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Member SIPC/FINRA
Happy New Year!

As this is written, we have just finished up the December Board Meeting, where much of the heavy lifting is done by your Board of Directors. They have approved the budget for 2014, and it continues to show the League being healthy, but conservative in spending your membership dues. They have also reviewed the proposed package of legislation that will be forwarded to the 2014 Legislature for consideration, a total of ten bills in answer to policies you approved at the October annual conference.

Issues we will ask the Legislature to consider include:

- Legislation to clarify administrative, economic development, promotional, and financial powers of municipalities;
- Legislation to revise procedures regarding appeals to the local board of equalization;
- Legislation to clarify that delinquent utility bills may be certified to the county treasurer for collection;
- Legislation to remove restrictions on making payments by electronic transaction;
- Legislation to comprehensively clarify the process of appointing or hiring the municipal finance officer;
- Legislation to state a vacancy is created when no one files a petition;
- Legislation to provide for adoption of the International Property Maintenance Code;
- Legislation to clarify special assessment procedures contained in SDCL 9-43-100;
- Legislation to provide procedures for municipal nuisance abatement action when property is sold for tax deed;
- Legislation to prohibit liquor carrier licenses for taxi cabs.

We spend a great deal of our legislative time playing defense, so please sign up for the free Legislative Update, which is sent each Friday (or as otherwise needed) to keep up with everything that will have the potential to affect your city.

In other Board action, it was decided to remain neutral on the proposed minimum wage increase ballot initiative; and to support legislation that will allow direct shipment of wine – providing a better competitive ability for our in-state wineries, and allowing for the monitoring, licensing, and taxation of shipments currently being made around our existing laws.

Pierre becomes a pretty exciting place for the next few months, and your League staff will be busy keeping on top of everything going on in the Statehouse. Please let us know your thoughts as you see issues of interest.

Until next month, remember we are always available at 1-800-658-3633 or yvonne@sdmunicipalleague.org.

Yvonne Taylor
Executive Director

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### Legal Holidays for 2014

The State of South Dakota recognizes the following 10 legal holidays plus any other day proclaimed as a holiday by the Governor of South Dakota or the President of the United States:

- January 1st, 2014 – New Year’s Day
- January 20th, 2014 – Martin Luther King Jr. Day
- February 17th, 2014 – Presidents’ Day
- May 26th, 2014 – Memorial Day
- July 4th, 2014 – Independence Day
- September 1st, 2014 – Labor Day
- October 13th, 2014 – Native Americans’ Day
- November 11th, 2014 – Veterans’ Day
- November 27th, 2014 – Thanksgiving
- December 25th, 2014 – Christmas

If a holiday from the list falls on a Saturday, the preceding Friday is observed as the paid holiday. If a holiday falls on a Sunday, it is observed on the following Monday.

Cities and towns are not required to follow this holiday schedule. The Municipal League follows the state holiday schedule and the office will be closed on these days.

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**SOUTH DAKOTA MUNICIPALITIES**
I trust that all of you had a Merry Christmas and a Happy New Year. It’s time to bring on 2014 and start the new year! Whether you are making a resolution or not, there is something to be said for turning the page on a new year and starting fresh.

The Legislature will be starting anew this year, with session officially starting on January 14th. It is also the time of year that the hard work of the SDML policy committees and the league staff are put to test. As you know, Yvonne Taylor is the voice in the Legislature for cities in South Dakota. She represents us well on the legislation that cities want to move forward on.

Sign up for the Municipal League’s weekly update during the Legislative session. In this update, Yvonne will keep us briefed on the bills that are of interest to the SDML.

We can also be a voice to our own legislators in our districts. If you have an issue or concern, you should contact them and have your voice heard.

Don’t forget to register for the Rib Dinner with Your Legislators on February 4th and Municipal Government Day on February 5th. The Rib Dinner starts with a briefing from Yvonne on the legislative issues followed by the rib dinner and time to talk to your legislators.

The next day is Municipal Government Day; this is where you can watch the Legislature in action. This is of particular interest to me. When in high school, it was tradition for each senior class to go to the Capitol and observe our state government doing their job and understand how a bill becomes a law. I had so looked forward to this event, however, it was not meant to be, due to an unfortunate event from the previous senior class, our class lost our privilege to attend session. So…once I attended my first Municipal Government Day I was in awe of the process and truly appreciated how our state government works. It is very interesting and you need to take advantage of this if you have not had the opportunity.

See you all at the rib dinner!

Becky Brunsing
President

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**Thank You**

I would like to take this opportunity to extend my deepest thanks and appreciation to each and every one of you who have kept me in your prayers and thoughts throughout my recent medical crisis. I want you all to know that I have been home since October 31st and am continuing to recover. Your prayers have worked and I so appreciate you all for your love and support.

I hope to return to work in early January. I look forward to seeing and hearing from each of you again in the very near future. May you all be blessed this holiday season and know that I send up prayers of thanks every day for you and all your support.

Monna Van Lint
Finance Officer
City of Philip

---

**State Rates**

(As of January 1, 2014)

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<td>$.37/mile</td>
<td>(Federal Mileage: $.56/mile)</td>
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The annual Municipal Government Day at the Legislature will be held on Wednesday, February 5, 2014 in Pierre. This day allows municipal officials to personally witness and influence the law-making process.

An informal dinner with the state legislators will be held on Tuesday evening, February 4, 2014. An agenda and registration materials have been sent to your city offices and can be found at www.sdmunicipalleague.org.

A block of rooms has been reserved at the Kings Inn 605-224-5951 for Tuesday, February 4, 2014. Be sure to mention the SDML block when making your reservations. Room block will be released on January 22, 2014.

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**Keep on top of what goes on under the Dome**

Subscribe to the SDML's Legislative Update.

The SDML's Legislative Update informs you on the hottest issues affecting municipalities as the South Dakota Legislature considers them. Each week League staff compiles an analysis of current and upcoming committee and floor action in the Senate and House.

As local leaders, you need to be a part of the action in Pierre. The Legislative Update helps you there.

As you know, decisions in Pierre are made at a fast and furious pace, and the Update gives you a grasp of issues affecting how you govern on the local level.

Updates are issued throughout the session on a weekly or as needed basis, via fax, mail or email. Email is free, including an unlimited number of addresses to each city.

To receive the Legislative Update via email contact Yvonne at yvonne@sdmunicipalleague.org.

To get the Update sent to you by mail or fax please send $10 along with a request (include your mailing address, phone number or fax number) to: SDML, 208 Island Drive, Fort Pierre, SD 57532.
Carrying Your Message to the Capitol

Keeping your legislators informed on the needs of South Dakota’s cities and seeing that the South Dakota Legislature meets those needs is up to you. When you get involved in the legislative process and share your expertise and experiences with your legislators, your city and all cities have a stronger voice. No one knows your city or town better than you do. And, therefore, no one can do a better job of telling your elected representative what works and what does not work for your community than you can.

There are several methods for local elected officials to advocate issues before their lawmakers. The more personal and direct the method, the greater the influence.

The following information is designed to help you carry your city’s message to the Capitol and to help make your meetings with legislators more effective.

Develop a positive working relationship with your legislator.
- Regularly meet with your legislators to update them on key legislative issues.
- Invite legislators to city council meetings and explain your issues and what your city faces.
- Include legislators in important local events.
- Give credit when credit is due.
- Hold legislators accountable for their positions.

Have a specific agenda.
When meeting with your legislator, know what steps the legislator can take to address the city’s concerns and be specific about what action you would like to have taken.

Be prepared to present your case firmly and succinctly, supported by specific examples of the impact of the pending action on your community. You should also be prepared to respond to counter arguments or alternative suggestions.

Phone Numbers to Know

<table>
<thead>
<tr>
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<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senate Phone</td>
<td>605-773-3821</td>
</tr>
<tr>
<td>House Phone</td>
<td>605-773-3851</td>
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<tr>
<td>Lobbyist Phone</td>
<td>605-224-5030</td>
</tr>
</tbody>
</table>

(Yvonne can be reached at this number or email her at yvonne@sdmunicipalleague.org during session.)

Connect your community to the issue.
Make a clear connection between what you are asking for and the needs of your citizens.

Be responsive and provide additional information quickly, if asked.

Say “thank you!”
Follow-up the conversation with a thank-you letter. In your thank-you letter, summarize the key points of the discussion and spell out areas of agreement and disagreement. Indicate that you will be back in touch soon to check on the progress.

Keep the League informed.
Always send copies of your correspondence to and from legislators to the League. League staff can work more effectively with your legislators when we know what you’ve said and received in return.

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For additional information please contact our South Dakota bankers:

**Darwin L. Reider**
Senior Vice President, Public Finance Banker
402-392-7981
dreider@dadcoc.com

**Gerald J. Speithman, Jr.**
Senior Vice President, Public Finance Banker
402-392-7933
jspethman@dadcoc.com

D.A. Davidson & Co.
FIXED INCOME CAPITAL MARKETS
1111 North 102nd Court, Suite 300, Omaha, Nebraska 68114
How an Idea Becomes Law

A bill is simply an idea that someone would like to see become law. It could be anything from the penalty for committing a crime to the amount of money that can be spent on a state program.

The idea can come from anyone, but only a State Representative or Senator can take that idea and guide it to final passage through the State Legislature.

Drafting a bill means putting the idea into legal language. The drafting is done by the Legislative Research Council, an agency of state government.

Introduction of a bill can be made by any member of the House or Senate, and more than one legislator generally sponsors a bill. The legislator whose name appears first on the bill is the "prime sponsor."

A bill is given to the Chief Clerk of the House or the Secretary of the Senate and is assigned a number. If the bill is sponsored by a Senator, it is a Senate Bill. Proposals which start in the House are House Bills.

The bill is given a First Reading in the "House of Origin" (in the House if sponsored by a Representative; in the Senate, if sponsored by a Senator). A First Reading means the bill's number and title are read aloud.

The Senate President or Speaker of the House then assigns the bill to a committee.

Committee action is crucial to the legislative process. A committee's responsibility is to examine a bill carefully, take testimony for and against the bill, and decide whether to send the bill to the "floor" (the full House or Senate) for consideration by the full body.

The committee can send the bill to the floor with a "Do Pass" recommendation. They can "Table" the bill, which means it is dead unless the full body orders the committee to send the bill to the floor. Or the committee can "Defer to the 36th or 41st Legislative Day" which also kills the bill, since there are only 35 or 40 legislative days in an annual session. In rare cases, if a committee cannot get enough votes to pass or kill the bill, a measure may be sent to the floor without recommendation. In that case, the full body must vote whether they want to place the bill on the "calendar" (agenda) for consideration.

Once a bill reaches the floor, it is debated and voted on. If it passes, the bill is forwarded on to the other body, where it goes through the same committee process.

If a bill passes both the House and Senate, it is sent to the Governor. If he signs it, the bill becomes law. If he vetoes it, the Legislature has an opportunity to decide whether to override or uphold his veto. If the Legislature votes to override the veto, the bill becomes law.

Reprinted with permission from the South Dakota Legislative Research Council
How to Track a Bill Online During the 2014 Session

Step 1
Go to the new Legislative Research Council website at: http://legis.sd.gov/.

Step 2
Click on “Legislative Session” on the left hand side of the page and then select “2014.”

Step 3
You have many options now depending what you are looking for. If you want to look for a specific bill or do a text search or view the subject index click on “Bills.”

Step 4
If you click on “Quick Find” you are able to type in the bill number.

If you aren’t sure of the bill number then you can do a text search or look through the subject index.

Step 5
After you’ve found the bill you want to track, you can click on the bill and see a page like the one here (since no bills are entered yet for 2014 we’ve pulled up a page from the 2013 Session).

You’ll see the sponsors of the bill, a short explanation of the bill, the date it was first introduced and the committee it was assigned to.

If the bill is scheduled for hearing you will see that date next. The information following the hearing will indicate the dates and any action taken – debate and/or action in a committee, possible amendments to the bill, debate and/or action in the Full Senate or House, etc.

Within the page of the bill you can view many other things. If you click on a vote total you can view how a Legislator voted. If you want to listen to the actual testimony/debate click on the Public Broadcasting symbol to the right.

