Special Feature:
Elected Officials Segment
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Member SIPC/FINRA
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SOUTH DAKOTA MUNICIPALITIES (ISSN 0300-6182, USPS 503-120) is the official publication of the South Dakota Municipal League, published monthly at 208 Island Drive, Ft. Pierre, South Dakota 57532, phone 605-224-8654. This institution is an equal opportunity provider and employer. Periodical postage paid at Pierre, South Dakota and additional mailing offices. Non-member subscriptions are available for $30.00 annually. The opinions expressed herein are not necessarily those of the South Dakota Municipal League. Postmaster: Send address changes to SOUTH DAKOTA MUNICIPALITIES, 208 Island Drive, Ft. Pierre, South Dakota 57532.
One of the most important events of the Municipal League year takes place this month. More than 100 people, from all sizes of towns, will convene August 12 and 13 to determine the legislative policies of the Municipal League. The committees will meet again at the Annual Conference in October before submitting their work to the Resolutions Committee and a vote of the entire membership at the Annual Business Meeting.

The four Municipal League Policy Committees have the responsibility of reviewing the South Dakota Municipal League Statement of Policy, which serves as the League’s legislative policy and gives the League staff direction for lobbying during the Legislative Session, and for contact with the South Dakota Congressional Delegation. The four committees and their topics are:

**General Government**
The charge of the General Government Committee is to review policies dealing with municipal legislative issues, executive municipal policy, elections, and financial administration.

Examples include:
- General statements of policy, such as a policy advocating that cities continue to review and upgrade job safety and health standards for all municipal employees, or urging municipalities to require seat belt use by municipal employees while on duty.
- Personnel administration
- Bid laws
- Elections
- Open meetings
- Qualifications for office
- Employee benefits
- Insurance issues
- Intergovernmental cooperation and relations
- Alcoholic beverage policy (as opposed to taxation and fees)

**Public Health, Safety, and Welfare**

**Public Works**
The charge of the Public Works Committee is to review policies dealing with Streets, Sanitation, Water, Planning and Zoning, Electricity, Airports, Telecommunications, Parking, and Cemeteries.

**Taxation and Revenue**
The charge of the Taxation and Revenue Committee is to review policies dealing with Property Taxes, Sales Taxes, Licenses and Permits, Intergovernmental Revenue (Federal/State Grants and Loans), State Shared Revenue (Bank Franchise Tax, Motor Vehicle Registration Fees, Liquor Taxes, Fire Insurance Reversion), and 9-1-1 Surcharge.

The 2015 Policy Statement, which will serve as the starting point for these committees, is printed on pages 21-35. Policy Committee members are on page 20.

If you have any questions or comments on any of these policies, please contact me at 1-800-658-3633 or e-mail yvonne@sdmunicipalleague.org.

Yvonne Taylor
Executive Director

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**Pool Testing**

Municipal swimming pools are not regulated by the State of South Dakota, however, these facilities should be tested for coliform bacteria during each week of operation.

All pool samples should be tested for “total coliform,” which is an indicator bacteria for drinking water and pools.
- “Total Coliform – Negative” means that no coliform bacteria were found and the water is safe.
- “Total Coliform – Positive” means that coliform bacteria were found.

Two or more consecutive positive samples indicates a general trend of bacteria presence in the pool. Corrective measures should be taken, such as superchlorination, to prevent a health related incident caused by poor water quality.
“It’s that wonderful time of year!” And no, I do not mean Christmas. I am referring to the municipal budget process. Mayors, council members, department supervisors and finance officers are now putting their heads together, sharpening their pencils and sometimes scratching their heads to provide your residents with the services they expect.

By the time you read this, many of you will have taken part in the first ever budget training workshop. This workshop was sponsored by the SDML and the SD Department of Legislative Audit. We all face the same issue: Doing more with less. Citizens of your community expect the pool to be open, the library available, emergency services having state of the art equipment. The list goes on and on. But often times we do these things with less revenue. And after the budget is approved do we stick with the budget? Do we end up supplementing the budget due to middle of the year requests or emergency purchases? Are we able to say no to untimely or unnecessary purchases?

For local governments to take steps that will affect services and functionality of our communities is daunting. These decisions affect your communities for years to come. I applaud your commitment to funding projects that will benefit all citizens of your community.

August 12 and 13 are the SDML Policy Committee meetings in Fort Pierre. City officials from across the state will meet to review and discuss proposed changes/deletions/additions to current state statute and administrative rules. I thank those of you that have been willing to be involved in this process. Your knowledge base for these committees is very important to the legislative process.

Lastly, as we watch the season change from hot summer days to early fall, I find myself wondering where did summer go. The old adage that things go faster the older you get must be true. That always prompts me to try and plan ahead. It gets hard to motivate people to think of what is needed for cold weather. What is it we need to plan for the holidays? So, enjoy the dog days of summer because there is work to be done! No matter what season it is!

Until next month, “To Communicate Is the Beginning of Understanding.”

RHS High School 1970 Class Motto

Jeanne Duchscher
President
Preliminary Agenda Subject to Change

Tuesday, October 6, 2015

2:00 p.m.  **SDML Golf Tournament**  (Visit www.sdmunicipalleague.org for registration form.)
Cattail Crossing Golf Course, Watertown
Hosted by: City of Watertown
South Dakota Municipal League

7:00 p.m.  **SDML Board of Directors Meeting**

Wednesday, October 7, 2015

8:00 a.m.  **Registration**

8:00 a.m.  **Exhibits Open**

8:00 a.m.  **Online Not In Line**
Ross Heupel, Marketing Director, GovOffice Web Solutions

9:00 a.m.  **Orientation for New Attendees**

9:00 a.m.  **SD City Management Association**
Presiding: Amy Nelson, SDCMA President, Yankton
1. Business Meeting and Election
2. ICMA/GOSCMA Update
   Dave Childs, ICMA State Liaison
3. Surviving the Public Arena
   Dr. Craig Waldron, Retired City Manager, Instructor; Management, Marketing, and Public Administration Department, Hamline University

9:00 a.m.  **SD Municipal Electric Association**
Presiding: Todd Chambers, SDMEA President, Watertown Municipal Utilities
1. Advanced Metering Infrastructure (AMI) Benefits for Municipal Electric Utilities
   Tom Thorson, Eaton Cooper Power Systems
2. MRES and Heartland Update
3. Business Meeting and Election

10:00 a.m.  **SDML Pooling Meetings**
- SDML Workers’ Compensation Fund
- Health Pool of South Dakota
- South Dakota Public Assurance Alliance

11:00 a.m.  **Do you feel lucky? Come Roll the Dice with the SDML Workers’ Compensation Fund**
Brad Wilson, President, Insurance Benefits, Inc.

**Property and Liability Basics – Are you Smarter than a 5th Grader (SDPAA version)**
Ron Burmood, Director of Member Services, SDPAA
Jerry Krambeck, Member Services Representative, SDPAA

Noon  **Safety Awards Luncheon**
Presiding: Doug Kirkus, Safety Benefits, Inc.
Hosted by: SDML Workers’ Compensation Fund
South Dakota Public Assurance Alliance
1:00 p.m. **Elected Officials Workshop**
Join the SD Association of Code Enforcement to hear about Cadillac Code Enforcement on a Clunker Budget to learn tips on how to maximize code enforcement resources, get the most bang for your buck, and attack problems in new and innovative ways.

1:00 p.m. **SD Airport Management Association**  
*Presiding: Philip Tiedeman, SDAMA President, Brookings*
1. Review of Projects around the State  
   *Jon Becker/Colton Stahl, SD DOT Office of Aeronautics*
2. Unmanned Aerial Systems (UAS)  
   *Steven Hoogerhyde, FAASTeam Program Manager, Federal Aviation Administration*
3. Airfield Crops  
   *TBA*
4. FAA Non-Federal Reimbursable Agreements  
   *TBA*
5. Business Meeting and Election

1:00 p.m. **SD Association of Code Enforcement**  
*Presiding: Scott Simianer, SoDACE President, Custer*
1. Business Meeting
2. Cadillac Code Enforcement on a Clunker Budget  
   *Teresa Adrian, 1st Vice President, American Association of Code Enforcement*
3. AACE: Who We Are and Where We’re Going  
   *Sherri Johnston, Ambassador/Educode Liaison, American Association of Code Enforcement*

1:00 p.m. **SD Governmental Human Resource Association**  
*Presiding: Carolynn Anderson, SDGHRA President, Wall*
1. Business Meeting and Election
2. What You Need to Know about Wage and Hour in the Public Sector  
   *Brian Mundahl, Investigator, US Department of Labor*
   *Sarah Soldatke, Investigator, US Department of Labor*
3. Putting a Positive Spin on Safety  
   *Tom Slattery, Director, Corporate Safety and Risk Management*

1:00 p.m. **SD Municipal Liquor Control Association**  
*Presiding: Sharon Mins, SDMLCA Vice President, Belle Fourche*
1. Ballot Results for Continuing or Dissolving SDMLCA
2. Business Meeting and Election

4:00 p.m. **SDML Policy Committee Meetings**
**General Government**  
*Presiding: Mike Wendland, Mayor, Baltic*

**Public Health, Safety, and Welfare**  
*Presiding: Tom Paisley, Building Official, Spearfish, Chair*

**Public Works**  
*Presiding: Mark Cotter, Public Works Director, Sioux Falls, Chair*

**Taxation and Revenue**  
*Presiding: Pauline Sumption, Finance Officer, Rapid City, Chair*

4:00 p.m. **SDML Auditing Committee**  
*Presiding: Karl Alberts, Finance Officer, Aberdeen, Chair*

4:00 p.m. **SDML Nominating Committee**  
*Presiding: Dennis Olson, Assistant City Administrator/Finance Officer, Brandon, Chair*

5:30 p.m. **Exhibit Area Social**

6:30 p.m. **Dinner, Talent Contest, and Entertainment**  
(Visit www.sdmunicipalleague.org for Talent Contest entry form.)

Visit www.sdmunicipalleague.org for SDML Annual Conference information and forms.
Thursday, October 8, 2015

7:00 a.m.  SDML 12th Annual Walk/Run – Pre-registration required. (Visit www.sdmunicipalleague.org for form.)
           Starts near Bramble Park Zoo, meet in Ramkota Hotel lobby at 6:30 a.m. for a ride.
           Hosted by: Health Pool of SD
           SDML Workers’ Compensation Fund
           South Dakota Public Assurance Alliance

7:45 a.m.  Breakfast

7:45 a.m.  Past Presidents’ Breakfast

8:00 a.m.  Registration

8:00 a.m.  Exhibits Open

8:00 a.m.  Resolutions Committee
           Presiding: Meri Jo Anderson, Finance Officer, New Underwood, Chair

9:00 a.m.  Elected Officials Workshop
           1. Budgeting and Fiscal Responsibility for Elected Officials
              Rod Fortin, Director of Local Government Assistance, SD Dept. of Legislative Audit
           2. Is Your Municipality’s Data Safe and Secure?
              Dan Pollema, Account Manager, Riverside Technologies Inc.
              Jamie Fry, Enterprise Solutions Engineer, Riverside Technologies Inc.

9:00 a.m.  SD Municipal Attorneys’ Association
           Presiding: Greg Barnier, SDMAA President, Sturgis
           1. Business Meeting and Election
           2. Roundtable Discussion

9:00 a.m.  SD Building Officials’ Association
           Presiding: Mike McMahon, SDBOA President, Harrisburg
           1. Business Meeting
           2. Roundtable Discussion

9:00 a.m.  SD Governmental Finance Officers’ Association
           Presiding: Dave Dutton, SDGFOA President, Spearfish
           1. Business Meeting and Election
           2. Municipal Liquor Updates
              Marne Dooley, Revenue Section Coordinator, Property and Special Tax Division, SD Dept. of Revenue
           3. Legislative Audit Updates
              Rod Fortin, Director of Local Government Assistance, SD Dept. of Legislative Audit

9:00 a.m.  SD Police Chiefs’ Association
           Presiding: Dave Kull, SDPCA President, Brandon
           1. Business Meeting
           2. Emotional Intelligence Training
              Kim Knecht, Assistant Training Administrator, SD Law Enforcement Training
           3. Presentations:
              Marty Jackley, SD Attorney General
              Randy Seiler, Acting US Attorney
              Denny Kaemingk, SD Department of Corrections
              Trevor Jones, SD Highway Patrol
              Bryan Gortmaker, SD DCI
              Scott Rechtenbaugh, SD DCI
              Jeff Price and Mike Waldner, SD BIT

9:00 a.m.  SD Municipal Street Maintenance Association
           Presiding: Ron Hoftiezer, SDMSMA President, Miller
           1. Business Meeting and Election
           2. Storm Water Program for Municipal Separate Storm Sewer Systems (MS4)
              William Marcouiller, Engineer I, SD Dept. of Environment and Natural Resources
           3. Fundig and Implementation of Storm Water Management Programs
              Terri Johnson, Engineer, City of Mitchell
              Robin Bobzien, Engineer, City of Aberdeen
              Andy Berg, Principal Engineer, City of Sioux Falls
Noon
Excellence in SD Municipal Government Award Luncheon
Featured Speaker: Governor Dennis Daugaard (Invited)
Presentation of the 2015 Excellence in SD Municipal Government Award
SDML Hall of Fame Induction – Honoring 20 years and more of municipal service.
(Visit www.sdmunicipalleague.org for nomination form.)
Hosted by: BankWest Trust Department
The First National Bank in Sioux Falls – Trust Department

1:30 p.m. SD Chapter, American Public Works Association
Presiding: John Childs, President, SD Chapter APWA
1. TBA
2. Round Table Discussion
3. Business Meeting

1:30 p.m. South Dakota Fire Chiefs Association
Presiding: Paul Johnson, President, SDFCA

1:30 p.m. General Sessions
1. Identity Theft, Fraud, and Security Issues
   Marty Jackley, SD Attorney General

2:45 p.m. 2. Secrets of Success for Economic Development
   Janet Ady, President and CEO, AdyVoltedge

5:30 p.m. President's Reception (for all attendees)

6:30 p.m. Dinner
Hosted by: Dougherty & Company, LLC
Entertainment: The Saucy Cabaret
The Saucy Cabaret is a powerhouse New Vaudeville style variety show that cooks up a tasty smorgasbord of comedy, laughter, music and mischief. A fast-paced mile-a-minute laugh riot that doesn't let up for even a second. It has music, mime, crazy magic, stand-up comedy and some of the funniest improvisational and sketch comedy ever!
Hosted by: Midcontinent Communications

Friday, October 9, 2015

7:00 a.m. Yoga with Amy (Bring your own mat or towel.)

8:00 a.m. Registration

8:00 a.m. Breakfast

8:30 a.m. General Sessions
1. The Value of Afterschool Programs to a Community
   Gloria Hanson, Mayor, Fort Pierre and Panel
   Our experts will discuss the benefits for you community of an active after school program.

9:15 a.m. 2. Dealing with Threats and Hostile People
   Trooper John Peary, SD Highway Patrol
   When a public meeting turns angry, or someone comes into city hall with a complaint and a threat, what do you do? Learn how to deal with these situations from a security expert.

10:00 a.m. 3. Walkin' the walk and talkin' the talk!
   Nancy Surprenant, Transportation Alternatives Program Coordinator, SD Dept. of Transportation
   This presentation will cover the people, tools, resources and techniques needed to conduct a successful walk audit in your community.

10:30 a.m. SDML Annual Business Meeting and Election
1. Auditing Committee Report
2. Executive Director's Report
3. Resolutions Committee Report
4. Discussion and Adoption of 2016 Statement of Policy
5. President's Report
6. Nominating Committee Report
7. Annual Election of Officers
8. Other Business
9. Prize Drawing – Must be Present to Win!

