY REPORTING SYSTEM**

Whereas, the Minnehaha County Commission, finding that a 911 emergency reporting system was in the best interest of the residents of Minnehaha County, established such reporting system by Ordinance MC 15-2-07 on May 22, 2007; and

Whereas, the enactment of SB 174 by the South Dakota Legislature in 2012 has resulted in significant changes to SDCL chapter 34-45; and

Whereas, the Minnehaha County Commission, in light of such changes, desires the continued authorization of its 911 Emergency Reporting System; now, therefore

BE IT ORDAINED BY MINNEHAHA COUNTY, SOUTH DAKOTA:

Authorization for the 911 Emergency Reporting System previously established by Minnehaha County shall hereby continue under the management and control of the Minnehaha County/City of Sioux Falls Metro Communications Council as provided herein:

Section 1. Jurisdictional service area

The 911 Emergency Reporting System is to be provided for a service area as follows: all area within the legal boundaries of Minnehaha County, except those parts of Minnehaha County which are within the territorial limits of the City of Sioux Falls.

Section 2. Costs for installation, maintenance, or operation

The Minnehaha County Commission may incur any nonrecurring or recurring costs for the installation, maintenance, or operation of a 911 system and may pay such costs in whole or in part from a 911 emergency surcharge as established, collected and distributed pursuant to SDCL chapter 34-45.

Section 3. Joint agreements among governing bodies

Notwithstanding the jurisdictional service area of Section 1, the Minnehaha County Commission may, pursuant to SDCL 34-45-3, provide such services within the jurisdiction or territory of another governing body or public agency upon the execution of a joint agreement for the provision of such services.

Section 4. Contracts for administration of 911 services

The Minnehaha County Commission, if found to be in the best interests of the residents of Minnehaha County, may enter into an agreement directly with a service supplier of a 911 system or may contract and cooperate with any public agency or with other states or political subdivision for the administration of a 911 system as provided by SDCL 34-45-11.

Section 5. Immunity from liability

The 911 emergency reporting system, provided by this ordinance and SDCL chapter 34-45, is within the governmental powers and authority of the Minnehaha County Commission. In contracting for a 911 emergency reporting system or the provisioning of a 911 reporting service, except for willful or wanton negligence or intentional acts, Minnehaha County, together with its governing body, employees and agents, are immune from liability for a failure to use or operation of a 911 system as provided in SDCL 34-45-17.

Section 6. Savings Clause

This Ordinance shall in no manner affect pending actions either civil or criminal, founded on or growing out of any ordinance hereby repealed. This Ordinance shall in no manner affect rights or causes of action, either civil or criminal, not in suit that may have already accrued or grown out of any ordinance hereby repealed.

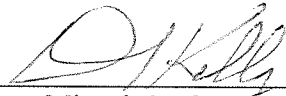
Section 7. Severability

If any provision of this Ordinance shall be declared invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof.

Section 8. Repealer


This Ordinance repeals Minnehaha County Ordinance MC 15-2-07, as amended and existing prior to the effective date hereof, and any other ordinance in conflict therewith.

Date adopted: September 11, 2012



Chairman, Minnehaha County Commissioners

ATTEST: Bob Litz, Auditor



Deputy Auditor

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