If you want to read the full text of the bill click on the “Bill Text Versions” at the bottom of the page.
<table>
<thead>
<tr>
<th>District</th>
<th>Legislator</th>
<th>Address</th>
<th>Home Phone</th>
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<tr>
<td>1</td>
<td>Sen. Jason Frerichs</td>
<td>13507 465th Avenue, Wilmot, SD 57279</td>
<td>605-949-2204</td>
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<td>1</td>
<td>Rep. Dennis Feickert</td>
<td>38485 129th St, Aberdeen, SD 57401-8386</td>
<td>605-225-5844</td>
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<td>1</td>
<td>Rep. Susan Wismer</td>
<td>PO Box 147, Britton, SD 57430-0147</td>
<td>605-448-5189</td>
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<td>2</td>
<td>Sen. Chuck Welke</td>
<td>PO Box 166, Warner, SD 57479-0166</td>
<td>605-229-1467</td>
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<td>2</td>
<td>Rep. Brock Greenfield</td>
<td>507 N Smith Street, Clark, SD 57225-1250</td>
<td>605-532-4088</td>
<td>605-532-3799</td>
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<td>2</td>
<td>Rep. Burt Tulson</td>
<td>44975 SD Highway 28, Lake Norden, SD 57248</td>
<td>605-785-3480</td>
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<td>3</td>
<td>Sen. Al Novstrup</td>
<td>1705 Northview Lane, Aberdeen, SD 57401-2268</td>
<td>605-226-2505</td>
<td>605-360-9711</td>
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<td>3</td>
<td>Rep. Dan Kaiser</td>
<td>1415 Nicklaus Dr., Aberdeen, SD 57401-8822</td>
<td>605-228-4988</td>
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<tr>
<td>3</td>
<td>Rep. David Novstrup</td>
<td>1008 S. Wells Street, Aberdeen, SD 57401-7373</td>
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<td>4</td>
<td>Sen. Tim Begalka</td>
<td>18254 SD Highway 15, Clear Lake, SD 57226-5401</td>
<td>605-874-2288</td>
<td>605-874-2422</td>
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<td>Rep. Jim Peterson</td>
<td>16952 482nd Avenue, Revillo, SD 57259-5208</td>
<td>605-623-4573</td>
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<td>Rep. Kathy Tyler</td>
<td>48170 144th St., Big Stone City, SD 57216-5520</td>
<td>605-432-4310</td>
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<td>Sen. Ried Holien</td>
<td>1315 11th Avenue NE, Watertown, SD 57201-1607</td>
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<td>Rep. Melissa Magstadt</td>
<td>1332 20th St. NE, Watertown, SD 57201</td>
<td>605-753-6205</td>
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<td>Rep. Roger Solum</td>
<td>1333 Mayfair Drive, Watertown, SD 57201-1155</td>
<td>605-882-7056</td>
<td>605-882-5284</td>
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<td>6</td>
<td>Sen. Ernie Otten</td>
<td>46787 273rd St., Tea, SD 57064-8024</td>
<td>605-368-5716</td>
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<td>6</td>
<td>Rep. Isaac Latterell</td>
<td>PO Box 801, Tea, SD 57064</td>
<td>605-368-1002</td>
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<tr>
<td>6</td>
<td>Rep. Herman Otten</td>
<td>PO Box 326, Tea, SD 57064-0325</td>
<td>605-498-5460</td>
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<tr>
<td>7</td>
<td>Sen. Larry Tidemann</td>
<td>251 Indian Hills Rd, Brookings, SD 57006-3650</td>
<td>605-692-1267</td>
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<td>7</td>
<td>Rep. Scott Munsterman</td>
<td>1133 West 8th St, South, Brookings, SD 57006</td>
<td>605-697-5636</td>
<td>877-788-2883</td>
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<td>8</td>
<td>Sen. Chuck Jones</td>
<td>713 W. 3rd Avenue, Flandreau, SD 57028</td>
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<td>8</td>
<td>Rep. Leslie Heinemann</td>
<td>47962 228th St., Flandreau, SD 57028-6701</td>
<td>605-997-2654</td>
<td>605-997-3732</td>
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<td>Rep. Scott Parsley</td>
<td>103 N. Liberty, Madison, SD 57042-2706</td>
<td>605-256-4984</td>
<td>605-256-4536</td>
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<td>9</td>
<td>Sen. Deb Peters</td>
<td>705 N Sagehorn Drive, Hartford, SD 57033-2380</td>
<td>605-321-4168</td>
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<td>9</td>
<td>Rep. Paula Hawks</td>
<td>405 S. Tessa Ave., Hartford, SD 57033</td>
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<td>Rep. Steve Hickey</td>
<td>4501 N. Ellis Road, Sioux Falls, SD 57107</td>
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<td>Sen. Shantel Krebs</td>
<td>25740 Packard Lane, Renner, SD 57055</td>
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<td>Rep. Jenna Haggar</td>
<td>PO Box 763, Sioux Falls, SD 57101</td>
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<td>10</td>
<td>Rep. Don Haggar</td>
<td>PO Box 1532, Sioux Falls, SD 57101</td>
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<td>Sen. David Omdahl</td>
<td>P.O. Box 88235, Sioux Falls, SD 57109-8235</td>
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<td>Rep. Christine Erickson</td>
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<td>Rep. Jim Stalzer</td>
<td>5909 W. Bristol Drive, Sioux Falls, SD 57106-0660</td>
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<td>Sen. J. Mark Johnston</td>
<td>3909 W. 90th Street, Sioux Falls, SD 57108</td>
<td>605-929-5592</td>
<td>605-312-6585</td>
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<td>Rep. Manny Steele</td>
<td>3220 W Zephyr Place #1, Sioux Falls, SD 57108-5009</td>
<td>605-335-7036</td>
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<td>Rep. Hal Wick</td>
<td>3009 W. Donahue Dr., Sioux Falls, SD 57105-0153</td>
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<td>14</td>
<td>Sen. Deb Soholt</td>
<td>PO Box 1146, Sioux Falls, SD 57101-1146</td>
<td>605-321-5931</td>
<td>605-322-3490</td>
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<td>14</td>
<td>Rep. Marc Feinstein</td>
<td>3205 E Marson Drive, Sioux Falls, SD 57103</td>
<td>605-371-1534</td>
<td>605-335-6266</td>
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<tr>
<td>14</td>
<td>Rep. Anne Hajek</td>
<td>PO Box 1779, Sioux Falls, SD 57101</td>
<td>605-338-8640</td>
<td>605-335-5456</td>
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<tr>
<td>15</td>
<td>Sen. Angie Buhl</td>
<td>616 E 13th Street, Apt. 1, Sioux Falls, SD 57104-5173</td>
<td>605-376-2512</td>
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<tr>
<td>15</td>
<td>Rep. Patrick Kirschman</td>
<td>901 N Duluth Ave #1, Sioux Falls, SD 57104-2321</td>
<td>605-366-4798</td>
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<td>15</td>
<td>Rep. Karen Soli</td>
<td>810 W. 6th Street, Sioux Falls, SD 57104-2904</td>
<td>605-338-5934</td>
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<tr>
<td>16</td>
<td>Rep. Jim Bolin</td>
<td>403 West 11th Street, Canton, SD 57013-2418</td>
<td>605-987-2630</td>
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<tr>
<td>16</td>
<td>Rep. Patty Miller</td>
<td>26 Cotts Drive, McCook Lake, SD 57049-3029</td>
<td>712-490-6644</td>
<td>712-490-6644</td>
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<td>17</td>
<td>Sen. Tom Jones</td>
<td>117 N. Kemper Street, Viborg, SD 57070</td>
<td>605-310-4171</td>
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<td>17</td>
<td>Rep. Nancy Rasmussen</td>
<td>28639 458th Avenue, Hurley, SD 57036-6410</td>
<td>605-238-5321</td>
<td>605-238-5221</td>
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<tr>
<td>17</td>
<td>Rep. Ray Ring</td>
<td>607 Sterling Street, Vermillion, SD 57069-3453</td>
<td>605-675-9379</td>
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</tr>
<tr>
<td>18</td>
<td>Sen. Jean Hunhoff</td>
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<td>605-665-1463</td>
<td>605-668-8312</td>
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<td>18</td>
<td>Rep. Bernie Hunhoff</td>
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<td>605-665-2975</td>
<td>605-665-6655</td>
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<td>18</td>
<td>Rep. Mike Stevens</td>
<td>214 Marina Dell, Yankton, SD 57078</td>
<td>605-661-0057</td>
<td>605-665-5550</td>
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<td>19</td>
<td>Sen. Bill Van Gerpen</td>
<td>1304 S. Laurel Street, Tyndall, SD 57066</td>
<td>605-589-3064</td>
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<td>19</td>
<td>Rep. Stace Nelson</td>
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<td>605-996-0882</td>
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<td>19</td>
<td>Rep. Kyle Schoenfish</td>
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<td>605-660-6468</td>
<td>605-928-7241</td>
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<td>20</td>
<td>Sen. Mike Vehle</td>
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<td>20</td>
<td>Rep. Lance Carson</td>
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<td>20</td>
<td>Rep. Tona Rozum</td>
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<td>605-996-2191</td>
<td>605-996-8440</td>
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<tr>
<td>21</td>
<td>Sen. Billie Sutton</td>
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<td>605-775-2641</td>
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<td>21</td>
<td>Rep. Julie Bartling</td>
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<td>21</td>
<td>Rep. Lee Qualm</td>
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<td>605-337-3682</td>
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<td>District</td>
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<td>22</td>
<td>Sen. Jim White</td>
<td>1145 Beach Circle NE, Huron, SD 57350-4700</td>
<td>605-352-8184</td>
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<td>22</td>
<td>Rep. Peggy Gibson</td>
<td>1010 Valley View Court, Huron, SD 57350-4221</td>
<td>605-352-9862</td>
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<td>22</td>
<td>Rep. Dick Werner</td>
<td>1505 McDonald Drive, Huron, SD 57350-3474</td>
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<td>23</td>
<td>Sen. Corey Brown</td>
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<td>605-769-0540</td>
<td>605-765-9550</td>
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<td>23</td>
<td>Rep. Charles Hoffman</td>
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<td>605-577-6530</td>
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<td>24</td>
<td>Sen. Jeff Monroe</td>
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<td>Rep. Mary Duvall</td>
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<td>25</td>
<td>Sen. Timothy Rave</td>
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<td>25</td>
<td>Rep. Scott Ecklund</td>
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<td>605-336-8615</td>
<td>605-328-2999</td>
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<td>25</td>
<td>Rep. Jon Hansen</td>
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<td>605-261-3620</td>
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<td>26</td>
<td>Sen. Larry Lucas</td>
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<td>26A</td>
<td>Rep. Troy Heinert</td>
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<td>605-856-2200</td>
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<td>27</td>
<td>Rep. Kevin Killer</td>
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<td>27</td>
<td>Rep. Elizabeth May</td>
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<td>605-455-2588</td>
<td>605-455-2824</td>
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<td>28</td>
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<td>605-466-2131</td>
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<td>Sen. Larry Rhoden</td>
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<td>Rep. Gary Cammack</td>
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<td>Rep. Dean Wink</td>
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<td>Rep. Lance Russell</td>
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<td>30</td>
<td>Rep. Mike Verchio</td>
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<td>31</td>
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<td>31</td>
<td>Rep. Timothy Johns</td>
<td>203 W. Main St., Lead, SD 57754</td>
<td>605-717-2889</td>
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<td>31</td>
<td>Rep. Fred Romkema</td>
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<td>32</td>
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<td>32</td>
<td>Rep. Brian Gosch</td>
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<td>605-719-3365</td>
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</tbody>
</table>
Important Legislative Information:

Senate Phone: 605-773-3821
House Phone: 605-773-3851
Lobbyist Phone: 605-224-5030

Legislative Research Council’s website: http://legis.sd.gov/
Yvonne’s email: yvonne@sdmunicipalleague.org
# 2014 Events Calendar

**January 14 - March 14**

2014 SD Legislative Session, Pierre

**January**

- Annual Report Workshops (See Registration)
- SD Police Chiefs’ Association Meeting, Fort Pierre

**February**

- SD City Management Association Professional Development Training, Pierre
- SDML Board of Directors Meeting, Fort Pierre
- Rib Dinner with Legislators, Pierre
- Municipal Government Day at the Legislature, Pierre

**March**

- SD Municipal Electric Association Superintendent-Foreman Conference, Watertown
- NLC Congressional City Conference, Washington, DC
- District 2 Meeting, Huron
- District 5 Meeting, Miller
- District 6 Meeting, Eureka
- SD Building Officials ICC Code Officials Institute Program, Rapid City
- District 7 Meeting, Mobridge
- District 1 Meeting, Webster
- SD Building Officials ICC Code Officials Institute Program, Sioux Falls

**April - May**

- District 8 Meeting, Philip
- District 9 Meeting, Hot Springs
- District 10 Meeting, Belle Fourche
- District 4 Meeting, Wagner
- District 3 Meeting, Tea
- SD Municipal Street Maintenance Association Meeting, Pierre
- April 30 - May 1 SD Association of Code Enforcement Workshop, Pierre
- April 30 - May 2 SD Police Chiefs/SD Sheriffs Joint Association Meeting, Deadwood

**June**

- SDML Board of Directors Meeting, Wagner
- Human Resource School, Oacoma
- Finance Officers’ School, Oacoma
- SD Municipal Attorneys’ Association Meeting, Sioux Falls

**July**

- TBD SD Building Officials’ Association Meeting, Pierre
- Elected Officials Workshop, Pierre

**August**

- Policy Committee Meetings, Fort Pierre

**October**

- SDML Annual Conference, Spearfish
- South Dakota Police Executive Development Institute, Pierre

**November**

- NLC Congress of Cities, Austin, TX

**December**

- Joint Board Meeting with County Association, Fort Pierre/Pierre

Visit www.sdmunicipalleague.org for agendas and registrations as they become available.
The South Dakota State Historical Society has announced that the applications for the first round of the 2014 Deadwood Fund grant program are due on February 1, 2014 for work beginning no earlier than May 1, 2014.

The program is designed to encourage large-scale restoration or rehabilitation of historic properties by individuals, organizations or public agencies, according to Jay D. Vogt, director of the State Historical Society, whose historic preservation office administers the program.

Grants will be awarded in amounts ranging from $1,000 to $25,000. The grant amount must be matched on a dollar-for-dollar basis from nonfederal and nonstate sources. Nonprofit organizations will be allowed to use in-kind services for one-half of their match.

Grant forms are available online at http://history.sd.gov/Preservation/FundingOpps/FundingOpportunities.aspx. In 2012, more than $106,700 was distributed among 12 projects.

Funding for the program is from Deadwood gaming revenue earmarked by state law for historic preservation projects throughout the state and distributed by the State Historical Society.

The second round of 2014 applications will be due on October 1, 2014 for work beginning no earlier than January 1, 2015.