Accommodations

<table>
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<tr>
<th>Hotel</th>
<th>Phone</th>
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<tr>
<td>Ramkota (Host Hotel)</td>
<td>605-886-8011</td>
</tr>
<tr>
<td>Travel Inn</td>
<td>605-886-6120</td>
</tr>
<tr>
<td>Drake</td>
<td>605-886-8411</td>
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<tr>
<td>Quality Inn</td>
<td>605-886-3010</td>
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<tr>
<td>Super 8</td>
<td>605-882-1900</td>
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<tr>
<td>Econo Lodge</td>
<td>605-882-2243</td>
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<tr>
<td>Days Inn</td>
<td>605-886-3500</td>
</tr>
<tr>
<td>Country Inn &amp; Suites</td>
<td>605-886-8900</td>
</tr>
<tr>
<td>Hampton Inn</td>
<td>605-878-1800</td>
</tr>
<tr>
<td>Holiday Inn Express</td>
<td>605-882-3636</td>
</tr>
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</table>
2015 ANNUAL CONFERENCE REGISTRATION FORM
Watertown ~ October 6-9, 2015

Municipality Represented:_________________________________________________________

Please TYPE OR PRINT your information as you would like it to appear on the name tag.
For each attendee, check the box(s) of the days they will be attending. Registration Fee Schedule is below.
FIRST TIME CONFERENCE ATTENDEES: Please check the box next to your name and include your email.
This only applies to SDML Members that are attending the Annual Conference for the first time.

Name                      Title                      Email                      Wed  
Oct. 7 | Thurs Oct. 8 | Fri Oct. 9 | Amount Paid
*If you are a First Time Attendee, please check the box next to your name.

TOTAL AMOUNT ENCLOSED $__________

Please Return Registration By September 15, 2015 to:
*No Refunds After 5:00 p.m. September 22, 2015
South Dakota Municipal League
208 Island Drive
Fort Pierre, SD 57532

Payment Must Accompany Registration
(Sorry No Credit Cards Accepted)

<table>
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<th>CONFEERENCE REGISTRATION FEES</th>
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<tr>
<td>SDML Members*</td>
<td>Pre-Registration for multiple day attendance – must be postmarked or received by 9/15/15</td>
</tr>
<tr>
<td>SDML Members*</td>
<td>Registration for multiple day attendance – received after 9/15/15</td>
</tr>
<tr>
<td>Non-member/Government/Non-Profit</td>
<td>Registration for multiple day attendance – received at any time</td>
</tr>
<tr>
<td>Company Representative**</td>
<td>Registration – received at any time</td>
</tr>
<tr>
<td>Spouse/Guest</td>
<td>Registration – received at any time</td>
</tr>
<tr>
<td>Single Day Attendee</td>
<td>Registration for only a single day of attendance – received at any time for only a single day of attendance **Does not apply to Company Representatives</td>
</tr>
</tbody>
</table>

*Members are officials and employees of a municipality that pay annual dues to the SD Municipal League.
**Company representatives are individuals representing a company or business that are not participating in the exhibitor program.
*If you are unsure which category you should register under, please contact the League at 1-800-658-3633 or paula@sdmunicipalleague.org.

SDML Office Use Only: Date:_________________ Check #:_________________ Amount: $_________________
This year, the Excellence in South Dakota Municipal Government award will be presented to a municipal employee in South Dakota. The award recipient will be selected from nominations received by the South Dakota Municipal League Past Presidents’ Committee. All nominations must be submitted in writing by August 14, 2015. The award will be presented at the SDML Annual Conference in Watertown on October 8, 2015.

Name of Nominee: ___________________________ Title: ___________________________

Address of Nominee: __________________________________________________________

Significant contributions to the municipality: ______________________________________
                                                                                   ______________________________________
                                                                                   ______________________________________
                                                                                   ______________________________________

Significant contributions to the community: ______________________________________
                                                                                   ______________________________________
                                                                                   ______________________________________
                                                                                   ______________________________________

Significant contributions to other organizations: _________________________________
                                                                                   ______________________________________
                                                                                   ______________________________________
                                                                                   ______________________________________

Significant contributions to South Dakota Municipal Government: _________________
                                                                                   ______________________________________
                                                                                   ______________________________________
                                                                                   ______________________________________

Other Comments: ___________________________________________________________________
                                                                                   ______________________________________
                                                                                   ______________________________________
                                                                                   ______________________________________

Submitted by: ___________________________ Phone: ___________________________

DEADLINE: August 14, 2015

Please submit to: South Dakota Municipal League
208 Island Drive, Ft. Pierre, SD 57532
FAX to 605-224-8655
Revised Total Coliform Rule (RTCR)
DENR to Provide Training

Since 1992, all water systems have been operating under the Total Coliform Rule (TCR) that required microbiological monitoring of your drinking water. EPA has made changes to this rule that will affect the operation of your water system. This new rule is referred to as the Revised Total Coliform Rule (RTCR). The RTCR will take effect on April 1, 2016. There are four major areas of concern for your system as follows.

Sampling
Under the RTCR, all systems will submit ROUTINE monthly microbiological sample(s). They will be tested for TOTAL COLIFORMS and for E.COLI if total coliforms are present. If total coliforms are present, all systems will collect THREE REPEAT samples within 24 hours of notification of the unsafe sample. The additional routine sampling in the month following an unsafe sample for systems less than 4100 people has now been eliminated.

Sample Site Plans
Water systems have received information previously on updating sample site plans.

Violations
Under the old TCR if your water system had more than one positive sample in a month, it was considered as a violation of the Safe Drinking Water Act, and you were required to issue a public notice. Under the RTCR, this is not a violation but is now called a TREATMENT TECHNIQUE TRIGGER. You do not have to issue a public notice but do have to do an assessment/inspection of your water system to determine what possibly caused the positive samples. This is called a Level 1 Assessment. The following situations require a Level 1 Assessment:
- More than one positive sample in a month.
- More than 5% positive samples in a month (RC/SF only).
- Failure to take all required repeat samples.

There is still the E. coli acute violation that requires a public notice within 24 hours. This violation occurs when any of the following situations happen:
- E. coli-positive repeat sample.
- E. coli-positive routine sample followed by a total coliform-positive repeat sample.
- E. coli-positive routine sample and system fails to take all required repeat samples.
- Total coliform-positive repeat sample and the lab fails to further test for E. coli.

Assessments and Corrective Actions
Under the old TCR if you had more than one positive sample in a month, the only action you had to take was to issue your public notice. Under the RTCR, there are several situations when you will conduct a self-assessment of your water system to determine what caused the positive samples. This is called a Level 1 Assessment. The following situations require a Level 1 Assessment:
- More than one positive sample in a month.
- More than 5% positive samples in a month (RC/SF only).
- Failure to take all required repeat samples.

An assessment must be done, and a report submitted to DENR within 30 days. DENR has developed a form to follow when doing this assessment. If any sanitary defects are found in the system as a result of the assessment, these must then be corrected within the 30 days or corrected within a schedule agreed upon with DENR.

The RTCR requires that a Level 1 Assessment include a review of the following elements:
- Inadequacies in sample sites, sampling protocol, and sample processing.
- Atypical events that may have affected distributed water
quality or indicate that distributed water quality was impaired.
- Changes in distribution system maintenance and operation that may have affected or are affecting distributed water quality, including water storage.
- An evaluation of source water quality and treatment changes or conditions that may affect distributed water quality, where appropriate.
- Existing water quality monitoring data.

A Level 2 Assessment is similar to a Level 1 except it examines the water system in more detail. The following situations require a Level 2 Assessment to be performed:
- An *E. coli* acute violation.
- A second Level 1 Treatment Technique Trigger within a rolling 12 month period.

The Level 2 Assessments may be performed by DENR, designated third parties, or the water system itself if there are operators with certain certifications and qualifications. DENR will determine who can conduct Level 2 Assessments.

More information on the RTCR can be found at http://denr.sd.gov/des/dw/RevisedTCREnterTitle.aspx

**Training**

DENR is providing training on the RTCR at the following dates and places:

- August 5, 2015 1:00 pm Pierre Matthew Center (523 E Capitol)
- August 12, 2015 1:00 pm Sioux Falls Ramkota Inn
- August 13, 2015 1:00 pm Aberdeen Ramkota Inn
- August 25, 2015 5:30 pm Rapid City Ramkota Inn
- August 26, 2015 8:30 am Rapid City Ramkota Inn

**Agenda (Same agenda for each of the above sessions)**

- Introductions/Registration
- History of TCR/RTCR
- Major Changes
- Sampling
- Level 1 and Level 2 Assessments
- Public Notice Requirements
- RTCR Violations
- Special Requirements for Seasonal Systems

Each session will last approximately 2.5 hours. You are asked to pre-register for the training by emailing Barb Friedeman at barbara.friedeman@state.sd.us or Rob Kittay rob.kittay@state.sd.us. Pre-registration is appreciated so that the proper amount of training materials can be prepared for each session. This training is provided at no-charge.

If there are any questions on this or any other drinking water matters, contact Rob Kittay, South Dakota Drinking Water Program, 605-773-4208.

---

**Obituary: Roger Almond**

Roger Dale Almond, 62, of Lennox, SD, died Sunday, July 5, 2015 due to injuries from a motor vehicle accident which occurred north of Lennox.

Roger Dale Almond was born in Sioux Falls, SD, on November 2, 1952, the son of Robert and Audrae (Stoddard) Almond.

He grew up and attended school in the Hurley area, graduating from Hurley High School in 1971. He went on to graduate from Mitchell Technical Institute with an electrician’s degree. Roger was the Lennox City Water Superintendent and had worked for the city since 1979.

He had been married to Valerie Bartels. Two sons, Aaron and Dale, were born to this union. On October 19, 1996 he married Peggy Feekes at Good News Church in Sioux Falls. The couple made their home in Lennox.

Roger was an active member of Good News Church, involved in volunteering with many activities there. He was a member of the South Dakota Waterworks Association and the Lennox Planning and Zoning Board. He was a volunteer for the Lifelight Music Festival since its inception. He enjoyed gardening and John Deere collectables.

Roger was preceded in death by his father and one son, Aaron. Grateful for having shared his life are his wife, Peggy; children: Dale (Lynette) Almond, Hurley, Mike Plasier, Tea, Terri Schemmel, Sioux Falls and Susan Pavlik, Goldsboro, NC; eight grandchildren; his mother, Audrae Bailey, Sioux Falls; brothers: Steve Almond, Moorhead, MN, Jeff Almond, Sioux Falls and Greg Almond, Harvard, NE as well as other relatives and a host of friends.
Innovative Loss Control Inspection Process

By Ron Burmood, Director of Member Services, SDPAA

A task that many entities struggle with is the completion of loss control inspections of sidewalks, curbs, gutters, and storm drains. It is a time-consuming process for public entities, which are already strapped for time and resources. However, these inspections are a necessary part of your risk management efforts and by doing them and correcting potential hazards, you may minimize your losses and your liability.

While I was recently on a SDPAA Member visit to the City of Freeman, I visited with City Administrator, Carroll Vizecky, and he shared his loss control story with me.

Carroll stated that the city received a grant for a body camera to be utilized by the local police department. The police department decided to take this one step further and document city property. They mounted the camera to the side of the light bar on the top of the police vehicle. The police department officers then proceeded to drive two to three miles an hour along the right side of the streets throughout the city. In two and a half days they had the entire city sidewalk system documented on video. This information was then transferred to DVDs.

I reviewed one of the videos and found the quality very impressive. The sidewalk areas were clearly visible as well as the curb, gutter, and storm drains. Boulevard trees and low lying branches were also visible. The video also had captions documenting street names.

By reviewing the detailed video, the city could identify problem areas and implement measures to correct those problems. In the event a claim arises, the city can refer back to the video and determine the condition of the area prior to the loss. This could help determine if there was a pre-existing problem or if something recently developed. The city intends to update their video inspections every two years.

This is an excellent example of a cost effective approach to self-inspection by the City of Freeman. We thank the City of Freeman for sharing this story with us and hope that it helps other entities with their loss control measures.

If you have questions or comments, please contact us at sdpaa@sdmunicipalleague.org or 800.658.3633.
The South Dakota Department of Environment and Natural Resources (DENR) is accepting applications through October 1 for projects eligible for federal Clean Water Act, Section 319 nonpoint source control grants.

DENR officials anticipate approximately $2 million will be available for projects in South Dakota. The federal Environmental Protection Agency grants require 40 percent local match.

Eligible applicants include governmental agencies; state government subdivisions, such as conservation districts, water development districts, counties and municipalities; universities; certain nonprofit organizations; and federally recognized Indian tribes. Others may participate by applying through one of the eligible entities as a project partner.

Entities interested in applying for Section 319 grant funds by the October 1 deadline are encouraged to contact DENR at 605-773-4254 or obtain application guidance at http://denr.sd.gov/dfta/wp/319.aspx.

Section 319 of the federal Clean Water Act provides grants to reduce water pollution from nonpoint sources, such as polluted runoff from urban, agricultural and forest lands. DENR historically has used the Section 319 funds primarily to develop and implement projects designed to reduce nonpoint source pollution to meet Total Maximum Daily Loads (TMDLs). South Dakota water bodies in need of TMDLs are listed in the “2014 Integrated Report for Surface Water Quality Assessment.” A copy of the report is available from the DENR website at http://denr.sd.gov/documents/14irfinal.pdf.

Nonpoint source pollution originates from many sources, including heavily fertilized lawns, urban runoff that carries street and pet wastes, agricultural fields, small livestock operations and natural sources, such as highly erosive soils. The primary nonpoint source pollutants in South Dakota are sediment, phosphorus, nitrogen and fecal coliform bacteria.
Gov. Dennis Daugaard says the state Board of Water and Natural Resources has approved $23.7 million for water and waste projects.

The $23,745,600 total includes $7.276 million in grants and $16.47 million in low-interest loans, with $2.984 million of the loan total in principal forgiveness.

“I am pleased to announce that this money is available to assist local communities,” said Gov. Daugaard. “Grant and loan awards will result in better drinking water, improved wastewater treatment and enhanced protection of the environment.”

The grants and loans awarded by the board are administered through the Department of Environment and Natural Resources (DENR).

Grants were awarded to:
- Bear Butte Valley Water, $500,000 grant amendment for rural water system construction.
- Brown County, $231,000 grant for scraper replacement.
- DENR, $47,000 grant for study of isotopes in selected eastern South Dakota waters.
- Haakon County School District, $517,600 grant for geothermal wastewater treatment system.

A loan was awarded to:
- Lewis & Clark Regional Water System, $7.7 million loan for regional water system construction.

A loan with principal forgiveness was awarded to:
- Montrose, $545,000 loan for storm water management improvements, with $100,000 in principal forgiveness.

Grant and loan packages were awarded to:
- Cavour, $795,000 for wastewater system improvements that includes a $645,000 grant and $150,000 loan.
- Edgemont, $3.89 million for water system improvements that includes a $2 million grant and...
Management Program and State Water Resources Management System. The Consolidated Water Facilities Construction Program, funded in part by revenues from the sale of lotto tickets, provides grants and loans for water, wastewater and watershed projects. The State Water Resources Management System, also funded in part by revenues from the sale of lotto tickets, provides grants and loans for large water projects that have been authorized by the Legislature. The Solid Waste Management Program provides grants and loans for solid waste disposal, recycling and waste tire projects. The Legislature annually appropriates dedicated water and waste funding for the Consolidated, State Water Resources Management System and Solid Waste programs through the Governor’s Omnibus Water Funding Bill.

The Drinking Water State Revolving Fund Program provides low-interest loans for public drinking water system projects. The Clean Water State Revolving Fund Program provides low-interest loans for wastewater, storm water and nonpoint source projects. Principal forgiveness is a subsidy option that results in a reduced loan repayment amount for the borrower.

For more information on these DENR funding sources visit http://denr.sd.gov/linksfundingnav.aspx. or call 605-773-3151.

The grants, loans and principal forgiveness were awarded from DENR’s Consolidated Water Facilities Construction Program, Drinking Water State Revolving Fund Program, Clean Water State Revolving Fund Program, Solid Waste Management Program and State Water Resources Management System.

$1.89 million loan, with $1.207 million in principal forgiveness.

- Emery, $5.09 million total that includes a $2.89 million loan for wastewater collection system upgrade and replacement, with $1.677 million in principal forgiveness; and $2.2 million for water distribution system upgrade and replacement that includes an $615,000 grant and $1.585 million loan.
- Florence, $2.255 million for water system improvements that includes a $1 million grant and $1.255 million loan.
- Pierre, $575,000 for solid waste baler replacement that includes a $330,000 grant and $245,000 loan.
- TC&G Water Association, Inc., $1.6 million for water system improvements that includes a $1.39 million grant and $210,000 loan.

For more information on these DENR funding sources visit http://denr.sd.gov/linksfundingnav.aspx. or call 605-773-3151.

The grants, loans and principal forgiveness were awarded from DENR’s Consolidated Water Facilities Construction Program, Drinking Water State Revolving Fund Program, Clean Water State Revolving Fund Program, Solid Waste Management Program and State Water Resources Management System.

The Consolidated Water Facilities Construction Program, funded in part by revenues from the sale of lotto tickets, provides grants and loans for water, wastewater and watershed projects. The State Water Resources Management System, also funded in part by revenues from the sale of lotto tickets, provides grants and loans for large water projects that have been authorized by the Legislature. The Solid Waste Management Program provides grants and loans for solid waste disposal, recycling and waste tire projects. The Legislature annually appropriates dedicated water and waste funding for the Consolidated, State Water Resources Management System and Solid Waste programs through the Governor’s Omnibus Water Funding Bill.

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Health Department Awards $500,000 In Community Mosquito Control Grants

More than 180 South Dakota cities, counties and tribes will share in $490,371 in grants intended to control mosquitoes and prevent West Nile virus (WNV), the Department of Health announced.

All applying communities received funding, with grants ranging from $750 to $20,000. Grant awards were based on the population of the applying jurisdiction and its history of human WNV cases through 2014.

Since the state’s first human case in 2002, South Dakota has reported 2,168 cases, including 677 hospitalizations and 32 deaths. Every county has reported cases. This season South Dakota reported its first human WNV case on June 30, a Brown County resident in the 50 to 59 age group diagnosed with WNV fever. There has also been a positive mosquito pool in Meade County.

Including this latest round of grants, the state has provided local mosquito control programs with more than $6 million in support, in either direct grant funding or control chemicals, since the virus emerged in South Dakota.

A complete list of funded programs and grant amounts follows.

See westnile.sd.gov for prevention information and surveillance updates.

2015 SD Mosquito Control Grant Program
Grant recipients and amounts awarded as follows:

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<tr>
<th>Aberdeen Mosquito Control $20,000</th>
<th>Alexandria $2,452</th>
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<tr>
<td>Alpena $963</td>
<td>Altamont Inc. $750</td>
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<td>Andover $963</td>
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<td>Britton $7,970</td>
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<td>Brown County Weed and Pest $16,435</td>
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<td>Chamberlain $2,894</td>
<td>Cheyenne River Sioux Tribe $8,777</td>
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<th>Clark Co Weed &amp; Pest Board $5,450</th>
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<td>Parkston $1,983</td>
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Geddes $1,600
Grant County $4,524
Groton $5,005
Hartford $3,743
Hermosa $1,390
Herrick $751
Hitchcock $1,387
Howard $1,819
Interior $2,023
Irene $1,390
Kennebec $1,600
Kranzburg $752
Lake City $1,599
Langford, Pierpont, Roslyn, Eden Cooperative $2,877
Madison $3,033
Miller $3,521
Mission Hill $1,388
Morbridge $3,753
Newell $4,148
North Sioux City $1,599
Northville $1,599
Oacoma $1,179
Onida $2,877
Parker $2,244
Philip $2,878
Volunteers Are Not Subject to FMLA Protections

By A. Stevenson Bogue, Attorney, McGrath North

For determining the potential coverage under the Family and Medical Leave Act, the definition of “employee” under the Fair Labor Standards Act is deferred to. In Section 825.102 of the regulations under the FMLA, the definition of “employee” is somewhat circular. It includes “any individual employed by an employer.” A little light is thrown on that term when the term “employ” is defined as “to suffer or permit to work.” The practical application of that term is that an “employee,” under the Fair Labor Standards Act and the FMLA, must actually be compensated by the employer. If the person designated as a “volunteer” is truly a volunteer (and the term cannot include a person who is employed by the same entity or a related entity and who wants to also perform some voluntary services) they would not be an “employee” and would not be subject to the protections of the FMLA. Of course, if they are truly a “volunteer,” there is no continuing obligation to employ them in any case, and if a municipality with a true volunteer wanted to rid itself of that volunteer, it could do so.

A. Stevenson Bogue, Attorney, shareholder at McGrath North can be contacted at sbogue@mcgrathnorth.com or 402-341-3070.
SDML Policy Committee Meetings
SDML Conference Room, Fort Pierre
Wednesday, August 12, 2015

10:00 a.m. — Public Works Committee: Mark Cotter, Public Works Director, Sioux Falls, Chair • Justin Weiland, City Administrator, Dell Rapids, Vice Chair • Beau Riopel, Street Superintendent, Spearfish • Bill Lewellen, Electric Superintendent, Miller • Craig Wagner, Public Works Director, Hartford • Ginny Beck, Utility Manager, Crooks • Glen Haines, Mayor, Faith • Greg Jamison, Councilmember, Sioux Falls • Harry Weller, Mayor, Kadoka • Jack Trullinger, Mayor, New Underwood • Jackie Lanning, City Engineer, Brookings • Jeanne Ducheske, Finance Officer, Parker • Jerry Buum, Street Superintendent, Elk Point • Kermit Staggers, Councilmember, Sioux Falls • Larry Cooper, Airport Manager, Huron • Leon Schochenmaier, City Administrator, Pierre • Linda Kramer, Town Board President, Hermosa • Lynn Lander, City Manager, Aberdeen • Philip Tiedeman, Airport Manager, Brookings • Rex Rolfing, Councilmember, Sioux Falls • Rick Bush, Public Works Director, Sturgis • Robin Bobzien, City Engineer, Aberdeen • Ron Hoffiezer, Street Superintendent, Miller • Ron Olson, Street Superintendent, Mitchell • Todd Chambers, MWU Director of Operations, Watertown • Tracy Davis, Chief Accountant, Rapid City •

1:00 p.m. — General Government Committee: Mike Wendland, Mayor, Baltic, Chair • Anita Lowary, Finance Officer, Groton, Vice Chair • Al Ruhlman, Human Resources Director, Aberdeen • Amy Nelson, City Manager, Yankton • Angie Uthe, Compensation and Benefits Manager, Sioux Falls • Arnie Waddell, Councilmember, Murdo • Becky Brunsing, Finance Officer, Wagner • Brett Bill, Planning & Zoning Director, Aberdeen • Christine Erickson, Councilmember, Sioux Falls • Dana Boke, Mayor, Spearfish • Dean Hammer, City Attorney, Dell Rapids • Denise Parker, Commissioner, Lead • Dennis Nelsen, City Administrator, Elk Point • Donna Klinkhammer, Finance Officer, Howard • Donna Langland, Human Resources Director, Brookings • Bill O’Toole, Human Resources Director, Sioux Falls • Fay Bueno, Finance Officer, Sturgis • Greg Barnier, City Administrator, Sturgis • Jerry Zeimetz, City Administrator, Beresford • Joe Neeb, City Administrator, Spearfish • Joel Landeen, City Attorney, Rapid City • Kendra Siemonsma, Special Projects Manager, Sioux Falls • Mary Jo Nelson, Finance Officer, Deadwood • Mary McClung, Finance Officer, Harrisburg • Michael Carlson, Finance Officer, Vermillion • Lorie Hogstad, City Clerk, Sioux Falls • Neal Pinnnow, Mayor, Lemmon • Paul Young, Councilmember, Spearfish • Paullyn Carey, Finance Director, Huron • Rich Holland, Councilmember, Vermillion • Rick Kiley, Councilmember, Sioux Falls • Roy Lindsay, Mayor, Madison • Sharon Mins, Finance Officer, Belle Fourche • Stephanie Ellwein, City Administrator, Mitchell • Tim Reed, Mayor, Brookings •

Thursday, August 13, 2015

10:00 a.m. — Taxation and Revenue Committee: Pauline Sumption, Finance Officer, Rapid City, Chair • Meri Jo Anderson, Finance Officer, New Underwood, Vice Chair • Al Cerny, City Administrator/Finance Officer, Gregory • Tom Huber, Assistant Director of Finance, Sioux Falls • Andrew Pietrus, City Administrator, Harrisburg • Carolyn Anderson, Finance Officer, Wall • Chuck Turberville, Mayor, Deadwood • Daniel Ainslie, City Manager, Sturgis • Dave Dutton, Finance Officer, Spearfish • David Bixler, City Council Budget Analyst, Sioux Falls • Dennis Olson, Assistant City Administrator/Finance Officer, Brandon • Jeff Weldon, City Manager, Brookings • Jennifer Eimers, Finance Officer, Madison • Jim David, Operations/Legislative Director, Sioux Falls • John Prescott, City Manager, Vermillion • Dean Karsky, Councilmember, Sioux Falls • Karl Alberts, Finance Officer, Aberdeen • Linda Willman, Finance Officer, Wessington Springs • Mike Levens, Mayor, Aberdeen • Ralph Borkowski, City Planner, Huron • Shelly Ebbers, Finance Officer, Watertown • Tracy Turbak, Director of Finance, Sioux Falls •

1:00 p.m. — Public Health, Safety and Welfare Committee: Tom Paisley, Building Official, Spearfish, Chair • Brittany Smith, Deputy Finance Officer, Philip, Vice Chair • Clint Rux, Councilmember, Aberdeen • Dave Kull, Police Chief, Brandon • Frank Scott, Police Chief, Kimball • Greg Miller, Building Services Administrator, Brookings • Jill Franken, Public Health Director, Sioux Falls • Jim Ballew, Animal Control Officer, Vermillion • Jim Bush, Police Chief, Sturgis • Kenny Anderson, Jr., Councilmember, Sioux Falls • Larry Christensen, Police Chief, Beresford • Larry Graham, Councilmember, New Underwood • Laurie Gronlund, Human Resources Director, Pierre • Lyndon Overweg, Chief of Public Safety, Mitchell • Marie Marlow, Finance Officer, Britton • Mark Kroontje, City Attorney, Herreid • Michelle Deyo-Amende, Recreation Director, Belle Fourche • Michelle Erpenbach, Councilmember, Sioux Falls • Mike Glover, Finance Officer, Burke • Mike Maltaverne, Fire Chief, Rapid City • Roger Bell, Building Inspector, Huron • Ryan Fleek, Police Chief, Elk Point • Scott Simianer, Planning Director, Custer • Tom Kurtenbach, Fire Chief, Yankton •
South Dakota Municipal League
Current Statement of Policy

The SDML Policy Committees will consider policy additions and revisions at their meetings August 12 and 13 in Ft. Pierre. SDML member municipalities will vote on the policy resolutions at the 2015 Annual Conference October 6-9 in Watertown. This Statement of Policy is also posted on the League’s website, www.sdmunicipalleague.org.

The current League policies follow:

MUNICIPAL EMPLOYEES
1. The SDML supports an amendment to restrict or repeal the presumptions included in SDCL 9-16-45 pertaining to circulatory or respiratory disease as “occupational” in firefighters, and opposes any amendment to expand the disease presumption regarding occupational diseases affecting volunteer and active paid firefighters. (GG – 2000; CB7)

2. The SDML supports legislation authorizing municipal access to federal background checks for licensees. (GG – 2008; 2009)

3. The SDML supports legislation to make municipal laws consistent as to the use of the term “finance officer” rather than “clerk/treasurer.” (GG – 2010)

MUNICIPAL FINANCE
4. The SDML urges the Board of Water and Natural Resources to remove the percentages set by SDCL 34A-6-85 for the Solid Waste Management Grant Program, thereby allowing all applications equal opportunity to be considered for funding based on the merit of the project. (PW – 2000; 18)

5. The SDML supports continuation, reinstatement, or new state and federal grants and loans, at sustained levels, including State Revolving Fund monies, to local governments to facilitate construction and upgrading of sewer, stormwater utility, water, and solid waste facilities as mandated by state and federal regulations. (PW – 2000; 2007; 19)

6. The SDML supports cooperative efforts to return a portion of the video lottery revenues to municipalities. (T&R – 2000; 2)

7. The SDML supports legislation to increase the license fee that municipalities may charge on video lottery machines. (T&R – 2000; 3)

8. The SDML supports amending SDCL 6-3-3 to return the required percentage of the vote to pass a joint bond issue to a simple majority. (T&R – 2000; 4)

9. The SDML supports allowing local governing bodies to set the cap on the accumulation of funds allowed in SDCL 9-47-1 and 9-48-2. (T&R – 2004)

10. The SDML supports amending SDCL 9-19-13 to provide that all administrative resolutions would be effective upon passage and publication. (T&R – 2004)

Sales Tax
11. The SDML opposes any legislation that would reduce, remove, repeal or reallocate the municipal sales tax, liquor tax reversion or any other municipal revenues to any other unit of government or that would expand the power to impose a sales or use tax to any other unit of government. (T&R – 2000; 9)

12. The SDML opposes any further exemptions from the sales tax laws. (T&R – 2000; 10)

13. The SDML opposes the repeal of the sales tax on groceries. (T&R – 2004)

14. The SDML strongly supports legislation to amend SDCL 10-52A-2 to allow up to 2 percent “bed, booze, and board” tax. (T&R – 2005)

15. The SDML supports legislation to allow municipalities to impose an additional tax on the leases or rentals of hotel, motel, campsites, or other lodging accommodations within the municipality. (T&R – 2000; 11)

16. The SDML opposes any attempt by the state to extend their authority over the collection, administration, and redistribution of the municipal sales tax for any purpose. (T&R – 2000; 12)

17. The SDML supports a sales tax on all catalog and Internet sales. (T&R – 2000; 14)

18. The SDML strongly opposes any formula-driven redistribution of sales and use tax revenues. The SDML strongly supports maintaining the current
Current Statement of Policy

22. The SDML supports continued local control over local rates and opposes weighted averaging or a state-imposed single rate. (T&R – 2002; 25)

23. The SDML supports allowing broad, local-option authority to municipalities that would enable the return of any potential tax revenue increases to entities or persons deemed appropriate by the municipality. (T&R – 2002; 20)

24. The SDML supports retaining the ability of municipalities to impose, adjust, and determine local rates, prevent loss of revenue, and to account for any future growth. (T&R – 2002; 26)

25. The SDML opposes any moratorium on taxation of Internet services. (T&R – 2002; 2010; 27)

State/Federal Funding

26. The SDML supports federal funding of the “state-side” share of the Land and Water Conservation Fund, on the condition that the state continues its practice of sharing those funds with municipalities. (T&R – 2000; 30)

27. The SDML supports repeal of state taxation on alternative fuels used by local governments, and supports federal tax incentives for government purchases of alternative fuel vehicles. (T&R – 2007)

system of returning revenues based on sales actually attributed to that point of delivery. (T&R – 2002; 15)

19. The SDML supports allowing broad, local-option authority to municipalities that would enable the return of any potential tax revenue increases to entities or persons deemed appropriate by the municipality. (T&R – 2002; 20)

20. The SDML supports a requirement that all prior debt obligations be covered regardless of any potential initiative, referendum, or legislative action. (T&R – 2002; 22)

21. The SDML is opposed to de minimus exceptions. (The exceptions do not serve to level the playing field and the collection allowance will reimburse sellers for the costs of collecting the taxes.) (T&R – 2002; 23)

22. The SDML opposes any municipal funding of a sales tax collection allowance for all sellers, whether in or out of state. (T&R – 2002; 2004; 2012; 2013)

23. The SDML supports continued local control over local rates and opposes weighted averaging or a state-imposed single rate. (T&R – 2002; 25)

24. The SDML supports retaining the ability of municipalities to impose, adjust, and determine local rates, prevent loss of revenue, and to account for any future growth. (T&R – 2002; 26)

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27. The SDML supports repeal of state taxation on alternative fuels used by local governments, and supports federal tax incentives for government purchases of alternative fuel vehicles. (T&R – 2007)
Current Statement of Policy

28. The SDML supports exempting municipal projects from the contractors excise tax. (T&R – 2004)

29. The SDML supports exempting all municipal projects, facilities, and equipment from sales and use taxes, so long as the municipality retains ownership and control, regardless of who installs or operates the facility or equipment. (T&R – 2011)

30. The SDML supports legislation to require that all aviation funds, grants, revenues, taxes, or monies from any other source collected previously and in the future be dedicated for aviation use only. (T&R – 2000; 2010; CB6) (Moved from Core Beliefs)