For more information on the South Dakota State Historical Society’s Deadwood Fund grant program, contact the State Historic Preservation Office at the Cultural Heritage Center, 900 Governors Drive, Pierre, SD 57501-2217; 605-773-3458 or visit http://history.sd.gov/.

The South Dakota State Historical Society is a division of the Department of Tourism. The Department of Tourism is comprised of Tourism, the South Dakota Arts Council and the State Historical Society. The State Historical Society, an Affiliate of the Smithsonian Institution, is headquartered at the South Dakota Cultural Heritage Center in Pierre. The center houses the society's world-class museum, the archives, and the historic preservation, publishing and administrative/development offices.
How is a candidate for municipal office nominated?

For the second Tuesday in April election, no candidate for elective municipal office may be nominated unless a nominating petition is filed with the finance officer no later than five p.m. on the last Friday in February preceding the day of election. The petition shall be considered filed if it is mailed by registered mail by five p.m. by the petition deadline before the election. Such petition shall contain the name of the candidate, his residence, his mailing address and the office for which he is nominated and be on the form prescribed by the state board of elections. The signer’s post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class. The finance officer may only accept nominating petitions that are on the prescribed form and were circulated and submitted pursuant to the provisions in chapters 9-13 and 12-6. If the nominating petition meets the statutory requirements, the filing of the petition shall constitute nomination (SDCL 9-13-7).

The statutes for combined election dates, regarding filing deadlines, can be found at SDCL 9-13-37, 9-13-40, 13-7-5 and 13-7-6.

How many signatures are required on a nominating petition for a municipal election?

In municipalities of the first and second class, if the candidate is to be voted for by the voters at large, a nominating petition shall be signed by fifteen registered voters of the municipality for each thousand or major fraction of the population, as shown by the last preceding federal census. No petition needs to be signed by more than fifty voters.

If the candidate is to be voted for by the voters of a ward or subdivision of a municipality of the first or second class having more than one ward or subdivision, a nominating petition shall be signed by at least five percent of the registered voters of the ward or subdivision. The percentage shall be based on the total number of registered voters voting in the ward or subdivision at the last preceding general election. No petition needs to be signed by more than fifty voters.

In municipalities of the third class, if the candidate is to be voted for by the voters at large, the nominating petition shall be signed by not less than ten registered voters of the municipality. If the candidate is to be voted for by the
voters of a ward or subdivision of a municipality having more than one ward or subdivision, the nominating petition shall be signed by not less than five registered voters of the ward or subdivision.

No nominating petition may be circulated until on or after the first day of circulation for that election (SDCL 9-13-9). All petition signers must be active registered voters in the municipality where the candidate is being nominated. All petition signers may only sign one petition for each office to be filled (SDCL 12-6-8), with the exception of a voter from a third class municipality is not restricted to the number of petitions which the person may sign (SDCL 9-13-9).

The members of the governing body of a municipality may choose to hold a municipal election on the first Tuesday after the first Monday in June. The finance officer shall publish the notice required in SDCL 9-13-6 between February fifteenth and March first. No nominating petition may be circulated for signature until March first. Nominating petitions shall be filed under the provisions of SDCL 9-13-7 by the first Tuesday in April. All other governmental responsibilities associated with holding elections under the provisions of chapter 9-13 shall be met by the municipality (SDCL 9-13-40).

What happens when a petition is filed with the Finance Officer and there are deficiencies noted?

See ARSD 05:02:08:00 for Guidelines for Accepting Petitions and 05:02:08:01 for Requirements for Counting Signatures on Petitions.

Can anyone circulate a petition?

Yes, as long as the person is a South Dakota resident and at least 18 years of age (ARSD 5:02:08:13, SDCL 12-1-3 (9)).

May a candidate withdraw after filing a petition?

Yes. Any person who has filed a nominating petition pursuant to SDCL 9-13-7 may withdraw from the nomination by a written request, signed by the person and properly acknowledged and filed with the finance officer of the municipality. The name of a withdrawn or deceased candidate may not be printed on the ballot if the candidate withdraws or dies no later than five p.m. on the deadline day for filing nominating petitions (9-13-7.1).

If death or withdrawal of a candidate or candidates occurs at any time prior to five p.m. on the deadline day for filing nominating petitions results in there being no contest on
the ballot, that ballot need not be voted. In addition, if that contest constitutes the only ballot to be voted upon, then the election shall be canceled by the official in charge of the election and the unopposed candidate shall be issued a certificate of election (9-13-7.1).

What if only one candidate files for office?

No election shall be held in any municipality, or ward thereof, wherein there is no question to be submitted to the voters or wherein there are no opposing candidates for any office; in case there are no opposing candidates the auditor or clerk shall issue certificates of election to the nominees, if any, in the same manner as to successful candidates after election (SDCL 9-13-5).

Who is eligible to vote in a municipal election?

SDCL 9-13-4.1 explains:

9-13-4.1. Registration and residence required to vote in municipal election—Residence defined—Challenge—Contest of election. No person may vote at any municipal election unless the person is registered to vote pursuant to chapter 12-4 and resides in the municipality at the time of the election. For the purposes of this section, a person resides in the municipality if the person actually lives in the municipality for at least thirty days each year, is a full-time postsecondary education student who resided in the municipality immediately prior to leaving for the postsecondary education, or is on active duty as a member of the armed forces whose home of record is within the municipality. A voter’s qualification as a resident may be challenged in the manner provided in SDCL 12-18-10. No election may be contested on the grounds that any nonresident was allowed to vote if the nonresident was not challenged in the manner provided in SDCL 12-18-10.

What does it mean when it says a person must qualify for office?

In order to qualify, a person must be:

A. A qualified voter of the municipality;
B. Reside in municipality three months before the election (SDCL 9-14-2). If the person has resided in an area annexed, pursuant to chapter 9-4, for at least three months, he may hold any municipal office.
C. Not a defaulter to the municipality (an individual that held a municipal position and absconded with city funds during their term of office; page 5-6 of SDML Handbook for Municipal Officials). This section does not apply to appointive officers (SDCL 9-14-2).
D. Take an oath of office and give a bond (SDCL 3-1-5).
Alderman candidates must be registered voters and residents of the ward they are running for when nominated (SDCL 9-8-1.1).

**Who determines what size campaign signs can be, when they can be put up and when they have to be taken down?**

That is up to the local government to establish rules governing dates and sizes.

**Who selects and pays for election officials?**

Each voting precinct shall be presided over by an election board consisting of a minimum of two precinct deputies and one precinct superintendent appointed by the governing body (if your wards all use the same polling place you only need to appoint one election board, SDCL 9-13-36). Each precinct superintendent and precinct deputy shall receive compensation which shall be fixed by the governing body (9-13-16.1). The state board of elections has adopted a form to be used in appointing election officials for school or municipal elections (05:02:05:11). Refer to the kinship chart (pg. 40 of the SDML Election Handbook) when considering who you can appoint as your election officials. SDCL 12-15-14.3 gives you direction on this: Certain relatives of candidates prohibited from serving on election and counting boards. No person may serve on an election or counting board who is a candidate or related by blood or marriage within the second degree to a candidate who is on the ballot in that precinct (SDCL 12-15-14.3).

Federal regulations have a special exception for Election Workers- you do not need to withhold Social Security or Medicare from their paychecks if they earn less than $1500 and do not hold any other city position. No 1099 needs to be issued. If the individual earns more than $1500 or their election pay plus their wage from their other city position is more than $1500 then you follow normal procedure for withholdings.

Any precinct superintendent or precinct deputy appointed under the provisions of SDCL 12-15-1 shall be a registered voter and a resident of the precinct for which the person is appointed. If, by the time prescribed in SDCL 12-15-1, a sufficient number of members of the precinct election board are unable to be appointed, a vacancy may be filled by appointing any registered voter of the county in which the precinct is located provided the voter meets the party distribution required by SDCL 12-15-3 (SDCL 12-15-2).

**What constitutes an official canvass?**

The election returns shall be reported as soon as possible to the finance officer, and within seven days of the election, the governing body shall canvass the election returns, declare the result, and enter the result on its journal (SDCL 9-13-24).

The person in charge of the election can destroy the voted ballots and pollbook from a non-federal election sixty days following the election. However, they may not be destroyed if a recount or contest of the election if pending (SDCL 12-20-31).

**What is the conduct of voting?**

**Identification at the Polls:** All voters will be required to provide identification before voting or obtaining an absentee ballot (SDCL 12-18-6.1). The personal identification that may be presented shall either be:

1. A South Dakota driver’s license or non-driver identification card;
2. A passport or an identification card, including a picture, issued by an agency of the United States government;
3. A tribal identification card, including a picture; or
4. A current student identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college, or technical school, located within the State of South Dakota.

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If a voter is not able to present personal identification, the voter may complete an affidavit in lieu of the personal identification. The State Board of Elections shall promulgate rules pursuant to chapter 1-26, prescribing the form of the affidavit (SDCL 12-18-6.2).

Provisional Ballots: Provisional ballots if identity is not verified (SDCL 12-18-6.3):
If any person is not authorized to vote, is successfully challenged, or is otherwise denied the ability to vote and the person maintains that he or she is currently registered to vote in that precinct, the person may cast a ballot that shall be called a provisional ballot.

The voter must complete an affirmation for a provisional ballot. Provisional ballots are not counted on election night. The person in charge of the election will investigate the following day to determine if that voter was properly registered in that precinct. If the information found determines that the voter was properly registered, then that provisional ballot will be counted. The voter will receive notification of whether his/her provisional ballot was counted or not and if not, an explanation of why it was not counted.

By voting a provisional ballot, the vote may not be secret if only one provisional ballot is cast in that precinct.

What is the procedure for absentee voting?
The application, receipt for absentee ballot, guidelines for acceptance, combined application return envelope, envelope for transmitting application, envelope for sending ballots, instructions to voter, official return envelope for ballots, official record of absentee ballots delivered to voters and envelopes for use with voting service and overseas ballots can all be found at ARSD 05:02:10.

Any registered voter may vote by absentee ballot in one of two ways – in person or by mail. Voters do not need to provide a reason in order to absentee vote (SDCL 12-19-1). It is important to note that absentee ballots have to be available no later than 15 days prior to the Election Day (SDCL 9-13-21).

An absentee voter desiring to vote by mail may apply to the person in charge of the election for an absentee ballot. The application or request shall be made in writing and be signed by the applicant and state the applicant’s voter registration address. The application or request (except from overseas military or overseas citizen voters) shall contain an oath verifying the validity of the information contained in the application or request. The oath shall be administered by a notary public or other officer authorized by statute to administer an oath. If the application or request does not contain an oath, the application or request shall be accompanied by a copy of the voter’s identification card. The application or request may be used to obtain an absentee ballot for all elections in that calendar year conducted by the jurisdiction receiving the application or request if so indicated (SDCL 12-19-2). Separate requests must be submitted for municipal elections and school elections.

At any time prior to an election, a voter may apply in person at the office of and to the person in charge of the election for an absentee ballot during regular office hours up to 5:00 p.m. on the day before the election (SDCL 12-19-2.1). If the voter applies in person, the voter shall complete a combined absentee ballot application/return envelope and show the person in charge of the election the voter’s identification card as required in SDCL 12-18-6.1 or complete the affidavit as provided in SDCL 12-18-6.2.

In the event of confinement because of sickness or disability, a qualified voter may apply pursuant to the provisions of SDCL 12-19-2 in writing for and obtain an absentee ballot by authorized messenger so designated over the signature of the voter. The person in charge of the election may deliver to the authorized messenger a ballot to be delivered to the qualified voter. An application for a ballot by authorized messenger must be received by the person in charge of the election before 3:00 p.m. the day of the election. If an application designating an authorized messenger also indicates a request for an absentee ballot for any future election, such absentee ballot shall be mailed to the address provided on the application. If no address is provided, the ballot shall be mailed to the person’s voter registration address (SDCL 12-19-2.1).

The voter must sign a statement on the absentee ballot envelope prior to returning the ballot. All voted ballots must be returned to the person in charge of the election in time to be delivered to the appropriate polling place prior to the closing of the polls.

Any voter identified as being covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) as of January 1, 2011, may submit an application or request for an absentee ballot by facsimile or emailed image to the person in charge of the election. The secretary of state may authorize a person in charge of an election to accept an application or request for absentee ballot pursuant to this section through the system provided by the Office of the Secretary of State (SDCL 12-19-2.3).

If any voter who had previously filed an application or request for an absentee ballot submits another application or request for the same election with an updated address, the county auditor shall send an absentee ballot to the new address. If any voter who had previously filed an
application or request for absentee ballot appears at the county auditor’s office, the voter may complete another application and be allowed to vote an absentee ballot. If any voter who filed an application or request for absentee ballot notifies the county auditor that the voter never received that ballot, the voter may request that another ballot be sent to the same address. The provisions of this section only apply to a person who has not voted or returned an absentee ballot (SDCL 12-19-2.4).

If a registration form is received simultaneous with an absentee ballot request and prior to the registration deadline, the absentee ballot provided shall be based on the submitted registration form (SDCL 12-19-3).

What about tie votes and recounts?

If a tie vote exists after a canvass of original official returns, the governing body making the canvass shall certify the vote to the finance officer. The finance officer shall then notify the candidates that if no request for recount is made in writing to the finance officer within five days after the certification, the winner shall be determined by drawing of lots. If no recount request is made or a tie vote between candidates is found to exist on the basis of the recount, the finance officer shall fix a time and place for the drawing of lots, giving reasonable notice of the time and place to each of the tied candidates. The drawing of lots shall be in the manner directed by the finance officer and the certificate of election shall be issued to the candidate winning in the drawing (SDCL 9-13-27.2).