31. The SDML opposes removing or reducing tax exemptions for municipal bonds. (T&R – 2013)

Property Tax

32. The SDML supports legislation to allow, at local option, the creation of library districts to allow for the equitable funding for libraries that provide service to municipalities, counties, and other overlapping entities. (T&R – 2000; 31)

33. The SDML opposes any legislation that would shift more of the current property tax levy from ag to non-ag property. (T&R – 2000; 32)

34. The SDML opposes attempts to amend the Constitution to cap the growth of property values and base the value on the acquisition value of property. (T&R – 2005)

35. The SDML supports continuing liens and encumbrances on property purchased through a tax deed. (T&R – 2013)

User Fees

36. The SDML supports the concept of user fees for public service calls, including but not limited to police and fire protection for all tax-exempt properties. (T&R – 2000; 2008; 2010; 33)

37. The SDML opposes discriminatory charges on county taxpayers living within municipal boundaries for services, including but not limited to 911 emergency services. (T&R – 2012)

GOVERNMENT ETHICS AND OPERATIONS

38. The SDML supports legislation that would exempt municipalities from the regulations of the unclaimed property laws. (GG – 2000; 12)

39. The SDML supports amending SDCL 12-1-5 to include municipal election officials on the State Board of Elections. (GG – 2000; 13)

40. The SDML supports establishing a deadline 90 days in advance of the annual municipal election for the submission of initiative or referendum petitions or petitions involving recall elections. (GG – 2011)

41. The SDML supports clarifying the voting requirements for non-ordinance items in the aldermanic form of government. (GG – 2010)

42. The SDML supports amending state law to clarify residence requirements for municipal elected officials. (GG – 2014)

43. The SDML supports amending SDCL 3-4-1 (5) to include an alderman moving out of the ward from which the alderman was elected to the list of events creating a vacancy. (GG – 2014)

44. The SDML supports amending SDCL 9-13-16.1 to clarify that the person in charge of the election may make last-minute, emergency appointments to fill precinct election boards. (GG – 2014)

45. The SDML supports increasing the audit “trigger” to $750,000. (GG – 2014)

46. The SDML supports increasing the Internal Control Review range to between $100,000 and $750,000. (GG – 2014)

47. The SDML supports changing the makeup of the local board of equalization to more appropriately reflect the distribution of property tax revenues. (GG – 2008)

48. The SDML supports allowing municipalities alternative publication options. (GG – 2003)

49. The SDML supports amending statutes regarding designation of official newspapers to require the newspaper submit the circulation density by local government jurisdiction. (GG – 2011; 2013)
<table>
<thead>
<tr>
<th>Current Statement of Policy</th>
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</thead>
<tbody>
<tr>
<td>50. The SDML supports legislation to allow a local option for resolutions to be published by title and abbreviated explanation only. (GG – 2006)</td>
</tr>
<tr>
<td>52. The SDML supports reviewing open meeting laws in conjunction with any Open Government Task Force so long as the SDML is adequately represented. (GG – 2009; 2012)</td>
</tr>
<tr>
<td>53. The SDML opposes state regulation of the Health Pool of South Dakota, the South Dakota Public Assurance Alliance, or the SDML Workers’ Compensation Fund. (GG – 2003)</td>
</tr>
<tr>
<td>54. The SDML supports legislation to raise the threshold for requiring a performance bond to $50,000. (GG – 2006)</td>
</tr>
<tr>
<td>55. The SDML supports legislation amending SDCL 34A-6-29 to make the collection of delinquent garbage collection fees consistent with the collection of other delinquent municipal utility fees. (GG – 2006)</td>
</tr>
<tr>
<td>56. The SDML supports legislation to allow funds to be deposited directly to municipalities from the state, rather than going first through the counties. (GG – 2006)</td>
</tr>
<tr>
<td>57. The SDML will not oppose the addition of a penalty for the late submission of an annual report as long as the deadline for submission can be moved back to May 31 of each year and there is a provision for the Department of Legislative Audit to allow for an extension as circumstances merit. (GG – 2006)</td>
</tr>
<tr>
<td>58. The SDML supports changing the vote to create a hospital district to a simple majority. (GG – 2007)</td>
</tr>
<tr>
<td>59. The SDML supports equal treatment of all government facilities which serve as the official office of elected officials or any buildings where governing bodies officially meet on a regular basis. (GG – 2012)</td>
</tr>
<tr>
<td>60. The SDML supports clarifying municipal statutes to provide procedures consistent with state laws on absentee voting, including the absentee voting deadline and when absentee voting begins. (GG – 2013)</td>
</tr>
<tr>
<td>61. The SDML supports making special assessments for sidewalks consistent with all other special assessment procedures. (GG – 2013)</td>
</tr>
<tr>
<td>62. The SDML supports legislation making non-sufficient fund/returned check fees consistent for all entities. (GG – 2014)</td>
</tr>
<tr>
<td>63. The SDML supports clarifying that nuisance assessments may be made by local resolution. (GG – 2013)</td>
</tr>
<tr>
<td><strong>COMMUNITY AND ECONOMIC DEVELOPMENT</strong></td>
</tr>
<tr>
<td>64. The SDML supports allowing a separate and additional class of on-sale liquor licenses for golf courses. (GG – 2003; 2007; 2008)</td>
</tr>
<tr>
<td>65. The SDML opposes any change to the requirement that alcoholic beverage licenses be given only to a single legal description. (GG – 2000; 21)</td>
</tr>
<tr>
<td>66. The SDML supports allowing the direct shipment of wine to consumers, so long as local sales taxes are paid, and adequate controls exist to prevent access by minors. (GG – 2014)</td>
</tr>
<tr>
<td>67. The SDML supports the valuation of platted land based on use, rather than zoning designation, and urges cities and counties to work cooperatively to develop legislation. (GG – 2014)</td>
</tr>
<tr>
<td>68. The SDML supports the public financing toolbox for local governments. (GG – 2014)</td>
</tr>
<tr>
<td>69. The SDML supports a reduced rate for ballot publications. (GG – 2009)</td>
</tr>
<tr>
<td>70. The SDML supports amendments to annexation laws that increase local authority. (PW – 2000; 9)</td>
</tr>
<tr>
<td>71. The SDML supports planning and zoning legislation that will encourage continuity between city and county planning and zoning procedures and reduce ambiguities within the adoption process, enabling municipalities to more effectively adopt and administer their comprehensive plan, zoning regulations, and subdivision regulations. (PW – 2000; 10)</td>
</tr>
</tbody>
</table>
Current Statement of Policy

72. The SDML would strongly oppose any legislation to overrule local zoning or building codes pertaining to mobile homes, manufactured houses or trailer houses. (PW – 2000; 11)

73. The SDML supports the right and authority of municipalities to have at least an equal voice in plating, zoning, planning, code enforcement, and flood management control in the extraterritorial area. The SDML also supports legislation to enhance municipalities’ ability to gain extraterritorial jurisdiction, and permissive legislation allowing cities and counties to enter into intergovernmental agreements for Urban Growth Areas. (PW – 2000; 12)

74. The SDML supports legislation to amend SDCL 9-4-1 to exclude “registered voters” from the petition process for annexation of contiguous territory. (Transferred from GG – 2000; 13)

75. The SDML supports legislation to ensure that municipalities control planning, zoning, and development issues within the corporate limits. (PW – 2003)

76. The SDML believes municipal governments should be notified of and participate in economic development efforts within their jurisdiction. (PW – 2014)

77. The SDML supports state and federal funding for the Lewis andClarkRegional Water System to complete services to South Dakota communities. (PW – 2014)

78. The SDML would support legislation broadening authority of existing municipalities’ control of the incorporation of new municipalities within three miles of existing corporate limits. (PW – 2006)

79. The SDML supports revising the business improvement district statutes to allow municipalities and counties to enter into joint projects and to locally determine all rates. (T&R – 2003)

BRIDGING THE FINANCING GAP

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- Utility Rate Analysis
- Funding/Financing
- Project Development and Administration
- Economic Development
- Asset Management
- Municipal Financial Services

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80. The SDML supports creating incentives within the REDI fund for investment, not just job creation. (T&R – 2003)

81. The SDML supports making REDI funds available for infrastructure and infrastructure master planning. There is plenty of raw land, but it needs infrastructure before it can be sold to prospects or developed in a timely manner. (T&R – 2003)

82. The SDML strongly opposes any changes to Tax Increment Financing Districts which would inhibit the growth and development of South Dakota. (T&R – 2014)

83. The SDML supports legislation allowing a local vote on up to an additional one cent temporary municipal sales tax to be used for infrastructure projects. (T&R – 2014)

LOCAL CONTROL AND HOME RULE

84. The SDML supports legislation that would exclude club licenses (class M licenses) from the limitation on the total number of liquor licenses allowed within a municipality. (GG – 2000; 23)

85. The SDML supports permissive legislation granting municipalities the power to control the number and the fees for on-sale and off-sale liquor, wine, and malt beverage licenses to be granted within the municipality. (GG – 2000; 24)

86. The SDML supports local control of the sale, use, distribution, marketing, and promotion of tobacco products that are more restrictive than those provided by the Legislature. (GG – 2003)

87. The SDML strongly supports legislation to distance state laws from Dillon’s Rule. (GG – 2005)

88. The SDML supports legislation to allow municipalities under 5,000 the same ability to establish the price of a liquor license as is allowed to those municipalities over 5,000 population. (GG – 2007)
Current Statement of Policy

89. The SDML supports the ability to use drones for any local government purpose. (Resolutions – 2014)

90. The SDML encourages standards be developed to provide equal 911 service to all citizens and visitors, and encourages cooperative efforts to improve 911 services and efficiency. The SDML opposes mandated consolidation of 911 service centers. (Adopted at Joint Board Meeting between SDML and SDACC, December, 1999; 8; Amended by SDML Board, December, 2006)

91. The SDML opposes state legislation limiting municipalities from adopting whichever portions of the International Building Code deemed necessary. (PHSW – 2009)

92. The SDML recommends that the Department of Transportation, the Legislature, and any county affected, carefully review the financial impact of the transfer of any roads, bridges or highways to the municipality. The SDML supports legislation to require counties and the state to provide to municipalities all maintenance records and bridge inspections prior to the negotiation of a transfer. (PW – 2000; 2010; 1)

93. The SDML strongly supports legislation affirming the authority of municipal government to control activities and charge for the use by utilities within public rights-of-way within municipal jurisdiction. (PW – 2000; 2)

94. The SDML opposes any regulation by others of any service provided by or regulated by a municipality. However, the SDML strongly feels that municipalities should be included in any discussion on restructuring of the energy and telecommunication industries. (PW – 2000; 3)

95. The SDML supports state legislation allowing the municipality to own and operate a cable TV system, when allowed by federal law. (PW – 2000; 5)

PUBLIC HEALTH AND SAFETY

96. The SDML supports the right of local jurisdictions to establish firefighting standards. The SDML does not oppose fire standards such as those issued by the National Fire Protection Association (NFPA) as long as such standards allow municipalities real and substantial flexibility for the way municipalities provide fire and emergency medical services. (PHSW – 2002; 7)

97. The SDML encourages the licensing of building contractors by local units of government to ensure that contractors comply with minimum standards to protect the consumer. (PHSW – 2004)

98. The SDML supports legislation to expand affordable housing opportunities in South Dakota. (PHSW – 2014)

99. The SDML encourages the local units of government to use the funds available from the State of SD to combat West Nile and encourages the State of SD to increase these funds. (PHSW – 2007)

100. The SDML supports making affordable public and private health care coverage available to all South Dakotan’s. (PHSW – 2014)

101. The SDML supports a statewide task force to review access and resources for mental health care, including the treatment of alcoholism, drug addiction, and gambling addiction. The SDML calls for the State of South Dakota to assume increased responsibility for funding of detoxification and alcoholic, drug addiction, and gambling treatment facilities from state alcohol beverage taxes and gaming revenues. (PHSW – 2000; 2014 CB2) (Amended and moved from Core Beliefs)

102. The SDML supports a mechanism to allow blighted, vacant, or nuisance properties to assist in the costs of their own remediation. (PHSW – 2014)

103. The SDML supports legislation to provide stronger penalties and increase requirements for mandatory vehicle insurance. (PHSW – 2007)

104. The SDML supports legislation to remove restrictions which prohibit municipalities from prohibiting the use of phosphates in lawn fertilizers within city limits. (PHSW – 2010)

105. The SDML urges cities to continue weekly testing of pools and public bodies of water as previously required by the Department of Environment and Natural Resources. (PHSW – 2011)

106. The SDML supports continued efforts to reduce distracted driving. (PHSW – 2012; 2014)
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107. The SDML supports legislation enacting the International Property Maintenance Code on a statewide basis, with the option of local administration. (PHSW – 2013; 2014)

108. The SDML recommends that the State Department of Transportation analyze and make recommendations to the legislature regarding the adverse effects of state load and length limits on municipal streets, bridges, and traffic patterns regarding state load limits, issuing of permits, or truck lengths. (PW – 2000; 2010; 6)

109. The SDML strongly urges the Department of Environment and Natural Resources and the South Dakota State Legislature to adopt rules, regulations and appropriate legislation to designate the entire Big Sioux River Basin as a water source protection area and to establish a management plan for the allocation of water in the Big Sioux River Basin (the river and associated aquifers.) (PW – 2000; 7)

110. The SDML supports the Safe Drinking Water Act Amendments of 1996; however, the SDML opposes federally mandated drinking water standards unless based upon proven human health risks substantiated by scientific data. The SDML continues to support monetary assistance to public water systems based upon flexible and reasonable incentives. (PW – 2000; 2008; 8)

111. The SDML opposes the US Corps of Engineers’ proposal to levy fees on the storage of water in the Missouri River reservoirs to recover costs of constructing the Missouri River dams. The policy would pose severe economic impacts to municipal and rural water systems in the state. (PW – 2011)

112. The SDML supports the Department of Environment and Natural Resources establishing water quality standards that protect public health and the environment, but opposes EPA mandates that establish national one-size-fits-all standards that do not fit South Dakota because they are overly protective, have negligible environmental benefit, and have a dramatic economic impact to publicly owned wastewater treatment works. (PW – 2011)

113. The SDML supports amending SDCL 34-45-4 to increase the maximum monthly 911 surcharge. (T&R – 2000; 35)

114. The SDML supports expanding the base for the 911 surcharge to include all means of communicating with a 911 system. (T&R – 2005)

115. The SDML supports enhanced revenue from the state and federal governments to implement heightened security standards necessitated by any state or federal Homeland Security requirements. (T&R – 2002; 36)

MUNICIPAL UTILITIES

116. The SDML opposes forced transfer or sale of ownership of state or federally owned dams and power marketing administrations. (PW – 2000; 2010; 15) (Deleted portion moved to Core Beliefs)

117. The SDML opposes the practice of the federal government threatening the loss of funding to ensure compliance with federal guidelines. The SDML requests the Department of Environment and Natural Resources to allow flexibility to water systems to meet water certification requirements and urges the Department of Environment and Natural Resources to continue monetary assistance and free training for water certification. (PW – 2000; 2008; 16)
118. The SDML opposes any legislative and regulatory barriers to the creation of municipal electric utilities and supports the fundamental principle of public power and the right of municipalities to provide any utility service desired by their citizens. (PW – 2004)

119. The SDML supports legislation that empowers municipalities to determine responsibility for service lines between the homeowner and the city. (PW – 2005)

120. The SDML supports the right and authority of municipalities to retain local control over all aspects of placement and use of individual alternative power systems. (PW – 2008)

121. The SDML encourages policymakers in Congress, the FCC, and the USDA to understand the importance of robust broadband deployment in rural America and how the National Broadband Plan needs to be dramatically altered to avoid a digital divide between rural and urban citizens. (PW – 2010)

122. The SDML supports amending annexation laws to ensure non-contiguous municipal utility facilities, specifically wastewater treatment plants and landfills, be considered to be within municipal boundaries. (PW – 2012)

123. The SDML opposes the imposition of any federal or state taxes or fees that would have an effect upon municipally owned enterprises or utilities. (T&R – 2000; 37)

**CORE BELIEFS**

**Municipal Employees**

CB1. The SDML endorses the retention of the existing state constitutional right to work law and opposes any state or federal legislation that interferes with or affects that right. While recognizing the right of employees to organize, it is fundamental that each employee be guaranteed individual freedom of choice in joining or not joining a union or other employee organization. (GG – 2000; CB1)

CB2. The SDML advocates that the cities continue to review and upgrade job safety and health standards for all municipal employees and require the use of safety equipment by municipal employees while on duty. (GG – 2000; CB2)

CB3. The SDML supports legislation that prohibits violence in the workplace. (GG – 2000; CB3)

CB4. The SDML urges local governing bodies to adopt those portions of the Municipal League Personnel Manual that meet their local needs. (GG – 2000; CB4)

CB5. The SDML encourages member municipalities to allot funding and paid time for employee and officials training and educational opportunities so that municipal service is made more effective and at the same time employees may become qualified for promotion to higher level positions. The SDML encourages municipal employees and officials to join and participate in professional associations, job related organizations, and other continuing education activities and urges cities to allot funding and paid time for such membership and participation. (GG – 2000; CB5)

CB6. The SDML urges municipalities to prepare and adopt Equal Employment Opportunity policies that comply with law. (GG – 2000; CB6; 2013)

CB7. The SDML is opposed to any legislation or administrative rules adopting binding arbitration. (GG – 2000; 2007; CB10)

CB8. The SDML opposes repeal of Article III, Section 26 of the South Dakota Constitution relating to municipal powers denied to private organizations. The SDML opposes any further changes in SDCL 3-18-3 providing for the voting procedure for determination of bargaining unit representation. The SDML supports SDCL 3-18-10 which prohibits strikes by public employees. (GG – 2000; CB11)
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CB9. The SDML supports local consideration of “equal pay for equal work” but opposes the development of comparable worth pay systems through DOL rulemaking that advances the notion that government should dictate an organization’s compensation program. (GG – 2000; CB12; 2013)

CB10. The SDML urges cities who do not have a retirement system to join the South Dakota Retirement System after careful fiscal review. (GG – 2000; CB13)

CB11. The SDML recommends that municipalities make available health and life insurance coverage for their employees. (GG – 2000; CB14)

CB12. The SDML urges municipalities and other units of local government to consider joining the SDML Workers’ Compensation Fund, the South Dakota Public Assurance Alliance, the South Dakota Public Funds Investment Trust, the Health Pool of South Dakota, and SDML Municipal Government Software; and to review other services available through the SDML. (GG – 2000; CB15)

CB13. The SDML supports legislation amending SDCL 62-1-5 and SDCL 62-1-5.1 by revising the compensation rate for volunteers not to exceed the salary from regular employment, and for unemployed volunteers not to exceed the minimum compensation rate under law. (GG – 2000; 4)

CB14. The SDML opposes any investment of the assets of the South Dakota Retirement System in “social investing” or “venture capital.” (GG – 2000; 5)

CB15. The SDML opposes any legislative action allowing a participating entity or group of members from being removed from the South Dakota Retirement System. (GG – 2000; 6)

Municipal Finance

CB16. The SDML encourages local governments to install 911 and maintain systems using the Funding Surcharge allowed by SDCL 34-45 (Emergency Reporting Telephone) and encourages legislation to increase this surcharge to fully fund the system. (PHSW – 2000; 2007; 2010; CB3)

State/Federal Funding

CB17. The SDML strongly supports the federal government honoring all of its funding obligations, including but not limited to federal highway funding and airport funding. The SDML also strongly supports the continued assistance of the SD Department of Transportation in assuming the local matching portion of federal highway monies. (T&R – 2000; 2010; 2011; CB1)

CB18. The SDML supports periodic evaluation and increases in state motor vehicle license fees for the funding of streets and highways and supports exploring other revenue to fund the highway transportation needs of the state. (T&R – 2000; CB2)

CB19. The SDML will support legislation to repeal the reduction in license fees for commercial vehicles, based on age of the vehicle. (T&R – 2000; CB3)
Current Statement of Policy

CB20. The SDML would oppose any redistribution of the motor fuel taxation that would violate the accord reached by the State and local governments in 1985. (T&R – 2000; CB4)

CB21. The SDML supports funding of the South Dakota Local Technical Assistance Program. (T&R – 2000; CB5)

CB22. The SDML recognizes that the US Army Corps of Engineers is responsible for the operation and maintenance of dams on the Missouri River, which due to design deficiencies, have caused stream bank erosion, channel sedimentation, and river bed degradation. Therefore, the cost to operate and maintain the Missouri River system as envisioned in the Flood Control Act of 1944 (Pick-Sloan) should be borne by the Federal Government. (T&R – 2000; CB7)

CB23. The SDML supports legislation for state general funds for training programs at the local level required by the state for firefighters and EMS workers and especially including funds to reimburse volunteers for expenses incurred in training. (T&R – 2000; CB8)

CB24. The SDML requests that the state financially underwrite the full costs of all police training that is required by the state. Funds levied for training should be used only for training. Adequate funding of the law enforcement academy is essential to the provision of law enforcement officer training. (T&R – 2000; CB9)

CB25. The SDML supports the provisions of SDCL 6-15-1 and 6-15-2, relating to unfunded mandates, and believes that any new federal or state program, fee, legislation, rule, or regulation imposed upon municipalities must be federally or state funded. (T&R – 2000; CB10)

CB26. The SDML supports repeal of state taxation on fuels used by local governments. (T&R – 2003; 31)

CB27. The SDML believes that whenever possible and proper, additional local government costs should not be funded through increased real estate taxes, but through appropriate user fees or user tax systems or any other non-ad valorem revenue sources. (T&R – 2000; 33)

CB28. The SDML supports continued state and federal financing at sustained levels to local governments for projects rehabilitating and preserving water quality in South Dakota streams, rivers, lakes and aquifers. (T&R – 2000; 29) (Moved from General Policy)
<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>CB29.</td>
<td>The SDML supports developing an open, stronger, more cooperative working relationship with the SD Department of Revenue. (T&amp;R – 2010; 2012) (Moved from General Policy)</td>
</tr>
<tr>
<td>CB30.</td>
<td>The SDML urges all municipalities to adopt a fair housing policy. (GG – 2000; CB16)</td>
</tr>
<tr>
<td>CB31.</td>
<td>The SDML opposes bills similar to the “Bradley Bill” because of the potential environmental, social and economic impacts on the people and governments of South Dakota. (GG – 2000; 20)</td>
</tr>
<tr>
<td>CB32.</td>
<td>The SDML encourages the Governor and the Legislature and the Ellsworth Authority to assist in the efforts to retain Ellsworth Air Force Base as a viable military facility. (GG – 2003; 15)</td>
</tr>
<tr>
<td>CB33.</td>
<td>The SDML supports ensuring K-12 education is at the highest academically competitive levels as well as the teaching of basic life skills and responsibilities. (PHSW – 2003)</td>
</tr>
<tr>
<td>CB34.</td>
<td>The SDML supports the use of public and private colleges and universities in producing labor studies and other studies on local needs and resources, and in the development of a statewide master plan for economic development. (PHSW – 2003)</td>
</tr>
<tr>
<td>CB35.</td>
<td>The SDML encourages general education cost forgiveness for South Dakota university and technical school graduates who stay in-state for a specified length of time. (PHSW – 2003; 2010)</td>
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<tr>
<td>CB36.</td>
<td>The SDML supports the creation of a long-range technology master plan for South Dakota. (PHSW – 2003)</td>
</tr>
<tr>
<td>CB37.</td>
<td>The SDML urges investment in research and development and intellectual property using research triangles and incubator programs to promote these endeavors. (PHSW – 2003)</td>
</tr>
</tbody>
</table>
| CB38.  | The SDML recognizes that the mismanagement of the Black Hills National Forest is a health, safety and economic development issue for residents of...
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CB39. The SDML urges the SD Department of Environment and Natural Resources to recognize that environmental regulations cost municipalities an immense amount of money, which could otherwise be spent on economic development and quality of life improvements. The SDML urges DENR to keep environmental regulation as reasonable and affordable as possible for municipalities in South Dakota. (PHSW – 2003)

CB40. The SDML recognizes the importance of maintaining the National Science Lab, and strongly supports its development at the former Homestake mine. (PHSW – 2005; 14) (Moved from General Policy)

CB41. The SDML encourages the development of a state-wide economic development policy in South Dakota—recognizing that quality of life in communities is a major factor. (PHSW – 2002) (Moved from General Policy)

CB42. The SDML believes that municipal and county governments should formulate and control all local planning and zoning programs. (PW – 2000; CB7)

CB43. The SDML supports enhanced state and federal funding for water supply systems. (PW – 2014)

CB44. The SDML encourages the Legislature and the Governor to review all laws as they pertain to economic development, and to work with municipalities to develop opportunities and remove impediments to development of our communities. (T&R – 2002; 1)

Government Ethics and Operations

CB45. The SDML endorses the Core Beliefs espoused by the National League of Cities.1 (GG – 2000; CB18)

CB46. The SDML encourages municipalities to initiate policies to oppose racial profiling in any municipal activity. (GG – 2000; CB19)

CB47. The SDML encourages municipal elections to remain non-partisan. (GG – 2003)

CB48. The SDML supports efforts to review and update state statutes related to municipal government provided the South Dakota Municipal League has appropriate representation in that process. (GG – 2000)

Local Control and Home Rule

CB49. The SDML encourages federal, state, and local government leaders to continue to work with American Indian tribes to resolve taxation, regulatory, environmental and infrastructure issues, and law enforcement concerns. Such efforts should address concerns resulting from the federal government placing land into trust on behalf of American Indian tribes without such tribes having entered into a binding agreement with state and local entities on the collection of taxes, law enforcement, infrastructure and environmental concerns, and regulations. (GG – 2000; CB20)

CB50. The SDML encourages consolidation of the Boards of Equalization with the cooperation of all
entities of local government in order to relieve taxpayers of unnecessary burdens and encourages legislation to require counties to consolidate Boards of Equalization when requested by a municipality. (GG – 2000; CB21)

CB51. The SDML opposes any legislation expanding the power and authority of special districts, sub-districts, cooperatives, and sanitary districts to render services without allowing municipalities the same options. (GG – 2000; CB22)

CB52. The SDML proactively opposes the mandatory OSHA requirements being applied to municipalities. (GG – 2000; 2)

CB53. The SDML opposes any legislation which would inhibit municipalities from providing services requested by citizens in whatever form the citizens approve. (GG – 2006)

CB54. The SDML opposes any state environmental laws and regulations that are more stringent than existing federal environmental laws, standards and regulations. (PHSW – 2000; CB4)

CB55. The SDML recommends that streets and highways constructed with state/federal funds be based upon consultation and coordination with the local government. (PW – 2000; CB4)

CB56. The SDML urges the Transportation Commission, with input from municipal government, to develop and adhere to an adequate transportation plan and supports the development of an access management model. Further, municipalities must be offered participation in any change affecting their area. (PW – 2000; CB5)

CB57. The SDML opposes any state mandated prohibition against the cities’ right to construct with their own crews. (PW – 2003)

CB58. The SDML opposes any measure that restricts local control over taxation and spending, and urges the defeat of any such measure. Further, the SDML encourages municipalities to work individually and with other local governments to inform citizens of the negative impact of tax and spending limitation measures. (T&R – 2000; CB11)

CB59. The SDML opposes any attempt to impose a tax or regulation on self-insured local government pools or individual self-insured local government entities. (T&R – 2000; CB12)

Public Health and Safety

CB60. The SDML believes that the main emphasis of environmental protection should be information and assistance to municipalities and education of the general public. The League urges the State and Federal Government to fully fund programs and provide technical assistance for planning and implementing programs and regulations established by state and federal laws. The League urges continued research and pilot studies in the fields of pollution control, flood control, water and conservation, river siltation, forest management and waste management. (PHSW – 2000; CB1)

CB61. The SDML recognizes the costs associated with maintaining and training regional emergency response teams in South Dakota and supports continued funding from the State of South Dakota. (PHSW – 2006; 2007; 2010) (Amended and moved from General Policy)

CB62. The SDML supports legislation that requires that users of private telephone switches or services be provided capabilities of the same level of 911 services as is available to other residents of the jurisdiction. (PHSW – 2000; 1) (Moved from General Policy)

CB63. The SDML supports legislation that continues to maintain compliance with the Juvenile Justice and Delinquency Act of 1974 and supports legislation for funding compliance. (PHSW – 2000; 2007; 3) (Moved from General Policy)

CB64. The SDML urges municipalities to develop ordinances that establish water and energy priorities within the municipality to conserve these resources. Further, the SDML urges municipalities to develop and implement public education programs designated to encourage water and energy conservation methods. (PW – 2000; CB1)

CB65. The SDML endorses the wise use of energy and urges local officials to be able to provide adequate input into any energy management or energy standards plan or regulation that affects local government. (PW – 2000; CB2)

CB66. The SDML feels strongly that a concerted effort should be made by the state, counties, and cities of
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this state to eliminate traffic hazards and provide uniform traffic control devices and signing for streets and highways. (PW – 2000; CB3)

Municipal Utilities

CB67. The SDML supports the rights of municipalities to establish electric utility systems to provide service within their corporate limits and adjacent urban growth areas. (PW – 2006)

CB68. The SDML opposes any legislation limiting or eliminating a municipal electric utility’s right to serve customers facilitated by annexation and/or condemnation. (PW – 2006)

CB69. The SDML encourages the state and federal government to maintain said dams in a safe and usable condition. (PW – 2010) (Partially moved from General Policy)

CB70. The SDML supports the continued training and certification of landfill operators. (PW – 2000; 2004; 2010; 17) (Moved from General Policy)

CB71. The SDML opposes any changes to the Power Marketing Administrations and specifically the Western Area Power Administration which deviate from the principles of beneficiary pays and cost-based rates. (PW – 2012)

1 Core Beliefs of the National League of Cities We Believe in...

- Representative, participatory local government
- Local government as the cornerstone of government in the United States
- The value of public service
- The value of diversity throughout our organization and our communities
- Municipal authority over municipal issues
- A commitment to the highest ethical standards among all public officials
- Civility and mutual respect
- Anticipating the needs of communities and developing strategies to meet those needs and improve the quality of life
- Partnerships, coalitions, and collaborations to strengthen cities and our advocacy efforts

This Statement of Policy is also posted on the League’s website, www.sdmunicipalleague.org.
Sponsored and Endorsed Programs

Health Pool of South Dakota

The Health Pool of South Dakota (HPSD) is an employee health care benefits plan designed for the special needs of the public entities of South Dakota. Started in 1995, the purpose of the HPSD is to assist local governments in their efforts to control health care costs and keep rates stable for their employee health care coverage. The HPSD is a self-funded program, protected by reinsurance for large catastrophic claims. To keep rates competitive, HPSD has contracted with a large preferred provider network which discounts enrolled hospital, clinic, doctor and pharmacy billings. The HPSD has multiple plans to choose from with a choice of deductibles. Optional coverage for Employee and Dependent Life insurance is also available.

For more information contact Sandi Larson at 800-658-3633 or sandi@sdmunicipalleague.org, visit www.healthpoolsd.org.

South Dakota Public Assurance Alliance

Since 1987, the South Dakota Public Assurance Alliance (SDPAA) has been helping municipalities, counties, townships, conservation districts, and special districts protect their assets by providing broad specialized coverages and outstanding risk management and loss control services at competitive, stable pricing. The SDPAA currently provides the following coverages: General Liability, Automobile Liability, Public Officials Liability, Law Enforcement Liability, Property, Vehicle Physical Damage, Boiler and Machinery, Enhanced Crime, and Cyber Liability. The SDPAA is owned by the public entities who are its Members. The SDPAA takes pride in its responsiveness and loyalty to its Members, and the return on investment it provides its Members.

For more information contact the SDPAA office at 800-658-3633, email sdpaa@sdmunicipalleague.org or visit www.sdpaaonline.org.

SDML Workers’ Compensation Fund

Created in 1987, the SDML Workers’ Compensation Fund is a self-funded mechanism created for its members and is overseen by its members to provide statutory workers’ compensation coverage for public entities. The SDML Workers’ Compensation Fund has a strong commitment to providing a competitive workers’ compensation program for the public entities in South Dakota through administrative, loss control and technical services.