Recounts - Request - Filing. If any candidate for the municipal governing body is defeated by a margin not exceeding two percent of the total votes cast for all candidates for the office, or by a margin of five votes or less, the candidate may, within five days after completion of the official canvass of the municipal ballot question election at which a question is approved or disapproved by a margin not exceeding two percent of the total votes cast, file a petition with the municipal finance officer a written request for a recount. Upon receipt of a recount request, the finance officer shall set the time and place for the recount. A recount board shall be established consisting of one person chosen by each candidate declared elected and by each candidate who is eligible to request a recount. If this board consists of an even number of persons, one additional recount board member shall be appointed by the finance officer who shall be mutually agreeable to each candidate involved in the recount. The person having custody of the ballot boxes containing the ballots to be recounted shall deliver them to the recount board. Any question arising on the recount shall be determined by majority vote of the recount board. The recount shall proceed expeditiously until completed (SDCL 9-13-27.3).

Recounts - Ballot question, initiative or referendum. Notwithstanding any other provisions of law, recounts of municipal ballot questions shall be conducted when, within five days after completion of the official canvass of a municipal ballot question election at which a question is approved or disapproved by a margin not exceeding two percent of the total votes cast in the election, any three registered voters of the municipality file a petition (petition form ARSD 05:02:19:10) duly verified by them, setting forth that they believe a recount will change the outcome. A recount board shall be appointed by the finance officer who shall appoint one person on each side of the question and one person who shall be mutually agreed upon by the other two appointed. The recount shall be conducted according to the provisions of SDCL 9-13-27.2 (SDCL 9-13-27.4).

What is the procedure for combining elections with the school district or county?

With School District: The members of the governing body of a municipality may choose to hold a general municipal election in conjunction with a regular school district election. The combined election is subject to approval by the governing body of the school district. The combined election shall be held on the regular date set for
either the general municipal election or the school district election and all dates associated with either election pursuant to chapters 9-13 and 13-7 shall be adjusted accordingly. Expenses of a combined election shall be shared in a manner agreed upon by the governing bodies of the municipality and the school district. All other governmental responsibilities associated with holding elections under the provisions of chapters 9-13 and 13-7 shall be shared as agreed upon by the governing bodies (SDCL 9-13-1.1).

With County: The members of the governing body of a municipality may choose to hold a municipal election in conjunction with the regular June primary election. The combined election is subject to approval by the county commissions of the counties in which the municipality is located. Expenses of a combined election shall be shared in a manner agreed upon by the governing body of the municipality and the county commissions involved. All other governmental responsibilities associated with holding elections under the provisions of chapter 9-13 and Title 12 shall be shared as agreed upon by the governing bodies. The finance officer shall publish the notice required in SDCL 9-13-6 between February fifteenth and March first. No nominating petition may be circulated for signatures until March first. Nominating petitions shall be filed under the provisions of SDCL 9-13-7 by the first Tuesday in April. The finance officer shall certify to the appropriate county auditor the candidate names and ballot language to be voted on by the first Friday after the first Tuesday in April (SDCL 9-13-7).

What are the hours for municipal elections?

The polls shall be opened at the hour of seven o’clock a.m. and remain continuously open until seven o’clock p.m., standard time or daylight savings time, whichever is in effect. However, no polling place may be closed at any election until all the voters who have presented themselves at the polling place inside or outside for the purpose of voting prior to the time of the closing of the polls shall have had time to cast their ballots (SDCL 12-2-3, 9-13-1).

What are the requirements for campaigning and poll watchers?

Except for sample ballots and materials and supplies necessary for the conduct of the election, no person may, in any polling place or within or on any building in which a polling place is located or within one hundred feet from any entrance leading into a polling place, maintain an office or public address system, or use any communication...
or photographic device in a manner which repeatedly distresses, interrupts, or intimidates any voter or election worker, or display campaign posters, signs, or other campaign materials or by any like means solicit any votes for or against any person or political party or position on a question submitted or which may be submitted. No person may engage in any practice which interferes with the voter’s free access to the polls or disrupts the administration of the polling place, or conduct any petition signature gathering, on the day of an election within one hundred feet of a polling place. A violation of this section is a Class 2 misdemeanor (SDCL 12-18-3).

Any person may be present at any polling place for the purpose of observing the voting and counting process. Poll watchers shall be allowed to position themselves where they can plainly see and hear what is done within the polling place, and such polling place shall be arranged that poll watchers shall be so accommodated (SDCL 12-18-9).

The superintendent of elections may order poll watchers and voters waiting to vote to position themselves where the poll watchers and voters cannot see into voting booths, read identifying numbers on photo identification cards, or interfere with voters in the act of voting or with the official actions of the election board. A violation of such an order is a Class 2 misdemeanor (SDCL 12-18-9.1).

Are candidates in municipal elections required to file financial interest statements?

Yes, if in a first class municipality. Every person elected or appointed to any civil office shall, before entering upon the duties thereof, qualify by taking an oath or affirmation to support the Constitution of the United States and of this state, and faithfully to discharge the duties of his office, naming it; and by giving a bond, when one is required, conditioned that he will faithfully and impartially discharge the duties of his office, naming it, and render a true account of all money, credits, accounts, and public personal property requiring inventory, as defined in rules issued by the commissioner of the bureau of administration, that shall come into his hands as such officer, and pay over and deliver the same according to law (SDCL 3-1-5).

Each candidate for county commissioner, school board member in a school district with a total enrollment of more than two thousand students, or commissioner, council member, or mayor in any first class municipality, shall file a statement of financial interest with the office at which the candidate’s nominating petitions are filed within fifteen days after filing such petitions or, if otherwise nominated, within fifteen days after such nomination is certified. A violation of this section is a petty offense. An intentional violation is a Class 2 misdemeanor (SDCL 12-25-30).

Do any campaign finance reporting requirements apply to municipal elections?

No, for candidate elections or ballot question committees unless the municipality adopted an ordinance for campaign finance laws.

Campaign finance requirements apply to each statewide office, legislative office, statewide ballot question, county offices and ballot questions in counties and municipalities with population greater than five thousand according to the most recent Federal census, and school district offices and ballot questions in school districts with more than two thousand average daily memberships. Any school district election covered by this chapter shall conform to the contribution limits applicable to legislative offices. This chapter does not apply to the unified judicial system, nor does this chapter apply to any township or special purpose district offices or ballot questions or elections for municipal offices. However, the governing body of any county, township, municipality, school district, or special purpose district not otherwise covered by this chapter may adopt an ordinance or resolution to make the provisions of this chapter, with or without amendments, applicable to township, school district, or special purpose district elections (SDCL 12-27-39).

Municipalities have the option of adopting provisions of state law regarding campaign financing for organizations contributing to ballot question committees. If such an ordinance is adopted, information to be contained in the statements is contained in SDCL 12-27-19 and 12-27-22 through 28.

The Secretary of State’s office has a campaign finance disclosure guidelines book available upon request.

Who can register voters?

The county auditor has complete charge of maintaining the voter registration records in the county. Voter registration shall be conducted by county auditors and municipal finance officers. Voter registration shall be available at the Secretary of State’s office and at those locations which provide driver’s licenses; food stamps; Temporary Assistance for Needy Families; women, infants, and children nutrition programs; Medicaid; military recruitment; and assistance to the disabled as provided by the Department of Human Services (SDCL 12-4-2).

Voter registration forms can be printed at your local printing company or you can print the form off of the Secretary of State’s website. Go to www.sdsos.gov and click on Voter Registration under the Elections tab.

More information on Elections can be found under the Library section at www.sdmunicipalleague.org.
## 2014 Municipal Election Calendar

<table>
<thead>
<tr>
<th>Event Description</th>
<th>Second Tuesday in April</th>
<th>First Tuesday after the first Monday in June</th>
<th>Combine with school on third Tuesday in June</th>
<th>To Newspaper by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The governing board must establish the election date no later than January 14th of the election year, if they choose a different election date other than the 2nd Tuesday in April.* (9-13-1)</td>
<td>April 8</td>
<td>June 3</td>
<td>June 17</td>
<td></td>
</tr>
<tr>
<td>The person in charge of the election must notify the Secretary of State when the election will take place by e-mail, letter, fax, or telephone. (12-2-7)</td>
<td>Immediately</td>
<td>Immediately</td>
<td>Immediately</td>
<td></td>
</tr>
<tr>
<td>Publish notice of vacancies and time and place for filing petitions each week for two consecutive weeks. (9-13-6 or 9-13-40 &amp; 05:02:04:06; 13-7-5 &amp; 5:02:04:14)</td>
<td>Jan 15 – 30</td>
<td>Feb 15 – March 1</td>
<td>March 15 – 30</td>
<td></td>
</tr>
<tr>
<td>Earliest date to begin petition circulation and earliest date to file nominating petition. (9-13-9, 9-13-40 &amp; 13-7-6)</td>
<td>January 31</td>
<td>March 1</td>
<td>April 8</td>
<td></td>
</tr>
<tr>
<td>Deadline for filing nominating petition. Office must be open until 5 p.m. (9-13-7, 9-13-40 &amp; 13-7-6)</td>
<td>Feb 28 5:00 pm</td>
<td>March 25 5:00 pm</td>
<td>May 9 5:00 pm</td>
<td></td>
</tr>
<tr>
<td>Deadline for submission of written request to withdraw candidate’s name from nomination. (9-13-7.1, 13-7-7)</td>
<td>Feb 28 5:00 pm</td>
<td>March 25 5:00 pm</td>
<td>May 9 5:00 pm</td>
<td></td>
</tr>
<tr>
<td>In the event of an election being canceled due to the death of a candidate, withdrawal of a candidate, or absence of contest, publication of notice of cancellation of municipal election is required.* (9-13-7.1 &amp; 05:02:04:21)</td>
<td>After Feb 28 5:00 pm</td>
<td>After March 25 5:00 pm</td>
<td>After May 9 5:00 pm</td>
<td></td>
</tr>
<tr>
<td>Publish first deadline of voter registration notice that needs to be published each week for two consecutive weeks. (12-4-5.2 &amp; 05:02:04:04)</td>
<td>March 3 – 7</td>
<td>April 28 – May 2</td>
<td>May 12 – 16</td>
<td></td>
</tr>
<tr>
<td>Publish last deadline of voter registration notice that needs to be published each week for two consecutive weeks. (12-4-5.2 &amp; 5:02:04:04)</td>
<td>March 10 – 14</td>
<td>May 5 – 9</td>
<td>May 19 – 23</td>
<td></td>
</tr>
<tr>
<td>Deadline for voter registration. (12-4-5)</td>
<td>March 24</td>
<td>May 19</td>
<td>June 2</td>
<td></td>
</tr>
<tr>
<td>Absentee ballots must be made available no later than 15 days prior to the election. (9-13-21)</td>
<td>March 24</td>
<td>May 19</td>
<td>June 2</td>
<td></td>
</tr>
<tr>
<td>Publish notice of election that needs to be published each week for two consecutive weeks. First publication must be at least 10 days before election. (9-13-13 &amp; 05:02:04:08 or 13-7-8 &amp; 5:02:04:15)</td>
<td>March 24 – April 4</td>
<td>May 19 - 30</td>
<td>June 2 -13</td>
<td></td>
</tr>
<tr>
<td>Publish facsimile ballot in the calendar week before the election. The calendar week falls from the Monday to the Saturday of the week prior to the Tuesday of Election Day. (9-13-13)</td>
<td>March 31 – April 5</td>
<td>May 26 – 31</td>
<td>June 9 – 14</td>
<td></td>
</tr>
<tr>
<td>Automatic tabulating systems only. Conduct a public test of the system. Must publish notice 48 hours before test. (12-17B-5 &amp; 5:02:09:01.01)</td>
<td>March 29 – April 7</td>
<td>May 24 – June 2</td>
<td>June 7 – 16</td>
<td></td>
</tr>
<tr>
<td>Election Day. Polls open 7:00 a.m. to 7:00 p.m. (9-13-1)</td>
<td>April 8</td>
<td>June 3</td>
<td>June 17</td>
<td></td>
</tr>
<tr>
<td>Deadline for official canvass. (9-13-24)</td>
<td>April 15</td>
<td>June 10</td>
<td>June 24</td>
<td></td>
</tr>
</tbody>
</table>

*Contact elections@state.sd.us to notify the SOS office of your election date and in the event of your city not having an election.
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Ethnic Epithets Supported Pretext Claim
Barring Summary Judgment for Municipality

By Jerry L. Pigsley, Harding & Shultz, P.C., L.L.O.

A police officer, a native of Poland, sued the City of Englewood, Colorado, and his supervisors in the police department and a deputy in the sheriff’s office after he was fired from employment. Zasada v. City of Englewood, Case No. 11-CV-02834 (D. Colo. Sept. 30, 2013). The police officer was fired by the police chief after an investigation concluded he was guilty of insubordination, conduct unbecoming an officer, and untruthfulness. The police sergeant who conducted the investigation in his report concluded that the officer had violated the City’s harassment reporting policy which prohibited sexually implicit or explicit communications. The report was reviewed by three deputy chiefs who each recommended to the police chief he be terminated. Based on the investigation file and report, as well as his command staff recommendation, the chief terminated the officer’s employment.

Filed Charge
The officer then filed a charge with the EEOC and after the investigation received a right to sue letter from the EEOC, and then sued the City, the police chief, the sergeant who did the investigation, and a county sheriff’s deputy for national origin discrimination, hostile work environment, and retaliation of Title VII, and a claim under 42 U.S.C. § 1983 for violation of his right to equal protection under the Fourteenth Amendment.