For more information contact Insurance Benefits, Inc. at 800-233-9073 or info@sdmlwcfund.com, visit www.sdmlwcfund.com.

South Dakota Public Funds Investment Trust (FIT)

In 1991 the League endorsed the South Dakota Public Funds Investments Trust (FIT). FIT is a professionally managed cash management service for municipalities, counties, school districts, townships, water and sanitary districts, cooperative education service units, and ambulance districts. It is the only investment program exclusively managed for local governments in South Dakota. FIT offers a liquid government investment pool, fixed rates, cash flow analysis and a bond proceeds management program.

For more information contact Carrie Harer at 800-658-3633 or carrie@sdmunicipalleague.org, visit www.sdpfit.org.
American Legal Publishing Corporation
American Legal Publishing is a full-service legal publisher that publishes codes of ordinances for over 1,800 local governments across the country. Services include codification, supplementation, legal/editorial analysis, CD-ROM/Internet publishing and document imaging. American Legal Publishing, in partnership with the South Dakota Municipal League, publishes the South Dakota Basic Code, a model code of ordinances based on South Dakota state law, for municipalities in South Dakota.

For more information contact deRicci Getty at 800-445-5588 or dgetty@amlegal.com, visit www.amlegal.com.

Banyon Data Systems, Inc.
Banyon Data Systems develops, supports and maintains full-featured business office software for South Dakota cities and towns. Software includes Fund Accounting, Payroll, Utility Billing, Fixed Assets, GASB, Special Assessment, Cemetery, Animal Licensing, Point of Sale Interface Module, Permits, Licensing, Billing-Invoicing and essential add on modules (Direct Payment, Direct Deposit, Email Billing, Internet Payments, Retirement reporting, Meter Device Interface, Hydrant Maintenance, Zoning Complaint/Violation Module, etc).

For more information contact Jeff Christensen at 800-229-1130 or sales@banyon.com, visit www.banyon.com.

GovOffice Web Solutions
Does your municipal website look outdated and it’s hard to update? Then make the switch to GovOffice, the easy-to-use and affordable municipal web development solution used by over 40 South Dakota communities. Custom designs are available to showcase your community and you’ll be able to offer your citizens new interactive features. No previous web technical training or programming skills necessary, live training sessions and toll-free assistance are provided. All SDML members receive discount pricing - make the switch to GovOffice!

For more information call 877-564-4979, press 3 or email sales@govoffice.com, visit www.govoffice.com.

U.S. Communities Government Purchasing Alliance
U.S. Communities is the leading national government purchasing cooperative, providing world class procurement resources and solutions to local and state government agencies, school districts, institutes of higher education, and nonprofits looking for the best overall supplier government pricing. Visit www.uscommunities.org to discover the differences that set U.S. Communities apart from the other regional and national programs.

For more information contact Jason Angel at 415-328-8109or jangel@uscommunities.org, visit www.uscommunities.org.
SD Municipal League: Who We Are & What We Do

Who We Are

The South Dakota Municipal League (SDML) was organized in 1934 as a nonpartisan, nonprofit association of incorporated municipalities in South Dakota.

The League’s mission is the cooperative improvement of municipal government in South Dakota. A vote of the members at the annual conference determines the League’s major policies. A nineteen-member governing body elected from among the members carries the responsibility of implementing these policies. A full-time executive director and staff administer the policies in their service to all members. By cooperating through the League, South Dakota municipalities provide themselves with a strong research program and an effective legislative voice.

The League’s primary source of financing comes through the membership dues cities, towns, and affiliated organizations pay. The dues payments are based on population. Other League-sponsored activities and the sale of publications help generate additional revenue.

What We Do

Problem Solving
Perhaps the most widely used service is individualized problem solving assistance. Municipal officials may contact the League office with any question or problem. A library of extensive municipal information and experience covering years of city history is at every member’s disposal through the League hotline. From Americans with Disability Act to zoning, the League staff is ready and willing to help you with any problem.

Publications
Each month, officials of member municipalities receive South Dakota Municipalities, the official magazine on issues that affect municipal operations on a daily basis. Member municipalities may place classified ads in the magazine and on the League’s website at no charge.

The Handbook for South Dakota Municipal Officials, developed with municipal officials in mind, represents the most complete and authoritative digest of South Dakota municipal laws available. The handbook remains current through staff-compiled annual updates.

Other Publications available include:
- Directory of South Dakota Municipal Officials
- Sample Personnel Policies
- Guide to South Dakota’s Open Meetings Law

Legislative Advocacy
The legislative program is a predominant activity for the SDML. Throughout the year, the League staff works closely with legislators and committees toward the enactment of laws favorable to municipal governments. The League is the recognized legislative voice for the South Dakota municipalities.

State-Local Relations
As more programs shift from the federal level to the state and local level, a strong relationship with state officials has gained significance. The League acts as a liaison between municipal, county, and state governments to help meet this need. The League helps coordinate contacts between municipal and state officials.

Conferences
Municipal officials meet regularly at the SDML Annual Conference and at ten district meetings. These forums provide training in city government, as well as an opportunity to exchange ideas and hear outstanding speakers on municipal affairs. Further, the League sponsors or co-sponsors a number of training schools, programs and special meetings, including:
- Governmental Finance Officers’ School
- Governmental Human Resource School
- Elected Officials Workshop
- Election Workshops
- Annual Report Workshops

Online Resources
The League’s website, www.sdmunicipalleague.org, is a wealth of information at your finger tips 24/7. Find the latest news, event information, and much more! The Library section has resources on everything from code enforcement and elections to special assessments.

National Affairs
As a member of the National League of Cities, SDML is able to cooperate with the NLC and 48 other state leagues on matters of national interest. This membership makes available to the South Dakota Municipal League the publications and library of NLC and brings valuable assistance and information on federal regulations and programs, as well as congressional representation.

Financial Assistance
The South Dakota Municipal League has established several programs to assist municipalities with cash management and investments, and with rising liability and insurance costs.
The SDML sponsors three risk sharing pools. The SDML Workers’ Compensation Fund was created in 1987. The South Dakota Public Assurance Alliance (SDPAA) has been providing liability and property coverage since 1987. The Health Pool of South Dakota (HPSD) was created July 1, 1995.

In 1991 the League endorsed the South Dakota Public Funds Investments Trust (FIT). This program assists local governments with their cash management and investment needs. Municipalities are using the FIT program as their tool for highly competitive rates, excellent service, flexible cash management options, sound investment advice, and a growing return on their funds. The FIT program representative can be reached at 800-658-3633.

Affiliate Members
Affiliate organizations enjoy the advantage of being members of the South Dakota Municipal League. These organizations hold their meetings at the League’s Annual Conference and receive SDML staff support. Affiliates include:

- SD Airport Management Association
- SD Municipal Attorneys’ Association
- SD Building Officials’ Association
- SD City Management Association
- SD Association of Code Enforcement
- SD Municipal Electric Association
- SD Governmental Finance Officers’ Association
- SD Governmental Human Resource Association
- SD Municipal Liquor Control Association
- SD Police Chiefs’ Association and
- SD Municipal Street Maintenance Association

Contact the League
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208 Island Drive
Ft. Pierre, South Dakota 57532
Member Hotline: 800-658-3633
Website: www.sdmunicipalleague.org

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Municipal League Districts

A listing of the cities in each District can be found on pages 98-100 of the 2015-2016 Directory of Municipal Officials.

District 1: All incorporated municipalities within Marshall, Day, Clark, Roberts, Grant, Codington, Hamlin, and Deuel counties.

District 2: All incorporated municipalities within Beadle, Kingsbury, Brookings, Sanborn, Miner, Lake, and Moody counties.

District 3: All incorporated municipalities within Hanson, McCook, Minnehaha, Hutchinson, Turner, Lincoln, Bon Homme, Yankton, Clay, and Union counties.

District 4: All incorporated municipalities within Tripp, Gregory, Charles Mix, Douglas, Brule, Aurora, and Davison counties.

District 5: All incorporated municipalities within Sully, Hyde, Hand, Hughes, Lyman, Buffalo, and Jerauld counties.

District 6: All incorporated municipalities within McPherson, Brown, Edmunds, Faulk, and Spink counties.

District 7: All incorporated municipalities within Corson, Campbell, Ziebach, Dewey, Walworth, and Potter counties.

District 8: All incorporated municipalities within Haakon, Stanley, Jackson, Jones, Mellette, Bennett, and Todd counties.

District 9: All incorporated municipalities within Pennington, Custer, Fall River, and Shannon counties.

District 10: All incorporated municipalities within Harding, Perkins, Butte, Meade, and Lawrence counties.
Overview of Municipal Government in SD

The Elected Officials segment is an introduction to municipal government for newly elected and appointed officials and a refresher for veteran officials. This segment is not intended to be all encompassing. Refer to the SDML’s Handbook for Municipal Officials for a more detailed outline of the statutes that pertain to municipal government.

The Municipal League offers Elected Officials’ Orientation Packets customized for each form of government. These packets are free from the League and can be downloaded from the Library section on the League’s website, www.sdmunicipalleague.org.

The Elected Officials’ Orientation Packet includes information on the following topics:
- Municipal Powers
- Ordinances and Resolutions
- Open Meetings Laws
- Open Records
- Rules of Order
- Finances and Budgeting
- Revenue Sources
- Bids and Contracts
- Liquor Licensing

Information presented at the Elected Officials Workshop held July 8, 2015 in Pierre can also be found in the Library section of the League’s website under Elected Officials’ Orientation Packet.

Municipal Powers
Municipalities have many powers listed in South Dakota law. For more details, refer to the SDML’s Handbook for Municipal Officials and to South Dakota Codified Laws.

It is extremely important to keep in mind that although a municipality has many powers, there are almost always conditions and restrictions on the use of those powers.

Municipal government is primarily governed by the provisions of Title 9 of South Dakota Codified Law, but several other chapters of law apply to municipalities. Title 9 and other codified laws are available online at http://legis.sd.gov/Statutes/default.aspx.

Overview
There are 309 incorporated municipalities in South Dakota. They are grouped according to two different factors: population and form of government.

Population:
There are three classes of municipalities:
- **First Class**: Those with populations of 5,000 or over. There are 16 first class municipalities;
- **Second Class**: Those with populations between 500 and 5,000. There are 99 second class municipalities;
- **Third Class**: Those with populations of 500 or less. There are 194 third class municipalities.

There are some cases where the size of the municipality determines what it may or may not do, but generally laws governing municipal government apply to all municipalities, regardless of size.

Form of Government:
There are five forms of government in South Dakota, all briefly outlined here:

- **Trustee Form**: Between three and five board members are elected at-large for three year terms. The Trustees elect one of their own members to serve as the president of the board for a one year term. There are 159 Trustee Municipalities in South Dakota.
- **Aldermanic Form**: These municipalities are governed by a common council, which consists of a mayor who is elected at-large and two aldermen from each ward. Terms of office are traditionally two years, but may be set by ordinance for up to five years. There are 128 Aldermanic Municipalities in South Dakota.
- **Commissioner Form**: The board of commissioners consists of a mayor and two or four commissioners who are all elected at-large. The terms of office are traditionally two years, but may be set by ordinance for up to five years. There are 12 Commissioner Municipalities in South Dakota.
- **City Manager Form**: These municipalities are either aldermanic or commissioner form, but employ a city manager. In the Aldermanic Form with a City Manager, the mayor and alderman are elected in the same manner as described above. There are three municipalities in South Dakota using this form of government: Brookings, Vermillion, and Sturgis. In Commissioner Form municipalities that employ a city manager, the number of commissioners is nine, each elected for a three-year term. There are three municipalities in South Dakota using this form of government: Aberdeen, Canton, and Yankton.
- **Home Rule**: There are ten municipalities which have adopted a home-rule charter: Aberdeen, Beresford, Brookings, Elk Point, Faith, Fort Pierre, Pierre, Sioux Falls, Springfield, and Watertown. A home rule charter
Special Feature: Elected Officials Segment

Vacancies
If there is a vacancy in the office of the mayor, the vacancy shall be filled by appointment by a majority vote of the members-elect of the common council, or by special election as provided in §9-13-14.2. Until the vacancy is filled or during the time of temporary disability of the mayor, the powers and duties of mayor shall be executed by the president of the city council ($9-8-2).

When a vacancy exists on a municipal governing body, the remaining members shall appoint a replacement to serve until the next annual municipal election, or the vacancy may be filled by special election as provided in §9-13-14.2. In the aldermanic form, the appointment must be a person from the same ward of the first or second class municipality. There are also special provisions available for temporarily filling a vacancy caused by a member of the governing body being called to active duty ($3-4-8) or in cases where a member is incapacitated by illness or accident ($3-4-9).

Mayor, President, and Vice President
The chief executive officer of a first or second class municipality under the aldermanic form shall be a mayor. The mayor shall hold office for a term of not less than two nor more than five years as determined by ordinance ($9-8-1).

Aldermanic Form of Government
Composition and Qualification
The common council shall consist of the mayor elected at large and two aldermen elected from and by the voters of each ward of the municipality, who shall hold office for two years, unless a municipality adopts an ordinance establishing the term of office to be three, four, or five years, and serves until their successors are elected and qualified ($9-8-4). No person is eligible to be nominated, elected or appointed as a mayor or as an alderman unless such person is a citizen of the United States, a voter of and resident of the municipality, and if an alderman, a voter of and resident of the ward for which such person is to hold office ($9-8-1.1).

must be adopted by a majority vote of the electors of the municipality. Article IX of the South Dakota Constitution states, “A chartered governmental unit may exercise any legislative power or perform any function not denied by its charter, the Constitution or the general laws of the state. The charter may provide for any form of executive, legislative and administrative structure that shall be of superior authority to statute, provided that the legislative body so established be chosen by popular election and that the administrative procedures be subject to judicial review. Powers and functions of home rule units shall be construed liberally.”

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The mayor shall preside at all meetings of the council but shall have no vote except in case of a tie as long as the vote does not create a liability or appropriate money. He shall perform such other duties as may be prescribed by the laws and ordinances, and take care that such laws and ordinances are faithfully executed. He shall annually and from time to time give the council information relative to the affairs of the municipality, and shall recommend for their consideration such measures as he may deem expedient. He shall have the power to sign or veto any ordinance or resolution passed by the common council, and the power to veto any part or item of an ordinance or resolution appropriating money (§9-8-3). The veto, with written objections, must be filed with the finance officer within ten days after final passage (§9-19-10). The vetoed ordinance or resolution must then be presented by the finance officer, with the mayor’s written objection, to the council at their next meeting for reconsideration. If the ordinance or resolution passes by a two-thirds vote of all the aldermen, it shall be published and become effective (§9-19-11).

At the first regular meeting after the annual election in each year and after the qualification of the newly elected alderman, the council shall elect from among its own members a president and vice-president, who shall hold their respective offices for the municipal year. The president of the council in the absence of the mayor shall be the presiding officer of the council, and during the absence of the mayor from the municipality or his temporary disability shall be acting mayor and possess all the powers of the mayor. In the absence or disability of the mayor and president of the council, the vice-president shall perform the duties of the mayor and president of the council (§9-8-7).

Meetings
The council shall hold its regular meetings on the first Monday of each month. It may prescribe by ordinance the manner in which special meetings may be called and may so change the day of its regular monthly meetings. A majority of the aldermen elected shall constitute a quorum to do business, but a smaller number may adjourn and may compel the attendance of absentees under such penalties as may be prescribed by ordinance. It shall sit with open doors and shall keep a journal of its proceedings (§9-8-8). The yeas and nays shall be taken upon the passage of all ordinances and upon any proposal to create a liability against the municipality or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the minutes. The concurrence of a majority of all the aldermen shall be necessary to the passage of any such ordinance or proposal, but it shall require a two-thirds vote of all the aldermen to sell any city property (§9-8-10). No official may participate in discussing or vote on any issue in which they have a direct pecuniary interest (§6-1-17).

Five-Commissioner Form of Government
Composition and Qualification
Under the commission form, where a city manager is not employed, the board of commissioners shall consist of the mayor and two or four commissioners elected at large (§9-9-1). The commissioners must be citizens of the United States and residents and voters of the municipality (§9-9-2).