Officer’s Claims
The officer claimed the City’s proffered reasons for its employment decision were false because the chief relied upon biased recommendations. A county sheriff’s deputy who was critical of the officer had called him a “Polack” after the officer when asked where he was from said Poland. The officer claimed this deputy, who became the commander of a cooperative task force of numerous law enforcement agencies throughout the Denver metro area, in which he was assigned, continued to make comments and jokes about “Polacks” in his presence.

The court in denying the City’s motion for summary judgment found a reasonable jury could conclude the chief relied on biased recommendations and that was the cause for his termination. The officer asserted a “cat’s paw” or “rubber
JANUARY 2014

stamp” theory to demonstrate pretext. “Cat’s paw” refers to a situation in which “a biased subordinate, who lacks decision making power, uses the formal decision maker as a dupe in a deliberate scheme to trigger a discriminatory employment action.”

Rubber Stamp
The “rubber stamp” doctrine refers to a situation where “a decision maker gives perfunctory approval for an adverse employment action explicitly recommended by a biased subordinate.” To survive summary judgment on a subordinate bias theory, the plaintiff must first establish a genuine issue of material fact concerning the bias of the subordinate. The plaintiff must then demonstrate a causal connection between the subordinate’s actions and the employment decision. In other words, the plaintiff must show the biased subordinate’s discriminatory reports, recommendation, or other actions caused the decision maker to take the adverse employment action.

This case illustrates how a municipality needs to intervene and stop offensive conduct by a non-employee of the municipality. In this case the sergeant who conducted the investigation of the officer had received a complaint from the officer of the offensive comments by the non-employee and only instructed the officer to discuss the problem with the harasser. The sergeant never did contact the harasser about the situation or investigate further. The court found a reasonable jury could infer that the sergeant should have taken additional actions in an attempt to stop the offensive conduct, such as conducting an investigation, contacting the harasser’s home agency, or contacting the harasser himself. Accordingly, promptly and effectively responding to the employee’s complaint regarding offensive comments and jokes may have eliminated this lawsuit.

Editor’s Note: This article is not intended to provide legal advice to our readers. Rather, this article is intended to alert our readers to new and developing issues and to provide some common sense answers to complex legal questions. Readers are urged to consult their own legal counsel or the author of this article if the reader wishes to obtain a specific legal opinion regarding how these legal standards may apply to their particular circumstances. The author of this article, Jerry L. Pigsley, can be contacted at 402-434-3000, or at Harding & Shultz, P.C., L.L.O., P.O. Box 82028, Lincoln, NE 68501-2028, j.pigsley@hslegalfirm.com.

Accordingly, promptly and effectively responding to the employee’s complaint regarding offensive comments and jokes may have eliminated this lawsuit.
By Patrick Malone

Local government managers are expected to be innovative and successful. Whether it be public health, crime prevention, going green, or developing a self-sustaining economic base, the nation looks to them for successful approaches on every scale.

But leading in today’s environment is not easy, especially for managers working with shrinking budgets, fewer qualified personnel, and less support from state and federal entities.

Recent events highlight these challenges. Both local elected and appointed officials struggle with how to involve residents and attract investment as they plan for the future. Residents expect more services and less taxes from their over-burdened communities.

And when the unexpected occurs—the devastating tornado in Moore, Oklahoma or Superstorm Sandy’s far-reaching effects—resources are stretched to the limit as communities grapple with the results of devastating natural disasters.

What today’s managers need are as many tools as they can muster to do an extremely difficult job. Many times they approach this challenge by building skill sets or adding certifications for selected staff members. Not a bad approach but in the midst of the chaos, the best tools and most valuable organizational assets are not new technical talents.

The most beneficial tools within reach of the public sector manager are the minds of those they lead. Understanding and tapping into the mindsets of staff can build lasting synergy for organizations large and small.

**Practical Workplace Applications**

Author Susanne Cook-Grueter’s groundbreaking 2004 work on the developmental mind provides a solid foundation for understanding the importance to leaders of tapping into specific mental attitudes possessed by those with whom they work. Cook-Grueter points out that when...
we understand the developmental mind we get a clearer picture of two key issues: 1) how well a particular individual is suited to the task at hand; and 2) how well the individual can read and interact with people who have different preferences.

The benefit to a public sector manager is clear: The greater our ability to assess others, the more effective we can be in tapping into the discretionary energy and thought processes of those whom we lead.

While the breadth and depth of these various temperaments is significantly more intricate than can be addressed here, three mindsets that are the most common found in the workplace are of particular significance to the local public official. When managers understand these temperaments, organizational innovation, synergy, and success are bound to follow.

This article includes three brief scenarios for each way of thinking, which are shown in italics; a detailed description of the developmental stages; and practical suggestions that can be used to create conditions for motivating in the workplace.

The Opportunist

Elaine was a long-time employee in the county’s consumer protection office. Despite her many years of service, however, it wouldn’t be fair to say she was well-liked by her coworkers. They tended to describe her as cutthroat. In a recent team meeting with the agency director, for example, she was quick to point the finger at a colleague, insisting that a confrontation with a customer was not her fault. Team members weren’t surprised because she never takes responsibility. In their experience, anytime anyone offered constructive feedback, Elaine quickly rejected it anyway.

Elaine demonstrates one of the classic signs of an opportunist: a “me versus the world” mentality. One thing about opportunists is they’re easy to spot. They tend to be self-oriented, manipulative, and they possess a drive to win in any way possible.

To make matters worse, they feel their approach is completely rational. This is because they see the world as a place where everyone is out for themselves. In the opportunist’s view, people are simply competitors in a vast war-torn landscape.

Leading an opportunist is no easy task. They do little for team cohesion and are often more effective working alone. People typically don’t like working for opportunists. They often feel betrayed by, and distrusting of, their opportunist colleagues.

As managers, it’s important to try to get opportunists to see beyond their own perspective. Invest time in helping opportunists recognize that their actions have impacts on people and the organization in both small and large ways.

It is perhaps best to begin this conversation by acknowledging the value the opportunist brings to the organization (able to work independently, good in emergencies, decisive). Establish rapport and encourage opportunists to share their feelings about the organization. Once opportunists open up, it’s much easier to help them understand the contributions of others.

The Diplomat

Steve is proud of his role in the parks and recreation office. In fact, he’s so proud he can be counted on to wear his parks and recreation jacket all year. As a supervisor of three staff handling registration for the city’s yearlong programs, he is well-liked by his employees, though they sometimes wish he would go to bat for them a little more often with the city manager’s office.

Diplomats, like Steve, make up the vast majority of first-level supervisors. They define themselves greatly by the organization where they work and by the approval of others. As such, they are loyal souls who thrive on...
harmony. Confronting authority figures and pushing for the approval of new programs, as in Steve’s case, is not their strong suit since it creates an atmosphere of conflict.

They tend to do well in their roles, as assigned, but you’re not likely to see them venture beyond those specified job functions. Likewise, diplomats are not the most talented at giving or receiving feedback.

While it might seem leading diplomats would be easy, such is not the case. It is true that diplomats help create a supportive atmosphere, but their risk-averse nature creates tension and frustration among those they lead. Not all work environments remain conflict free for long.

In fact, conflict in organizations is actually a positive thing if handled properly. Since diplomats define themselves through the approval of others, conflict puts them in a risky position they would prefer to avoid.

When leading diplomats it’s important to help them build their confidence by aiding them in understanding that they have value beyond how they’re seen by others. Diplomats most certainly bring skill sets that are needed by the organization, but their ability to recognize this is often clouded by a lack of internal strength.

A newly discovered self-confidence may help them develop the courage necessary to make tough decisions. It also gives them the fortitude to provide a candid evaluation to an employee or much-needed feedback to a supervisor.

The Expert
Sara is one of the more accomplished members of the city’s office of planning and code compliance. As an architect, she brings an exceptional depth of knowledge in design, planning, and enforcement of city statutes.

No one could dispute her knowledge base, but many would admit she uses that expertise as leverage in any conflict. Worse, she’s been known to use it in a ridiculing and hostile manner. Some have confronted her about this but without the requisite degrees in architectural science, their feedback falls on deaf ears.

Experts like Sara are common in public service where technical skill is rewarded and fostered. Experts are adept at using hard logic and data to gain support for their ideas—something appealing to county commissions and city councils. Logic rules in the world of experts, and the average resident is easily impressed with their quick answers and airtight thinking.
Unfortunately, this impressive intellectual palette comes with a price. Experts are often one-of-a-kind, especially in small communities. As such, they are seldom challenged. When they are, they aren’t likely to accept the feedback with grace unless it comes from someone they consider to be their expert-equal.

Experts are much like diplomats in their need to feel they matter in the workplace. What they lack are the fundamental skills or interest to work in teams and with others who may not have their professional background.

Managers are well-advised to help experts appreciate the roles of others in achieving an organization’s mission. This won’t be easy, but experts are smart people.

Once they become more aware of the contributions made by others, they are more likely to be able to accept other viewpoints as valid. Strategically placing them on high-performing teams where they can contribute in concert with staff will also help mitigate the more negative inclinations of the expert mind.

To be fair, the opportunist, diplomat, and expert bring positive aspects to the workplace. Opportunists are driven and energetic. Diplomats can bring people together even in the most challenging times. And experts, through their extensive knowledge, can play important roles in project management and change initiatives. But taken to the extreme, all three temperaments have serious limitations.

As today’s local governments lead the way in innovative approaches to public leadership, tapping into the unexplored aspects of these mindsets can prove beneficial in tackling the challenges of that leadership.

Patrick Malone, PhD. is an executive-in-residence, Department of Public Administration and Policy, American University, Washington, D.C. (pmalone@american.edu).

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Wanted: City Websites

Do we have your city’s website? If you do not see your municipality listed in the SD Municipalities Online section at sdmunicipalleague.org, please email your website address to carrie@sdmunicipalleague.org.
Zero-Base Budgeting:
A Concept whose Time Has Come – Again

By G. Chris Hartung

The City of Garland, Texas, has a long and interesting history with zero-base budgeting, often referred to as ZBB. In the 1970s, Garland was not trying to deal with a stagnant or declining economy or revenue base; in fact, at the time, it was in a very good financial position and was experiencing growing revenues. The city needed ways to accommodate a large number of competing interests as it dealt with rapid growth. Today, cities must balance stagnant or declining revenues with the traditional citizen demands for services, the need to address aging infrastructure, and other increased costs for pensions and health-care for employees and retirees. The competition for limited resources is potentially cataclysmic. In the '70s, Garland embraced zero-base budgeting as a way forward, and jurisdictions today can do the same. The purpose of this article is to explain the zero-base budgeting process, to discuss what was learned in Garland during and after its implementation, and to comment on the usefulness of ZBB in today’s local government environment.

Blazing a Trail
In the early 1970s, the City of Garland, a suburb of Dallas, was experiencing a population explosion. City growth during this period reached 10-12 percent annually, and such rapid expansion presented a number of challenges. Municipal leaders had to oversee major infrastructure requirements and also increase staff to provide the services the expanding population required. Garland operated a municipal electric system, which also involved the city in the first stages of the 1970s energy crisis. International events caused the price of the natural gas, used as fuel for the city’s electric generation plants, to skyrocket from 22 cents to more than $2 per million cubic feet. Questions surfaced regarding Garland’s future ability to even obtain natural gas for the plants. The community’s rapid growth, combined with steadily rising fuel costs for the electric utility, resulted in greatly increasing expenses.

The city manager at the time directed all executive staff members to look for new ways to conduct business. The motivation was not merely to cut costs, but to find better ways to use limited resources to provide services to the expanding population.
ways of allocating the city’s limited resources to meet the increasing demands of the populace. During this time, Garland learned about a program that had been implemented in the State of Georgia (by then-governor Jimmy Carter) – zero-base budgeting, or ZBB. It turned out that zero-base budgeting had been initially developed in a manufacturing environment at Texas Instrument, whose Dallas headquarters was located just a few miles from the Garland city limits. After contacting Peter A. Phyrr, the consultant who worked with Governor Carter, we discovered that not only had Phyrr originally developed ZBB at Texas Instruments, but that he literally wrote the book on the subject.1 After further investigation, the city contracted with Phyrr to implement ZBB for the City of Garland – the first time a local government implemented ZBB, as far as anyone knew.

Not Just another Accounting Tool

The methodology of ZBB was developed to address a major criticism of then-current budgeting systems in both the public and private sectors. Invariably, the baseline for discussions of the next budget cycle was the dollar amount of the current budget. As a result, budget discussions typically revolved around the amounts of additional funding a department would receive. Little, if any, justification was presented for the existing level of expenditures. If reductions were required, they were typically accomplished across the board. Evaluations relating to the effectiveness of existing programs or their priority in the current economic environment were seldom discussed. New programs did not compete against existing expenditures, which meant they had to be funded by additional revenues or increased rates. Zero-base budgeting was intended to force the organization to analyze its activities back to zero; that is, to consider the potential result if an activity were not funded at all. As Phyrr wrote, “The process requires each manager to justify his entire budget request in detail, and puts the burden of proof on him to justify why he should spend any money.”

ZBB was envisioned as a planning and budgeting tool for operational managers, not as just another accounting tool for the finance and budget managers to manipulate. As Phyrr explained, planning is involved in identifying the desired output and budgeting is concerned with inputs. In his book, Phyrr addressed his specific intent to correct problems associated with the planning, programming, and budgeting systems that had been attempted in the federal government and many state and local governments in the mid- to late sixties. Phyrr also emphasized that ZBB, like any major organizational change, must have active support from top management.