Before entering into the duties of their respective offices, the mayor and the commissioners must file an oath supporting the Constitution of the United States and of this state and to faithfully discharge the duties of his office. The oath also states that the official is not under direct or indirect obligation to appoint or elect any person to any office, position, or employment in the municipality (§9-9-4). Finally, the mayor and the commissioners must also execute a bond, payable to the municipality, for the amount of two thousand dollars in second class cities, and for the amount of five thousand dollars in first class cities (§9-9-5).

Terms of Office
The term of office of the members of the board may not exceed five years as determined by ordinance (§9-9-3).

Vacancies
In case the mayor is unable to perform the duties of his office by reason of absence or sickness, the board shall appoint by a majority vote of all members thereof one of its members to act in his stead, whose official designation shall be “acting president of the board of commissioners.” The commissioner so appointed shall be invested with all the powers and shall perform all the duties of the mayor during such absence of sickness (§9-9-8).

The resignation of the mayor or any commissioner shall be in writing to the board. The permanent removal of the mayor or any commissioner from the territorial limits of the municipality shall create a vacancy in his office (§9-9-6).

In case of a vacancy in the office of the mayor due to absence or disability, the board of commissioners shall appoint by a majority vote of all the members thereof one of its number as acting mayor, who shall be invested with all the powers and shall perform all duties of the mayor, during such absence or sickness (§9-9-8). A vacancy in the office of the mayor shall be filled by appointment pursuant to §9-9-8 until filled by election at the next annual election (§9-9-6) or by special election as provided in §9-13-14.2.

The Mayor
The mayor shall be president of the board and shall have a vote upon all questions but shall not have the right of veto (§9-9-7).
In a municipality with a five-member board, the mayor shall be the chief executive officer of the municipality, shall preside at all meetings of the board, and shall have general supervision over all departments and officers. In the absence or inability of a commissioner he shall temporarily take charge of the department of such commissioner. He shall see that all the laws of the municipality are enforced and that the conditions of the grant of any franchise or privilege are faithfully complied with and performed. He shall grant all licenses or permits, except as such are required by ordinance to be granted by the board or by some other department or officer. He shall have under his special charge the supervision of all public buildings of the municipality and of all city parks except in municipalities having a park board, and the lighting of the streets, alleys, and public buildings of the municipality. He shall annually and from time to time give the board information relative to the affairs of the municipality and shall recommend for its consideration such measures as he may deem expedient (§9-9-20).

The Commissioners
In a municipality governed by a board of five members, the commissioners shall designate by a majority vote one member who shall be known as the “public safety commissioner,” one who shall be known as the “commissioner of public works,” one who shall be known as the “utilities commissioner,” and one who shall be known as the “commissioner of finance and revenue” (§9-9-18).

The Public Safety Commissioner
The public safety commissioner shall have under his supervision the enforcement of all police regulations of the municipality and general supervision of the police and fire departments and of their officers and employees and all other departments assigned or apportioned by resolution of the governing board, adopted by a majority thereof at the first meeting of the board in the month of May each year. He shall have charge of all apparatus and personal property used by these departments. He shall also have charge of the municipal pound and supervision of the public weigher and measurer (§9-9-21).

The Public Works Commissioner
The commissioner of public works shall have under his supervision the streets, alleys, public grounds, and improvements thereof, and all public property, except as otherwise specially provided, and shall maintain such in a clean and sanitary condition, and the enforcement of all contracts, rules, and regulations necessary to these ends and all other departments assigned or apportioned by
resolution of the governing board, adopted by a majority thereof at the first meeting of the board in the month of May each year (§9-9-22).

The Finance and Revenue Commissioner
In a municipality with a five-member board, the commissioner of finance and revenue shall have under his supervision enforcement of all laws for the assessment and collection of taxes of every kind and collection of all revenues belonging to the municipality from whatever source the same may be derived. He shall examine into and keep the board informed as to the finances of the municipality and as to its assets and property. He shall also supervise all other departments assigned or apportioned by resolution of the governing board, adopted by a majority thereof at the first meeting of the board in May each year (§9-9-24).

The Utilities Commissioner
The utilities commissioner shall have under his supervision the construction, maintenance, and operation of the waterworks and sewerage departments of the municipality and all other departments assigned or apportioned by resolution of the governing board, adopted by a majority thereof at the first meeting of the board in May each year. The utilities commissioner shall see to the enforcement of all regulations with respect to that department and its revenue (§9-9-23).

Meetings
The board shall meet at least once every week or as otherwise determined by ordinance in regular meeting at such time as shall be fixed by the board, at the city hall or other designated place, to consider, take under advisement, and act upon such business as may come before it (§9-9-11). All sessions of the board shall be open to the public. It shall keep a journal of its proceedings (§9-9-13). The yeas and nays shall be taken upon the passage of all ordinances and upon any proposals to create a liability against the municipality or for the expenditure or appropriation of its money, and in all other cases at the request of any member, and shall be entered on the journal of its proceedings (§9-9-16). The concurrence of a majority of all the members of the board of commissioners shall be necessary to the passage of any such ordinance or proposal. However, the two-thirds vote of all the commissioners elected is required to sell any city real property (§9-9-17).

Special meetings may be called by the mayor or by any two commissioners at any time, to consider only such matters as shall be mentioned in the call for such meeting by written notice thereof given to each member of the board (§9-9-12).

No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made the special order of the day, or such action is taken at a regular meeting of the board (§9-9-15).

No official may participate in discussing or vote on any issue in which they have a direct pecuniary interest (§6-1-17).

Aldermanic Form With City Manager
Composition and Qualification
Under the aldermanic form, where a city manager is employed, the common council shall consist of the mayor elected at large and two aldermen elected from and by the voters of each ward of the municipality, who shall hold office for two years, unless a municipality adopts an ordinance establishing the term of office to be three, four, or five years, and serves until their successors are elected and qualified (§9-8-4). No person is eligible to be nominated, elected or appointed as a mayor or as an alderman unless such person is a citizen of the United States, a voter of and resident of the municipality, and if an alderman, a voter of and resident of the ward for which such person is to hold office (§9-8-1.1).

Vacancies
If there is a vacancy in the office of the mayor, the vacancy shall be filled by appointment by a majority vote of the members-elect of the common council, or by special election as provided in SDCL 9-13-14.2. Until the vacancy is filled or during the time of temporary disability of the mayor, the powers and duties of mayor shall be executed by the president of the city council (§9-8-2).

When a vacancy exists on a municipal governing body, the remaining members shall appoint a replacement to serve until the next annual municipal election, or the vacancy may be filled by special election as provided in SDCL 9-13-14.2. In the aldermanic form, the appointment must be a person from the same ward of the first or second class municipality. There are also special provisions available for temporarily filling a vacancy caused by a member of the governing body being called to active duty (SDCL 3-4-8) or in cases where a member is incapacitated by illness or accident (SDCL 3-4-9).

The Mayor
The mayor shall be president of the board and shall have a vote upon all questions but shall not have the right of veto (SDCL 9-10-7). The Mayor is also the recognized head of the municipality for service of civil process and for military and ceremonial purposes; has emergency powers during times of public danger or emergency; and may have other duties prescribed by ordinance or resolution that are not inconsistent with the city management form of government (§9-10-7).
The City Manager
The city manager is responsible for the administration of all affairs of the municipality which are placed in his care. He can appoint or remove all officers or employees in the administrative service of the municipality. (SDCL 9-10-13)

Further responsibilities of the city manager are to:

1) See to the enforcement of the law and ordinances;
2) Supervise the administration of the affairs of the municipality;
3) Make recommendations to the governing body;
4) Advise the governing body of the financial status of the municipality;
5) Prepare an annual budget;
6) See that all terms and conditions in any contract or franchise are kept;
7) Be present at all meetings of the governing body, except when the governing body is considering his removal;
8) Sign all warrants after approval by the governing body, which warrants must then be counter signed by the finance officer;
9) Prepare and introduce ordinances and take part in discussion, but he does not have the power to vote;
10) Carry out any further powers and duties prescribed by ordinance or resolution. (SDCL 9-10-15)

Meetings
The governing body shall hold its regular meetings on the first Monday of each month at such hour as may be fixed by it. It may prescribe by ordinance the manner in which special meetings may be called and may also change the date of its regular monthly meetings and so provide for regular meetings oftener than once a month (§9-10-8). All sessions of the board shall be open to the public. It shall keep a journal of its proceedings (§9-8-8). The yeas and nays shall be taken upon the passage of all ordinances and upon any proposals to create a liability against the municipality or for the expenditure or appropriation of its money, and in all other cases at the request of any member, and shall be entered on the journal of its proceedings (§9-8-10). The concurrence of a majority of all the members of the board of commissioners shall be necessary to the passage of any such ordinance or proposal. However, the two-thirds vote of all the commissioners elected is required to sell any city real property (§9-8-10).

No official may participate in discussing or vote on any issue in which they have a direct pecuniary interest (§6-1-17).

Commissioner Form With City Manager
Composition and Qualification
Under the commission form, where a city manager is employed, the board of commissioners shall consist of nine commissioners elected at large (§9-10-5 and 9-10-6). The commissioners must be citizens of the United States and residents and voters of the municipality (§9-9-2).

At the first regular meeting in May of each year, the commissioners elect one of their number to act as mayor for a term of one year (§9-10-6).

Before entering into the duties of their respective offices, the mayor and the commissioners must file an oath supporting the Constitution of the United States and of this state and to faithfully discharge the duties of his office. The oath also states that the official is not under direct or indirect obligation to appoint or elect any person to any
office, position, or employment in the municipality (§9-9-4). Finally, the mayor and the commissioners must also execute a bond, payable to the municipality, for the amount of two thousand dollars in second class cities, and for the amount of five thousand dollars in first class cities (§9-9-5).

Terms of Office
The term of office of the commissioners shall be three years (§9-10-5).

Vacancies
In case the mayor is unable to perform the duties of his office by reason of absence or sickness, the board shall appoint by a majority vote of all members thereof one of its members to act in his stead, whose official designation shall be “acting president of the board of commissioners.” The commissioner so appointed shall be invested with all the powers and shall perform all the duties of the mayor during such absence of sickness (§9-9-8).

The resignation of the mayor or any commissioner shall be in writing to the board. The permanent removal of the mayor or any commissioner from the territorial limits of the municipality shall create a vacancy in his office (§9-9-6).

In case of a vacancy in the office of the mayor due to absence or disability, the board of commissioners shall appoint by a majority vote of all the members thereof one of its number as acting mayor, who shall be invested with all the powers and shall perform all the duties of the mayor, during such absence or sickness (§9-9-8). A vacancy in the office of the mayor shall be filled by appointment pursuant to §9-9-8 until filled by election at the next annual election (§9-9-6) or by special election as provided in §9-13-14.2.

The Mayor
The mayor shall be president of the board and shall have a vote upon all questions but shall not have the right of veto (SDCL 9-10-7). The Mayor is also the recognized head of the municipality for service of civil process and for military and ceremonial purposes; has emergency powers during times of public danger or emergency; and may have other duties prescribed by ordinance or resolution that are not inconsistent with the city management form of government (§9-10-7).

The City Manager
The city manager is responsible for the administration of all affairs of the municipality which are placed in his care. He can appoint or remove all officers or employees in the administrative service of the municipality. (SDCL 9-10-13) Further responsibilities of the city manager are to:
1) See to the enforcement of the law and ordinances;
2) Supervise the administration of the affairs of the municipality;
3) Make recommendations to the governing body;
4) Advise the governing body of the financial status of the municipality;
5) Prepare an annual budget;
6) See that all terms and conditions in any contract or franchise are kept;
7) Be present at all meetings of the governing body, except when the governing body is considering his removal;
8) Sign all warrants after approval by the governing body, which warrants must then be counter signed by the finance officer;
9) Prepare and introduce ordinances and take part in discussion, but he does not have the power to vote;
10) Carry out any further powers and duties prescribed by ordinance or resolution. (SDCL 9-10-15)

Meetings
The board shall meet at least once every week or as otherwise determined by ordinance in regular meeting at such time as shall be fixed by the board, at the city hall or other designated place, to consider, take under advisement, and act upon such business as may come before it (§9-9-11). All sessions of the board shall be open to the public. It shall keep a journal of its proceedings (§9-9-13). The yeas and nays shall be taken upon the passage of all ordinances and upon any proposals to create a liability against the municipality or for the expenditure or appropriation of its money, and in all other cases at the request of any member, and shall be entered on the journal of its proceedings (§9-9-16). The concurrence of a majority of all the members of the board of commissioners shall be necessary to the passage of any such ordinance or proposal. However, the two-thirds vote of all the commissioners elected is required to sell any city real property (§9-9-17).

Special meetings may be called by the mayor or by any two commissioners at any time, to consider only such matters as shall be mentioned in the call for such meeting by written notice thereof given to each member of the board (§9-9-12).

No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made the special order of the day, or such action is taken at a regular meeting of the board (§9-9-15).

No official may participate in discussing or vote on any issue in which they have a direct pecuniary interest (§6-1-17).

Trustee Form of Government
Composition and Qualification
The board of trustees of a third class municipality shall consist of not less than three nor more than five members elected at large. Each shall be a legally qualified voter of
the municipality. The number of trustees of a municipality may be increased to five or reduced to three in the manner prescribed by chapter 9-11 (§9-7-1).

**Qualifying for Office**
The members of the board of trustees shall qualify for office within ten days after the first meeting of the month next succeeding the election by filing an oath or affirmation of office (§9-13-28).

**Term of Office**
The members of the board of trustees shall hold office for three years and until their successors are elected and qualified. However, at the first election after incorporation, one trustee is elected for one year, one trustee is elected for two years, and one trustee is elected for three years. At subsequent elections each trustee is elected for a term of three years (§9-7-3).

**Vacancies**
When a vacancy exists on a municipal governing body, the remaining members shall appoint a replacement to serve until the next annual municipal election, or the vacancy may be filled by special election as provided in §9-13-14.2. There are also special provisions available for temporarily filling a vacancy caused by a member of the governing body being called to active duty (§3-4-8) or in cases where a member is incapacitated by illness or accident (§3-4-9).

**President Elected**
At the first regular meeting after their election, the trustees must elect one of their members to serve as president of the board of trustees. This term of office is for one year (§9-7-5).

**Meetings**
The board shall hold regular meetings at such times as may be provided by ordinance. Special meetings of the board may be held at any time upon call of the president or clerk by oral or written notice to the members present within the municipality (§9-7-6). A majority of the members of the board shall constitute a quorum, but no act of the board shall be effective unless assented to by a majority of the members (§9-7-7).

No official may participate in discussing or vote on any issue in which they have a direct pecuniary interest (§6-1-17).

For more details, refer to the SDML’s Handbook for Municipal Officials and to the South Dakota Codified Laws online at http://legis.sd.gov/Statutes/default.aspx.
Municipalities may enact, make, amend, revise, or repeal all such ordinances, resolutions, and regulations as may be proper and necessary to carry into effect the powers granted thereto (§9-19-3).

The word “ordinance” means a permanent legislative act within the limits of its powers of the governing body of a municipality (§9-19-1).

A resolution, on the other hand, means any determination, decision, or direction of the governing body of a municipality of a temporary or special character for the purpose of initiating, effecting, or carrying out its administrative duties and functions (§9-19-1). In the case of State ex rel. Wagner v. Summers, 33 S.D. 40, 54, 144 N.W. 730, 734 (1913) the Court ruled that the terms “resolution” and “motion” are practically synonymous.

Ordinances must be in the following style:

“An ordinance ________________________ (insert title)

Be it ordained by the (city or town) of __________________
(insert the name of the municipality)” The substance of the ordinance follows (§9-19-6).

Ordinances can only have one subject, which must be expressed in its title (§9-19-5). The formalities of style, reading, publication and the effective date of ordinances are not applicable to resolutions (City of Brookings v. Martinson, 1933, 61 SD 168, 246 NW 916).

Municipalities are authorized to provide for the punishment of each violation of an ordinance, resolution or regulation with a fine not exceeding five hundred dollars or by imprisonment not exceeding thirty days or by both such fine and imprisonment (§9-19-3).

All ordinances shall be read twice by title with at least five days between each reading. If passed, the ordinances shall be signed by the mayor or acting mayor or president of the board of trustees, and filed with the finance officer. With few exceptions, ordinances, after being signed and filed, must be published at least once in the official newspaper (§9-19-7). The vote on the second reading of all ordinances must be recorded and published (§9-19-9).