Phyrr’s book depicted ZBB as a two-step process. The first step in developing the ZBB budget requires organizational units to identify “decision packages” that effectively divide the budget into discrete pieces built around activities, programs, or functions at the sub-department or sub-division level. Decision packages should be meaningful for both operational managers and top-level decision makers. Consequently, Phyrr recommended that the detailed decision packages should be developed at the lowest practical level in the organization, the program or activity manager level, under the guidance of senior management. For instance, tuition reimbursement, typically a line item of expenditure, could qualify as a decision package.

Each decision package was to include all costs associated with the function or activity as well as a statement of the activity’s purpose, other ways to achieve the purpose, measures of performance, and a statement describing the consequences of not undertaking the activity. Requiring managers to answer to the question, “What happens if we don’t fund this activity or program at all or at least at this level?” created a major change to the budget decision-making process. The stipulation of annually evaluating alternative means of providing the service opened up the discussion of contact services, multi-jurisdictional operations, or other methods of meeting service necessities.

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The ZBB methodology also required managers to develop decision packages built around a minimum level of service, which was usually defined as between 50 and 75 percent of the current funding level. Managers were expected to describe the results that this level of funding would achieve. In other words, the new baseline for the department or division would be decision packages whose funding totaled 50 to 75 percent of the current dollar amount in its budget without completely eliminating the service. For instance, the department might consider reducing library hours while still maintaining library services. Each department could then develop additional discrete decision packages to provide for the remainder of its funding requests, including building back to the current level of service (which might require a higher level of expenditures than the current dollar amount), as well as any new or expanded programs or activities.

The final step of the ZBB budget process involves ranking the decision packages. Again, Phyrr wrote that the ranking process “involves evaluating and ranking these packages in order of importance through cost/benefit analysis or subjective means.” This ranking process allows the organization to evaluate new programs or activities against existing ones. Phyrr offers several approaches to the ranking process. Garland used what it referred to as the P-5 process: Pete Phyrr’s Pragmatic Pointscore Procedure. This process involved the six-point rating scale outlined in Exhibit 1.²

---

**Exhibit 1: Ranking Decision Packages**

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Package should definitely be funded to satisfy minimum requirements or has a high probability of significant impact in terms of benefit.</td>
</tr>
<tr>
<td>5</td>
<td>Packages have some muscle, but these would be the first packages to cut if the goal expenditure level were reduced.</td>
</tr>
<tr>
<td>4</td>
<td>Packages have some muscle, and these would be the first packages to add if the goal expenditure level were increased.</td>
</tr>
<tr>
<td></td>
<td><strong>&lt; Decision Point: Goal Expenditure Level</strong></td>
</tr>
<tr>
<td>3</td>
<td>Packages should definitely be funded to satisfy minimum requirements or has a high probability of significant impact in terms of benefit.</td>
</tr>
<tr>
<td>2</td>
<td>Packages should definitely be funded to satisfy minimum requirements or has a high probability of significant impact in terms of benefit.</td>
</tr>
<tr>
<td>1</td>
<td>Packages should not be seriously considered, given the current expenditure goals.</td>
</tr>
</tbody>
</table>

*Recommendation: Goal Expenditure Level – The current expenditure level is a good reference point for decision making, since each manager can evaluate whether he or she thinks a new function or expanded function is important enough to be voted 4, 5, or 6, with this additional expenditure obtained by reducing or eliminating current functions.*

---

The six-point ranking system provides evaluators with a useful reference tool. Typically, the items awarded a 6 are obvious critical services or activities. Items that are ranked as a 1 are clearly a low priority, possibly even frivolous, in some cases. The critical ranking numbers tend to be 3 and 4, because these are typically assigned to decision packages that are directly on the cusp for funding. Evaluators were instructed to give a decision package a 3 if they considered it somewhat important, but that it should only be funded if all critical needs were funded or if there were additional revenues. Similarly, evaluators were told to rank a decision package as a 4 if they thought it should be funded, but dropped if funding levels were exceeded. In the Garland application, the number of 6s and even 5s that could be used was limited to minimize potential gamesmanship.

**What Garland Learned**

Garland chose to use a staff team comprising the executive staff and the department heads to conduct the final combined ranking of decision packages because of their inherent knowledge of city operations. Each department was charged with ranking its own decision packages before submitting them to the city manager.

ZBB represented a major change in the way Garland approached budgeting. At the time, the city’s budget was organized around department and division organizational unit budgets that were presented in a line-item form. In most cases, the departmental budget requests were prepared by the department heads, with some input from their immediate staff, but with little involvement from program or activity managers. The city had followed the typical use of the baseline as representing 100 percent of the current budget when discussing the next fiscal year’s spending. ZBB required a significant increase in paperwork during budget preparation, a situation that today’s computers and software would alleviate. City management charged departments with preparing decision packages that represented the smallest meaningful budget increment, which meant that much more analysis and planning were required to prepare the organization’s budget requests. Information about alternatives and performance measures would have to be much more detailed than in the past. This factor alone argued for decentralizing the budget preparation process in all but the smallest departments or divisions. Department and division heads had to involve lower-level managers in the budget process just to get the decision packages developed on time. The biggest signal that managerial budgeting was replacing the old line-item budgeting was when the city manager invited mid-tier managers and supervisors to attend the budget training without first asking permission of the department heads. This process also allowed the organization to more clearly define lower-level manager responsibility for results and expenditure levels.
The Results
The requirement to develop alternative methods of providing a service or function did not produce any significant recommended changes in the first year of ZBB implementation. Garland found it difficult to conduct this kind of basic analysis during the typically short planning period available for the annual budget preparation. The city also found that the statements of what would happen if the department did not fund a particular activity or function were fairly superficial. Fundamental analysis of this kind, as important as it is, needs to occur outside of the annual budget process. Questions about the basic need for a program or function, as well as questions regarding alternative service delivery methods, are better considered during other periods of the year. However, it is important to conduct these analyses regularly and consistently.

Developing minimum levels of service for the decision packages was a major improvement in the organization’s approach to evaluating a wide variety of funding requests from very dissimilar areas. This process effectively reduced the baseline for discussions of the next fiscal year’s expenditures to 75 percent of the current funding level. Coupled with the decision package ranking process, this mechanism allowed top management to evaluate the continuation of current service levels in one area against expanded or new programs or activities in other areas of the organization. This minimum-level budget methodology has been continued in many organizations as “target level budgeting,” and that was the evolution of ZBB in Garland.

Garland also found that the threat of not funding the full operation – especially when made to the police or fire chief, or most other department heads – was something best done no more than once a year. This exercise can be useful in the first year of ZBB because it encourages managers to entertain alternatives. However, after the first year, the organization runs the risk of turning this part of the analysis into an academic exercise that robs time and results in minimal payoff. A subsequent city manager in Garland developed a practice of rotating the zero-base analysis around the organization over a five-year period instead of requiring every department to conduct this analysis annually.

One criticism of ZBB is that it has been used to develop the staff’s budget recommendations without input from elected officials. In Garland, the city manager had an annual practice of meeting with the city council in strategic planning sessions before the budget process began. During these sessions, which were also attended by department heads, the city council developed a ranked list
of planning issues that represented their priorities for the coming year. The staff used this list of priorities as input when ranking decision packages. Through this process, staff was able to connect the council’s priorities to the city manager’s budget recommendations.

During this period, members of the Garland staff and council would occasionally attend professional meetings where they would relate the city’s ZBB experiences. It was not unusual to have others at the meeting remark that they were also using ZBB, or had used ZBB, or wouldn’t use ZBB on a bet. Upon closer questioning, it became clear that many had no idea what ZBB actually involved. This experience serves as a good example of what generally happens when a methodology, practice, or program becomes a topic of general discussion; the same reaction followed the introduction of techniques such as management by objectives, total quality management, and other management strategies.

**Today’s Environment**

Many organizations continue to use the current funding level as the baseline for discussions about the upcoming budget. In some cases, the baseline is increased by additional amounts to compensate for population growth and inflation. As in the past, the budget discussions typically address levels of additional funding over the baseline, and little attention is given to the efficacy of the current service levels. ZBB conceptually offers a technique for institutionalizing a continual effort to answer the same basic questions that Peter Phyr displayed in his book:

1. Where and how can we most effectively spend our money?
2. How much money should we spend? (What should the dollar amount of limited resources be? We can always increase expenditures in industry at the expense of profits or increase expenditures in government at the expense of the taxpayer.)

Garland’s experience indicates that this part of zero-base analysis should be driven by top management and policymakers. The organization should not leave the identification and analysis of alternative methodologies, including the acceptance or dismissal of organizational functions, to lower-level or even departmental managers. To that end, the government should aggressively develop the capability to monitor and identify best practices and alternative service delivery methods used by other local governments to determine how applicable they might be to the organization. Alternative practices, such as managed
competition and joint-service delivery with other agencies, offer opportunities to evaluate and cost other service delivery methods. Once alternatives are identified, they can be developed into decision packages by the appropriate organizational unit for inclusion in the budget-planning process.

**Discrete Decision Packages**

Developing discrete decision packages gives top management and elected officials a better picture of how the organization is spending money, and the process should provide them with more flexibility in dealing with limited or declining resources in the face of increasing demands. Currently, most attempts to reduce spending are implemented as across-the-board cuts (for example, 5-10 percent cuts, reducing travel, eliminating training, etc.), which can penalize high priority programs and more efficient organizational units. Other attempts to control budget spending often sacrifice new, high-priority programs and activities in order to continue existing lower-priority programs and activities.

The ability to deal with reduced or stagnant revenue levels is enhanced by the minimum funding levels for programs and activities developed as part of ZBB. This effort forces managers to consider the lowest level of activity that will produce some level of results. In periods of severe financial distress, this provides policymakers with more options in managing the need to accommodate changing priorities. By using the lower end of the range for these minimum levels, say 50 to 55 percent of current funding, policymakers could make significant headway.

ZBB assumes that the organization has the ability to develop results-oriented performance measures. Historically, local governments have tended to develop performance measures that are measurements of input and not measurements of results. We count the number of inspections or the number of permits issued, but not the results of the activity. Often, the budget office or finance department develops these measures, not the operational managers. Forming meaningful decision packages hinges on training operational managers to create meaningful (to them) results-oriented performance measures.

**Conclusions**

While there are no “silver bullets” that will solve all of a local government’s funding problems, the methodology of zero-base budgeting does offer a process for improving decision making throughout the organization. The method could be especially helpful for organizations that are facing stagnant or declining revenues.

**Notes**


2. Ibid.

3. Ibid.

G. Chris Hartung is president and owner of Chris Hartung Consulting, which works with the public sector. He can be reached at chris@chcpublicsectorsolutions.com or 469-321-2180.

Hartung would like to acknowledge the influence of Charles E. Duckworth, city manager of Garland in the early 1970s when Hartung was assistant city manager, along with Lewis McLain, former budget director; Don Paschal, former community services administrator; and Fred Greene, former city manager.

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**SDML Directory Changes**

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<th>Contact Information</th>
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</tr>
<tr>
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<tr>
<td></td>
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<td>CM Raejean Edwards</td>
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</tr>
<tr>
<td>Summerset</td>
<td>Delete</td>
<td>FO Vickie Jorgenson</td>
</tr>
<tr>
<td>Wilmot</td>
<td>Add</td>
<td>FO DeDe Minnala-Backhaus</td>
</tr>
</tbody>
</table>

The Quiet Struggle
Personal experience with a chronic problem

By Anonymous*

I love to tell stories. It’s a big part of how I manage and a big part of who I am. The funnier the better, as I also love to make people laugh. Jokes come and go, but I never forget a funny story, told well. This, however, is not a funny story.

We manage our communities under some fairly bleak conditions sometimes. We learn to manage them better over time as our skill sets improve with each passing project, challenge, and crisis.

Disease is something managers deal with too, of course, and alcoholism may well be an occupational hazard for many of us, just as for some of our coworkers. Like diabetes, alcoholism can be managed, but it is an insidious disease that will destroy our jobs, marriages, families, friendships, and lives if we fail to manage it well.

The Beast Takes Hold
My story begins in the 1970s when drinking was one of the few things for a teenager growing up in a small rural community to do. In college, I made new friends, met my future wife, and fed the beast as often as possible while living in a fraternity house and at my part-time job managing the on-campus pub where the live bands shook the building and the beer flowed freely.

Just rites of passage, or so I assumed.

After college, as I found myself working in local government management, working on my master’s degree at night, and moving from community to community, I found solace and relief from the pressures of life by drinking to excess, mostly alone, in secret, whenever I felt like it. Few knew of the quiet struggle I was waging and for some time I really didn’t fight back very hard, and when I did, it wasn’t for very long.

The Beast Becomes Stronger
The beast grew larger as family and job pressures grew. Whatever was bothering me could be suspended effectively—for a few hours anyway—with the aid of a vodka bottle hidden in the basement or garage. After the umpteen discussion with my loving and incredibly patient wife, I made an appointment with a private counselor.

During our second session he used the A word, telling me I was an alcoholic. Although that was certainly why I was there, the diagnosis pronouncement from a mental health professional hit me like a ton of bricks. I was devastated. Back to the basement and the cycle continued, but now it had an official name.

For the next couple of decades I mostly white-knuckled it. I could stay completely sober for months at a time, but would always succumb to drinking as external pressures mounted. Each time I fell off the wagon, I quickly returned to the worst of it, where I had left off before.

A beer or two with friends after a round of golf quickly led me back to the ABC store and my secret affair with the vodka bottle in the basement after the family had gone to bed.

An after-work, three-month outpatient program at a local hospital did the trick for a while. I attended some AA meetings as part of the program and even a few afterward, but I didn’t like them very much. As a local government manager, I felt too exposed and thought myself hardly anonymous given that my face, name, and title were often in the newspaper and on television as part of my day job. Another occupational hazard.

A Breaking Point
I finally reached a new low several years ago, all in a few short months. I was still managing my job fairly well during the day, but the evenings brought me back to the basement to cope with life. I lost a close friend when his serial infidelity caused me to side with his wife and break off contact with him.

My oldest son graduated from college and moved far away, and I missed him. My daughter revealed to my wife and me some of her own difficult struggles. My teenage son started getting into typical teenage boy trouble, which tested me on a whole new level as I dealt with local law enforcement and judicial personnel with whom I worked professionally in less personal ways in my job.

My aging parents really started to have aging parent problems. And my dog died, seriously, just like in a country music song.

Managing in a recession presented some new challenges, too. After building organizations for 30 years I now had to partially dismantle one.

Slashing budgets required some big boy pants that I struggled to fill. Disciplinary actions with employees for
on-the-job substance abuse issues made me feel like a total hypocrite. More pressure, guilt, and hangovers.

Committing to Rehab
Finally surrendering, I drove to the mayor’s house and told him I had a problem and needed to disappear for a month for treatment at a rehab facility downstate. Rather than fire me, he hugged me, wished me luck, and told me he was proud of me, even though moments earlier he had no clue I even had a problem.

The vice mayor reacted the same way, as did a few trusted coworkers who would have to cover for me while I was gone. Before I left town, I sent a mysterious e-mail to the rest of city council and the management team to the effect that I was taking some time off and would be back in a few weeks, maybe a month.

The treatment facility was in my old college town. At night, we were bused to AA meetings in church basements that were within a block of my old college haunts, where I had lived so carefree some 35 years earlier. I had come full circle, and it was both ironic and poignant to be getting help in the town where I had spent my undergraduate years feeding the beast.

Get Help If You Need It
Sober since then, with the help of the new tools—weapons, really—that I gained in treatment and occasional AA meetings when I know my drinking triggers are being pulled, I am doing fine now. Life is back to normal mostly. I am managing my disease, and my city, and my life.

My family, friends, and governing body seem to admire my efforts to get help. Upon telling them of my problem and what I have done to try to solve it, the most common reaction is one of respect, not disdain. And most people couldn’t care less what I’m drinking now (diet soda) when we are socializing. There is no stigma to quitting among real friends.

Here’s the point: There is a fine line between abusing alcohol and alcoholism. If you or someone close to you thinks you might have a drinking problem, you do. If you need help to deal with that, get it.

Your governing body should be supportive of your decision and is not likely to fire you if you are still good at what you do and you can show them that you can manage the disease and the community. And you get your life back.

You really don’t have much choice. If the beast of alcoholism resides in you, you have to manage it or it will surely manage you. Left unchecked, it will destroy everything you hold dear. The only question will then be how much collateral damage is done: depression, accidents, DUIs, jail, despair, divorce, job termination, liver and brain function problems, death? It doesn’t end well.

See, there is no cure for alcoholism. My beast will never die until I do. But like diabetes, it can be managed and contained. You can get help to deal with it.

Treatment programs work if you work them. I have finally discovered that life is far too precious and sweet to even think about letting the beast out of its cage again.

* The story in this article is honest and important, yet has the possibility of exposing a person and a family in a harmful way. PM staff made the decision that publishing it anonymously was more useful than not publishing it at all.

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Tense Times Can Test a Manager

By Sheyi Ipaye, CPM

This is a true story, one that illustrates the intense pressures that local government managers sometimes face, pressures that help them develop mental and tactical strength over time.

A developer who was also president of a state homebuilders association submitted a plan for the development of 647 single-family homes on the south side of a city. The planning and zoning commission approved the plan and so did the city council.

After 147 homes were completed, councilmembers decided that the homes were too close to each other (zero lot lines); therefore, the council requested a meeting with the developer and asked that the lot sizes be increased from 6,000 to 9,000 square feet.

The developer expressed his concerns regarding his additional costs and lost revenue. He reminded them that both the commission and the council approved his plan. He maintained his position and kept building according to the previously approved design.

Finally, the council placed a moratorium on the project and all construction work ceased. At this time, the developer filed a lawsuit against the city.

Where I Came In

It was during this difficult time of tension between the council and the developer that I was hired as the city manager to help resolve the situation, but still promote growth. I quickly arranged for a meeting with the developer, the developer’s attorney, and the city attorney.

The developer agreed to meet. I listened carefully to what he had to say, and I also expressed the council’s position to him. After some two hours, the developer told me that he was willing to consider increasing lot sizes from 6,000 to 7,500 square feet, if the council would lift the moratorium placed on his development and the city would consider two requests:

1. Build a bridge to connect two tracks of land on his property.

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sfwwsales@dsginc.biz
www.dakotasupplygroup.com
2. Allow asphalt overlay for street improvement in his subdivision rather than concrete roads as previously approved.

Reaching a Consensus
I invited the developer to come to the next council meeting and express his concerns. The developer declined, but he indicated that he was willing to go before the court and discuss the proposed resolution to the lawsuit. He urged the city’s attorney to draft an agreement based on his requests.

The attorney drafted a document stating the developer had agreed to increase the lot size to 7,500 square feet and the city would build a bridge to connect the development, waive the concrete requirement, and accept an asphalt street instead. With the agreement in hand, we went back to court where the document was signed, and the lawsuit was dismissed pending the council’s approval of the agreement.

I quickly called a special council meeting where the city attorney presented the document to councilmembers. After a long deliberation, the mayor called for a vote and the vote was six for the settlement and one against.

A Sudden Shift
The meeting ended with joy until two days later when two councilmembers came to my office and asked to rescind their votes regarding the development. I told them that because the council had already voted on this issue, the lawsuit had been dismissed, and the moratorium lifted.

The councilmembers again expressed their desire to recall their votes and requested that I call another special meeting immediately. I reminded them of the new policy regarding calling a special meeting, which states that the mayor and one other councilmember, or three councilmembers, can call a special meeting.

They returned with the requisite three signatures, the meeting notice was posted with the development issue listed as the only item for deliberation at the meeting.

The meeting began at 7 p.m. and ended at 1:35 a.m. After an extremely long and often contentious discussion, the mayor called for a vote. The result: five against and two in support of the previous resolution submitted to the court.

I went with the mayor and the city attorney to present the council’s decision to the court. The judge told us that the case would be assigned to a different court. The moratorium on the project was once more in effect.

Wasted Resources
It took nine months before a retired judge could be found to hear the case. During this time, the cost to prepare the case for trial was somewhere between $20,000 and $25,000 per month.

This situation was unbearable for me. The residents were the ones suffering because of it. I became frustrated and resigned my position. Seven days later, I was fortunate to accept a new job offer.

In the end, the case went all the way to a state supreme court, where it was referred back to the district court, and the city lost at trial. I was saddened by the thought of the money wasted on an unnecessary lawsuit. This experience reinforced my belief that we must place the needs of the residents ahead of anything else.

Sheyi Ipaye, CPM, City Manager, Forest Hill, Texas, sipaye@foresthilltx.org.

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2013 Year End Report to the Membership

We have just completed another successful year within the SDML Workers’ Compensation Fund, and felt our Membership might be interested in seeing the year end numbers that were presented to the Board at the November Board Meeting.

Membership Growth: The growth has been phenomenal, to give you an idea we’re outlining the Membership numbers from the very beginning of the Fund. Please see the following:

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<td>362</td>
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<td><strong>Total</strong></td>
<td><strong>398</strong></td>
<td><strong>$6,424,772</strong></td>
</tr>
</tbody>
</table>

Claims Information:

- 2000 847 Claims $2,073,250 Incurred Value
- 2005 883 Claims $3,461,306 Incurred Value
- 2010 1,011 Claims $2,988,788 Incurred Value
- 2013 932 Claims $3,771,522 Incurred Value

As is very apparent from the numbers above, there has been a large increase in the number of Members since Year 2000, and for the most part the claims have been quite consistent in both numbers and Incurred Dollar amounts. We firmly believe that this has been consistent due to the solid underwriting practices that Insurance Benefits uses when adding new members, the claims management and use of rehab nurses that Claims Associates provides, and the active loss control programs that are provided by Safety Benefits.

The SDML Workers’ Compensation Fund uses an actuarial firm, AON Risk Solutions to evaluate the claims, the expenses, and determines the rates that we need to charge you, our Members, on an annual basis. In addition the actuarial firm, also looks at each individual member’s claims experience, and determines each Member’s Fund Modifier.

The 2014 rates have remained the same; and Renewal Credits, Loss Control Credits and Equity Credits are given to each Member which reduces their bottom line renewal contribution pricing.

The SDML Workers’ Compensation Fund purchases “Reinsurance” to protect YOUR financial assets. This is purchased through the Safety National Casualty Company. That Company carries an A.M. Best Rating of an A, which is excellent. However, with the success of the Fund comes along related expenses and changes in our Reinsurance program. This year, the “self-insured retention” (the amount of
that the SDML Workers’ Compensation Fund pays for each claim prior to the “reinsurance” stepping in and paying the amount above the set dollar amount called the “Self-insured retention”, was increased from $750,000 for each claim to $850,000 for each claim. They have also informed us that the 2014 year this amount will once again increase to $900,000. This being said, since 1987, we have only had thirteen claims that ever reached our self-insured retention limit. Those are outlined as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Claims</th>
<th>Self-insured Retention (Paid by SDML WC Fund)</th>
<th>Incurred Claim Value</th>
<th>Paid by Reinsurance Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>1</td>
<td>$225,000</td>
<td>$363,000</td>
<td>$138,000</td>
</tr>
<tr>
<td>1993</td>
<td>3</td>
<td>$250,000</td>
<td>$1,014,58</td>
<td>$264,589</td>
</tr>
<tr>
<td>1994</td>
<td>1</td>
<td>$250,000</td>
<td>$289,656</td>
<td>$39,656</td>
</tr>
<tr>
<td>2003</td>
<td>1</td>
<td>$325,000</td>
<td>$8,219,50</td>
<td>$7,894,500</td>
</tr>
<tr>
<td>2004</td>
<td>1</td>
<td>$325,000</td>
<td>$515,567</td>
<td>$190,567</td>
</tr>
<tr>
<td>2005</td>
<td>2</td>
<td>$325,000</td>
<td>$1,418,03</td>
<td>$768,033</td>
</tr>
<tr>
<td>2007</td>
<td>1</td>
<td>$600,000</td>
<td>$1,977,00</td>
<td>$1,377,000</td>
</tr>
<tr>
<td>2009</td>
<td>1</td>
<td>$600,000</td>
<td>$656,861</td>
<td>$56,861</td>
</tr>
<tr>
<td>2011</td>
<td>1</td>
<td>$650,000</td>
<td>$872,501</td>
<td>$222,502</td>
</tr>
<tr>
<td>2013</td>
<td>1</td>
<td>$850,000</td>
<td>$966,100</td>
<td>$116,100</td>
</tr>
</tbody>
</table>

We’re providing this information to you as Members, so that you understand the importance of purchasing reinsurance. It caps the amount of claims dollars that would be paid by the SDML WC Fund for that particular claim.

The SDML WC Fund wants to thank ALL of you for the continued support you give to the SDML WC Fund, assistance in returning an injured employee back to work; following your loss control suggestions; and especially your continued membership with the Fund.

If you have any questions regarding this year end summary, please do not hesitate to call your Administrators, Insurance Benefits, Inc., at 800-233-9073 and ask for Karen Ripperda or Brad Wilson. You also can always reach us by email: info@sdmlwcfund.com.

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Call the SD Municipal League at 1-800-658-3633 for more information.
Our increasingly mobile workforce has created opportunities for businesses to grow and expand throughout the nation. Employees can begin their day on one side of the country, travel several states away and still make it back home in time for dinner. Temporary work assignments for people whose jobs require them to travel and work in multiple states have become increasingly common.

When individuals work across state lines for any period during the year, they may be required to file income taxes in their home state and in the states in which they earned income. Currently, there is no uniform standard for levying state income taxes on out-of-state workers. The result is that workers and businesses face a confusing system of 41 different state income tax reporting requirements varying based on the length of stay, amount of income earned, or both. Simplifying the current system will ease reporting burdens for employees and employers.

While tax credits are issued in the home state to prevent double taxation, the burden of complying with 41 unique thresholds for income tax reporting complicates filings for businesses and individual employees. Residents of states without an income tax, such as South Dakota, are unable to recover income tax payments to other states.

Employees and employers should not be burdened with complex tax reporting requirements because jobs in the modern economy involve work in multiple states. That is why last month I introduced legislation along with Senator Sherrod Brown (D-Ohio), the Mobile Workforce State Income Tax Simplification Act, which would establish a clear 30-day threshold test for state income tax purposes. Only after an individual is present and working for more than 30 days out of the year in a state could that state require the worker to file, and the business to withhold, state income taxes. This legislation will greatly simplify state income tax filings, is fairer to those residents in states without an income tax, and should help to encourage tax compliance. Our legislation is supported by the South Dakota CPA Society, the American Institute of CPAs, along with several other groups and organizations.

While this legislation is an important step to easing the tax reporting requirements for businesses and employees, it is just one of many measures that Congress should consider to reduce tax compliance costs. Streamlining our tax code will strengthen our economy, improve the competitiveness of our businesses, and greatly ease the tax burden for American families. I will continue my work in the tax-writing Senate Finance Committee to fight for a tax structure that will create wealth and improve take-home pay for the people of our state and nation.
## FEBRUARY Community Events

<table>
<thead>
<tr>
<th>Date Range</th>
<th>Event Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 1 to February 2</td>
<td>ISOC Snocross Shootout</td>
<td>Deadwood</td>
</tr>
<tr>
<td>February 2</td>
<td>Last Day to Skate Party</td>
<td>Rapid City</td>
</tr>
<tr>
<td>February 6</td>
<td>Rain: A Tribute to The Beatles</td>
<td>Sioux Falls</td>
</tr>
<tr>
<td>February 6 to February 10</td>
<td>Arsenic and Old Lace</td>
<td>Yankton</td>
</tr>
<tr>
<td>February 7</td>
<td>Phil Vassar Concert</td>
<td>Flandreau</td>
</tr>
<tr>
<td>February 7 to February 9</td>
<td>Steel Magnolias - Theatre Performance</td>
<td>Mitchell</td>
</tr>
<tr>
<td>February 8</td>
<td>Phil Vassar in Concert</td>
<td>Deadwood</td>
</tr>
<tr>
<td>February 11 to February 15</td>
<td>Watertown Winter Farm Show</td>
<td>Watertown</td>
</tr>
<tr>
<td>February 13</td>
<td>Wining Women at Strawbale Winery</td>
<td>Renner</td>
</tr>
<tr>
<td>February 14</td>
<td>Twilight Flights with Strawbale Winery</td>
<td>Renner</td>
</tr>
<tr>
<td>February 14 to February 15</td>
<td>Valentine’s Day Bistro</td>
<td>Hill City</td>
</tr>
<tr>
<td>February 14 to February 16</td>
<td>Arsenic and Old Lace</td>
<td>Yankton</td>
</tr>
<tr>
<td>February 15</td>
<td>Aberdeen Wings Hockey Games</td>
<td>Aberdeen</td>
</tr>
<tr>
<td>February 17</td>
<td>Farm &amp; Home Show</td>
<td>Wessington Springs</td>
</tr>
<tr>
<td>February 18</td>
<td>Ballroom with a Twist</td>
<td>Sioux Falls</td>
</tr>
<tr>
<td>February 19 to February 23</td>
<td>Alone Together Again - Community Theater</td>
<td>Watertown</td>
</tr>
<tr>
<td>February 21</td>
<td>Kenny Rogers in Concert</td>
<td>Deadwood</td>
</tr>
<tr>
<td>February 22</td>
<td>Snowshoe on the Trail</td>
<td>Lead</td>
</tr>
<tr>
<td>February 25 to February 27</td>
<td>Aberdeen Ag Expo</td>
<td>Aberdeen</td>
</tr>
<tr>
<td>February 27 to March 2</td>
<td>Sportsmen’s Boat, Camping and Vacation Show</td>
<td>Sioux Falls</td>
</tr>
<tr>
<td>February 28 to March 1</td>
<td>Mardi Gras</td>
<td>Deadwood</td>
</tr>
<tr>
<td>February 28 to March 2</td>
<td>Watertown Home Builders Show</td>
<td>Watertown</td>
</tr>
</tbody>
</table>

For more details visit [www.travelsd.com](http://www.travelsd.com).
ECONOMIC DEVELOPMENT COORDINATOR: The City of Wagner, SD will be accepting applications for a Full-Time Economic Development Coordinator. Job duties recently revised. Closing Date: January 6th, 2014 5:00 pm. Excellent Benefits: Employer paid health insurance, South Dakota State Retirement, vacation, holiday and sick leave. Application and job description available at: City Finance Office, PO Box 40, 60 Main Ave., SE, Wagner, SD 57380 or www.cityofwagner.org. For more information call 605-384-3741 or email cywagner@hcinet.net. EOE.


FINANCE OFFICER/SENIOR ACCOUNTANT: The City of Summerset is accepting applications for a full time Finance Officer/Senior Accountant with proven experience in GAAP, general ledger, account reconciliation, AP, AR, and payroll. Strong technological background and proven ability to learn accounting software systems preferred. Municipal government background preferred but not required. Compensation will depend on experience. Submissions must include City of Summerset application, cover letter, resume, salary history and references. Application and job description can be found at http://summerset.us/. EOE.

WASTEWATER TREATMENT SUPERINTENDENT/OPERATOR: The City of Summerset is accepting applications for the full time, salaried position of Wastewater Superintendent/Operator. Qualified applicants will provide the day-to-day operations of the Summerset Wastewater Treatment Plant, including operation and maintenance functions, reporting and compliance with federal, state and local health regulations. This position requires specialized training and/or experience in wastewater treatment operations, including a minimum of a Grade II Wastewater Operator License issued by the South Dakota Department of Natural Resources. Minimum qualifications: Possession of a valid driver’s license, South Dakota Wastewater Treatment Operator II and Wastewater Collection II or equivalent reciprocity in South Dakota required. Minimum of five (5) years of operator experience. Associate’s degree or 60 semester units with 15 units of basic science courses preferred. The City of Summerset is a team oriented work environment offering a competitive salary and a state of South Dakota benefits package. Interested applicants can review the job description and obtain an application from our website http://summerset.us/. Please submit along with the application a resume, cover letter, references and salary requirements to: City of Summerset, 12150 Siouxland Road, PO BOX 783, Summerset, SD 57718, Fax 605-718-9883. Electronic submissions preferred to: jmizenko@summerset.us. Position open until filled. Review of submissions will begin as they are received. EOE.

COMMUNICATIONS CENTER MANAGER: The City of Pierre and the State of South Dakota have created the Central South Dakota Communications Center that will be responsible for communication with all public safety personnel in South Dakota. We are looking for a Manager who will be responsible for the overall operation, planning, development and administration of the Center and will report to the 9-1-1 Authority Board. Requirements: Graduation from college or university with a bachelor’s degree in public administration, criminal justice, communications or related field and a minimum of three years’ progressively responsible professional level experience in public safety communications and/or emergency management or telecommunications planning and supervision; or any equivalent combination of experience and education. Public Safety/Public Sector experience is desirable. Hiring Range: $46,146.45 – 53,515.73 Open Until Filled. Applications: Laurie Gronlund, Human Resources Director, City of Pierre, PO Box 1253, 222 E Dakota, Pierre SD 57501, Phone 605-773-7429, Fax 605-773-7406. EOE.

UTILITY SUPERINTENDENT: City of Tyndall, SD. Performs duties as assigned by the City Council. Work areas include but not limited to streets, snow removal, water and sewer, swimming pool, and equipment maintenance. Supervises and assists other city departments. Will be required to become South Dakota certified in water and wastewater. Must have a valid driver’s license and be able to obtain a CDL. For a complete job description including job duties, minimum qualifications, applications are available at Tyndall Finance Office, PO Box 29, Tyndall, SD 57066. Phone: 605-589-3481. Open until filled. EOE.

FOR SALE: 2005 Dodge Durango SLT Special Service Package 4 x 4 with 102,000 miles, white with grey interior, 5.7 Liter Hemi V8, rear air, spotlight, skidplate package, minor hail damage on roof and hood, comes complete with rear half cage, equipment organizer console, Tomar lightbar, siren and light controller. Vehicle is mechanically sound and patrol ready. Asking price is $6,200. Call City of Viborg Chief of Police at 605-464-0138 or 605-766-6600.
Municipal Calendar

January

January 1 – New Year’s Day – State holiday (SDCL 1-5-1)

January 1 – The municipal fiscal year begins. (SDCL 9-21-1; See Hdbk., sec. 12.065)

January 1 – Special assessment installment which are payable under either the Plan One or Plan Two option are due. (SDCL 9-43-103; See Hdbk., sec. 12.160)

January 1 – The effective date of any new or amended municipal tax ordinance. The municipality must notify the Department of Revenue of the ordinance at least 90 days prior to the effective date. (SDCL 10-52-9; 10-52A-13; See Hdbk., sec. 12.260)

First meeting of the year – A complete list of all the salaries for all officers and employees of the municipal corporation shall be published with the minutes of the first meeting following the beginning of the fiscal year or within 30 days thereafter. Added salaries of new employees and increased salaries of the old employees should be shown in the month in which they occur. A total of payroll by department shall be published monthly in the minutes. (SDCL 6-1-10; See Hdbk., sec. 5.095)

By January 14 – If the governing body chooses an election day other than the second Tuesday of April, as provided in SDCL 9-13, that Election Day must be established by January 14 of the election year. (SDCL 9-13-1; See Hdbk., sec. 7.050)

Election notice – Is required to be given in writing or by phone or e-mail (elections@state.sd.us) to the office of the Secretary of State within 15 days of setting a date for an election. (SDCL 12-2-7)

By January 15 – The secretary of revenue shall apportion the money in the local government highway and bridge fund. (SDCL 32-11-35; See Hdbk., sec. 12.255(6))

Between January 15 and 30 – Publication of the notices of vacancies of the municipal election to be held in April is required to be published in the official newspaper once each week for two consecutive weeks between January 15th and 30th. This notice shall identify the vacancies to be filled and the time and place for filing nominating petitions. (SDCL 9-13-6; See Hdbk., sec. 7.650) Follow the Municipal Election Calendar for all election deadlines.

Third Monday of January – Martin Luther King, Jr. Day – State holiday (SDCL 1-5-1)

Utility board – Is required to make an annual report of its operations upon thirty days notice at the end of the fiscal year. (SDCL 9-39-29; See Hdbk., sec. 12.080)

Newspaper designation – The official newspaper must be designated annually or for a period of time specified by the governing body, but not to be less than twelve months. (SDCL 9-12-6)

Boundary changes – Municipalities must notify the Department of Revenue of any resolution or amendment enacted which changes the boundaries of the municipality. Notification shall be in written form, shall contain a copy of the resolution or amendment, and may be sent by electronic means or registered mail. Municipalities shall also provide any changes and additions to streets and addresses. (SDCL 10-52-13; See Hdbk., sec. 14.172)

February

On or before February 1 – The State Treasurer must distribute to the County Treasurers the remainder of the franchise tax on banks. The County Treasurer then apportions and distributes the tax in the same proportion as the average of personal property taxes assessed in each taxing subdivision for calendar years 1972-76. (SDCL 10-43-76; 10-43-77; See Hdbk., sec. 12.255(4))

No later than February 1 – The liquor tax reversion must be made. (SDCL 35-5-22; See Hdbk., sec. 11.600)

February 1 – All certificates for water supply and treatment systems operators expire and must be renewed. (SDCL 34A-3-18; See Hdbk., sec. 6.305)

Election Reminder

The governing board must establish the election date no later than January 14th of the election year, if they choose a different election date other than the 2nd Tuesday in April. (SDCL 9-13-1)
Not later than its first meeting in February – The governing body may by resolution encumber that portion of the unexpended appropriations from the preceding year for which applicable obligations were incurred but were not paid. (SDCL 9-21-24.1; See Hdbk., sec. 12.069)

Between February 15 and March 1 – If the municipal election is to be held on the first Tuesday after the 1st Monday in June, or in conjunction with the June Primary, the notice of vacancies required in SDCL 9-13-40 must be published once each week for two consecutive weeks between February 15 and March 1. (SDCL 9-13-37; 9-13-40; 12-2-5) Follow the Municipal Election Calendar for all election deadlines.

Third Monday of February – Presidents’ Day – State holiday (SDCL 1-5-1)

Sales tax ordinance deadlines – The effective date of any new or amended municipal sales tax ordinance must fall on either January first or July first. The municipality must notify the Department of Revenue of the ordinance at least 90 days prior to the effective date. (SDCL 10-52-9; 10-52A-13; See Hdbk. Sec. 12.260)

Boundary changes – Municipalities must notify the Department of Revenue of any resolution or amendment enacted which changes the boundaries of the municipality. Notification shall be in written form, shall contain a copy of the resolution or amendment, and may be sent by electronic means or registered mail. Municipalities shall also provide any changes and additions to streets and addresses. (SDCL 10-52-13; See Hdbk., sec. 14.172)

Last Friday in February – For elections held in April, nominating petitions must be filed not later than five p.m. on the last Friday in February preceding the day of the election. (SDCL 9-13-7; See Hdbk., sec. 7.250) Follow the Municipal Election Calendar for all election deadlines.

Example:
Checks/Electronic ACH’s sent on the 15th of December is for November 21-30.
Checks/Electronic ACH’s sent on the 30th of December is for December 1-20.

Additional information regarding municipal tax is available at http://www.state.sd.us/drr2/businessstax/municipaltax/municipaltax.htm.

If you have any questions, please contact the Department of Revenue – Business Tax Division at bustax@state.sd.us or at 1-800-829-9188.

Municipal Tax Payments

The SD Department of Revenue – Business Tax Division’s intent is to have your municipal tax payments reach you near the 15th and the 30th of each month. If the 15th or the 30th falls on a Saturday, Sunday or holiday, this date will be moved to the next business day. The checks sent on the 15th of the month will be for the approximate time period of the 21st through the end of the previous month and checks sent on the 30th will be for the approximate time period of the 1st through the 20th of the current month.

Example:
Checks/Electronic ACH’s sent on the 15th of December is for November 21-30.
Checks/Electronic ACH’s sent on the 30th of December is for December 1-20.

Additional information regarding municipal tax is available at http://www.state.sd.us/drr2/businessstax/municipaltax/municipaltax.htm.

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Wastewater Treatment
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Asset Management
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