Resolutions differ from ordinances in that any resolution may be passed after only one reading. The resolution must be published at length either separately or in the minutes of the meeting. The votes for and against the resolution must also be published (§9-19-8).

Unless an ordinance or resolution is drawn to take effect immediately upon passage, all ordinances and resolutions become effective on the twentieth day after passage and publication, unless suspended by operation of a referendum (§9-19-13).

Voters have the right to propose their own ordinances through the initiative process, or to refer any legislative decision of the governing body through the referendum process. More information on these processes can be found in the Handbook for Municipal Officials or in §9-20.

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**SOUTH DAKOTA MUNICIPALITIES**
Open Records

The governing body of each municipality must publish the full accounts of its meetings. The publication is to appear in the official newspaper of the municipality, or if there is no official newspaper, any legal newspaper which serves the municipality. The proceedings must be published within thirty days after each meeting (§9-18-1). The publication must include a detailed statement of all expenditures of money, showing the names of all persons who received remuneration as well as the service provided (§9-19-1). It is further required that the finance officer deliver a copy of the proceedings to be published in the official newspaper within one week after the meeting (§9-18-1.1).

If a meeting is required to be open to the public, and if any printed material relating to an agenda item of the meeting is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body’s website or made available at city hall at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body’s website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. These requirements do not apply to materials exempt from disclosure or to printed material or records related to an agenda item of an executive or closed meeting (§1-27-1.16).

The law requires every municipal officer to keep a record of the official acts and proceedings of his office. These records must be open for public inspection during business hours under reasonable restrictions (§9-18-2).

Documentary material or data which consists of trade secrets or commercial or financial information made or received by a municipality or an economic development corporation receiving municipal funds for the purpose of furnishing assistance to a business is not a public record (§9-34-19).

Patient information identifying the patient’s name, address, diagnosis, or treatment received by an ambulance is not a public record and is confidential (§34-11-5.1).
Council Meetings 101: Basics on Procedures

Just a meeting…right? Nothing to worry about…right? I just need to show up and vote…right? Council meetings, although, seemingly simple can become complicated. Such meetings involve many procedures, statutory direction and ethical obligations.

Open Meetings Law
The open meetings law (SDCL Chapter 1-25) is intended to encourage public participation in government. The provisions of this idea are contained in three different statutes. Meetings subject to the direction of these statutes are those meetings of boards and commissions which are created by law OR which are entitled to receive revenue directly from public tax funds. Therefore, all your city meetings must comply with the open meeting requirements. If ever: (i) a legal quorum of your entity is present at the same place and at the same time and (ii) public business, meaning any matter relating to the activities of the entity is discussed, you must notify the public in the appropriate manner in the appropriate time frame.

The open meetings law requires that all public bodies prominently post a notice and copy of the proposed agenda, that is visible, readable, and accessible, at the organization’s principal office at least 24 hours PRIOR to the meeting. The notice shall also be posted on the public body’s website as soon as possible if one exists. Special provisions exist for special or rescheduled meetings. The notice must be delivered in person, by mail or over the telephone to all local news media that have asked to be notified (SDCL 1-25-1.1).

There are specific circumstances where a meeting can be closed to the public and the media (Executive Session). Such circumstances include (SDCL 1-25-2):

1. The elected officials may discuss the qualifications, competence, performance, character or fitness of any officer or employee including prospective officers or employees. Contractors are not included in the term officer or employee.
2. The elected officials may consult with their attorney or receive communication from their attorney about proposed or pending law suits or contract problems.

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3. The elected officials may prepare for labor negotiations with the municipality’s employees.
4. The elected officials may discuss marketing or pricing strategies of a business owned by the municipality (electric, liquor, telephone, etc.) if public discussion may be harmful to the competitive position of the business. This includes utility boards.

In addition, when a municipality or an economic development corporation receiving municipal funds is considering furnishing assistance to a business, and has made or received material or data consisting of trade secrets or commercial or financial information regarding the operation of that business, such discussion or consideration may be done in executive session closed to the public (SDCL 9-34-19).

Please keep in mind, however, no official action (votes) may be taken in such a private meeting…and you must disclose the purpose of the executive session. Such purpose must be included in the minutes of the meeting (SDCL1-25-2).

In order to go into an executive, or closed, meeting a majority vote of the governing body is required. The matters discussed during the executive meeting are restricted to the purposes specified in the motion to go into executive session.

An open meetings commission has been established by the Attorney General’s Office to investigate and determine whether a violation occurred. Additional information regarding this set of laws can be found on the SDML website. The Attorney General’s website (http://atg.sd.gov) also has further information regarding the laws.

Meeting Procedures
All municipalities are encouraged to establish some model under which to operate…whether this is Robert’s Rules of Order or some other procedure. Although state law provides certain parameters regarding how business items are handled, the city has some discretion over their parliamentary procedure. These procedures might govern everything from rules for public participation to how motions are made.

Motions and Resolutions
To conduct business, the city council takes one of three actions: motions, resolutions or ordinances. Ordinances are a permanent legislative act within the limits of municipal power. A resolution on the other hand means any determination, decision, or direction of the governing body of a municipality of a temporary or special character for the purpose of initiating, effecting, or carrying out its administrative duties and functions. Resolutions and motions are practically synonymous.

To conduct any business a quorum must first be present. A quorum is a majority of the elected body. Then, a majority of the elected body must affirmatively vote on a particular action for passage. Reading and publishing requirements follow the introduction of an ordinance or resolution. Unless an ordinance or resolution is drawn to take effect immediately upon passage, all ordinances and resolutions become effective on the 20th day after passage and publication.

Bid Booklet Available

A link to the Bid Booklet from the SD Department of Legislative Audit can be found at www.sdmunicipalleague.org under Bid Laws in the Library Section.

Printed booklets are not available for order but can be printed from the link.
Municipal Funding

Statute indicates resources a municipality is permitted to receive. Further, statutes expressly and/or implicitly state the purposes for which those resources may be used. All resources received and spent shall be according to the law. For this reason, municipalities have evolved a means of indicating legal compliance by use of “fund accounting.” (Municipal Accounting Manual, produced by SD Department of Legislative Audit)

Cities must hire a finance officer that looks after Municipal Funding, keeps books and oversees various other aspects of city business. Despite, however, the hiring of a brilliant, intuitive finance officer elected officials are urged to become generally familiar with Municipal Funding. All government, regardless of its level, is based upon the old checks and balances idea. If you don’t get involved and learn about all aspects of your city’s business you cannot be an active participant in that balancing system.

The term “Fund” is defined as,
“a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liability and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions or limitations.” (Defined by The Governmental Accounting Standards Board.)

Municipalities are charged with a diverse set of obligations...and therefore the checks and balances system is essential and necessary when determining legal compliance. The required accounts are organized on the basis of funds, each of which is completely independent of any other. Each fund must be so accounted for that the identity of its resources, obligations, revenues, expenditures and fund equities is continually maintained. Funds are classified according to the source of revenue and the type of activities they finance. Funds of a similar nature are classified according to fund groups.

The Budget
This is only a summary, consult the League’s Handbook for Municipal Officials for more detail!
The municipal fiscal year begins January first. South Dakota statutes require, as preparation for the budget, an estimate of expenditures and revenues for the ensuing year to be reported on or before the first day of September. The finance officer should report this estimate to the governing body. Cities that employ a city manager are, however, exempt from this rule and must submit an annual report to the governing body not later than August first of each year. In preparing this budget the finance officer may include a line item for contingencies (not to exceed five percent of the total budget). Expenses cannot be charged to this item, but by resolution budget authority can be transferred out where needed. In order to aid the finance officer in preparing the annual BUDGET the various boards and commissions are required to submit an annual report estimating the expenses to be incurred for the ensuing year.

No later than the first regular meeting of the governing body in September or within 10 days thereafter, the annual appropriations ordinance for the ensuing year must be introduced. The purpose of the appropriations ordinance is to appropriate such sums of money as may be deemed necessary to meet the lawful expenses and liabilities of the municipality. In specifying the functions and sub-functions made in the appropriations ordinance, the governing body is required to follow, as far as it is applicable, the classification of expenditures for each department and office of the municipality as prepared by the state department of legislative audit.

Neither the governing body nor any department can expend any sum in excess of the amount appropriated for any purpose within the department except as provided by SDCL 9-21-9.2, which provides that any authorized expenditures to be used for the benefit of another political subdivision shall be restored to the fund from which it was withdrawn. There are also exceptions for newly available funds due to the receipt of grant money. See SDCL 9-21-9 and 9.1.

Appropriation ordinances must be approved by a majority of all aldermen (the mayor cannot vote to break a tie), trustees or members of the board of commissioners. Some veto power does, however, exist. See SDCL 9-8-3 and 9-19-10 for more detail. Upon passage, the appropriations ordinance must be published in the same manner as all other ordinances. Please note that supplemental appropriation ordinances and emergency appropriation ordinances are appropriate under specific circumstances and may be passed in the event sufficient revenues are not available for an indispensable function of government.

**Fund Accounts**

The FINANCE OFFICER shall keep a separate account of each fund or appropriation and the debits and credits. Going back to the definition of a FUND ACCOUNT… monies spent from such fund shall only be spent for the purposes for which the fund was established! There are procedures established to transfer funds, this requires a 2/3 vote of the governing body. AND the money transferred cannot be expended for any purpose not authorized by the annual appropriations ordinance.

**Disbursement of Funds**

Before any money can be spent an itemized invoice must be presented along with a voucher verified by the appropriate municipal official. The invoice and voucher shall be filed in the Finance Office. In addition, such expenditures shall be fully itemized and entered in governing body meeting minutes.

No money can be paid out of the treasury except upon the warrant of the mayor or president of the board of trustees and countersigned by the finance officer. In cities employing a city manager, the warrant must be signed by the manager and countersigned by the finance officer before any sum can be paid.
As of July 1, 2012, cities are allowed to establish an incidental account from which advanced payment or claims requiring immediate payment may be made. The amount available in the fund is to be established by the governing body, with detailed account of expenditures to be presented not less than monthly. All expenditures from this account shall be listed with other bills in the regular proceedings of the governing body. All claims made on the incidental account require the signatures of two officers of the municipality. (SDCL 9-23-23)

Annual Reports
SDCL 9-22-21 requires the annual financial report to be submitted to the governing body at the first regular meeting of March and published within thirty days thereafter or upon completion of the annual audit. Immediately after the report to the governing body, the auditor, financial officer, or clerk, of municipalities of the first and second class, shall file a copy of the report with the State Department of Legislative Audit.

The municipal annual report for smaller municipalities is designed to be a simplified financial report. SDCL 4-11-4 authorizes the auditor general to accept an annual report in lieu of a formal audit of the records of a municipality which receives less than six hundred thousand dollars in annual revenues and receives less than five hundred thousand dollars of federal financial assistance in any one year. As a result, small municipalities should file the annual report forms with the Department of Legislative audit immediately after the report to the governing body.

Municipal Financial Calendar

January
Personal property inventories of all municipal departments shall be filed with the finance officer not later than January 10 of each year.

A complete list of salaries of all officers and employees should be published with the minutes of the first meeting in January or within thirty days thereafter. Added salaries of new employees and increased salaries of existing employees should be shown in the month in which they occur.

The due date for special assessment installments, which are payable under either Plan One or Plan Two option, is January first.

March
The finance officer shall at the first regular meeting in March present the annual report to the governing board and publish it within thirty days or upon completion of the annual audit. Immediately after the report to the governing body a copy is filed with the Department of Legislative Audit.

Urban renewal agencies are required to file an annual report on or before March 31 with the governing body and the Auditor General.

May
Special assessment installments become delinquent on May first.

September
Not later than the first regular meeting of September or within ten days thereafter, the annual appropriation ordinance is introduced.

Between the fifteenth day of September and the first day of October, the auditor or finance officer must certify all Plan Two delinquent special assessments to the county auditor.

October
The tax levy must be certified to the county auditor on or before October 1.

November
The special assessment roll or all assessments payable under Plan One must be delivered to the county auditor no later than November 1.

December
Fiscal year ends December 31.

Auditing of Accounts
The Department of Legislative Audit provides an approval function for municipal audits in that engagements are approved up-front and a draft of the final report is approved at the end of each audit. Audits of municipalities are performed by Independent Public Accountants or by the Department of Legislative Audit at least once every two years.

Please note that in lieu of an audit, an “internal control review” is required to be performed at least once every five years in municipalities with revenues ranging from six hundred thousand dollars to one hundred thousand dollars.

Further, upon the request of the governing body or for special reasons the auditor general may audit the books and records of any office or any officer of the municipality, or upon request by a petition signed by twenty percent of resident taxpayers of a taxing district.

This is only a summary, consult the League’s Handbook for Municipal Officials for more details.
The First 90 Days

As a newly elected public official, the public arena may seem foreign. Not only are you charged with knowledge of your local ordinances and policies, you must feel comfortable with state statutes and policies. To assist both newly elected officials and those previously elected to office, the League publishes the Handbook for Municipal Officials. The handbook introduces newly elected officials to their new jobs and also serves as a reference manual throughout an official’s tenure in office. The handbook references state statutory law and Attorney General Opinions offering further commentary on state law.

To help newly elected officials get started and to help returning officials review their accepted duties, we have created the following timeline of: important actions to take within the first 90 days of office.

Your First 30 Days in Office:

- Check with the finance officer about being covered by a bond – a bond is required of certain elective and appointive municipal offers (SDCL 3-1-5). (Bond amount is determined by particular office and city size.)
- Learn about the South Dakota Open Meetings law and become familiar with bid laws and surplus property laws. Cities must follow specific procedures to acquire, dispose of or exchange property. You can find both of these topics under the Library tab on the League’s website, www.sdmunicipalleague.org.
- Become familiar with how your public office will affect your ability to become personally involved with areas of city concern.
- Request a detailed map of your city.
- Request and review a copy of the current city budget.
- Request a copy of the city code of ordinances and then review the table of contents so that you are somewhat familiar with what the code contains.
- Review city council meeting minutes from the previous three to six months.
- Meet your city employees.
- Review the most recent list of goals and objectives, if any, adopted by the city council.
- Talk with your fellow policy leaders and key staff members about the processes and methods used to effectively work together.
- Last but not least…get to know the League…we are here as a resource.

Your First 60 Days in Office:

- Review the current city budget and the most recent city audit or annual financial report.
- Review a list of city employees that shows the name, job title, salary, and tenure of each person on the payroll. Compare this information with the salaries from surrounding communities of similar size. Are salaries reasonable?
- Read your city’s capital improvements plan or community builder plan or long-term projects list, if they exist.

Your First 90 Days in Office:

- Review the job descriptions on file for city employees.
- Review the city’s policy manuals and employment contracts. Do you have a personnel policy? Are you aware of any current human resource issues within the city? The SDML has Sample Personnel Policies available for purchase, contact the League at 800-658-3633.
- Request a copy of the city’s zoning and district map for your reference.
- Review your city’s civil defense plan and/or disaster preparedness and emergency response plan, if one exists. If you do not have one, consider whether it is necessary.
- Read your city’s most recent water and wastewater inspection reports.
- Review your city’s urban renewal plans or urban renewal district plans, if any exist.
- Review your city’s comprehensive plan, if one exists.
- Review your city’s investment policy. As a great investment alternative, the League endorses the South Dakota Public Funds Investment Trust (FIT). Contact Carrie Harer at the League (800-658-3633) regarding FIT or for a sample investment policy.
- Review your workers’ compensation and insurance policies…we can help with this too! Contact the League office at 800-658-3633.
City officials are required to abide by specific laws regarding behavior and business decisions to prevent situations involving a conflict of interest. There are several types of “conflict:” holding concurrent offices with conflicting interests, involvement in a government contract and personal or pecuniary interest in a vote. If identified and handled correctly a “conflict” is not an issue.

Each official shall decide if any conflict of interest requires such official to be disqualified from participating in a discussion or voting. So, if a conflict exists, how can an individual be impartial enough to make this judgment call? When you begin to have a personal vested interest in a particular issue, it may be time to voluntarily excuse yourself from the issue. It is part of your responsibility as an elected official to recognize when this exists and remedy it.

The law goes on to occasionally FORCE you to remove yourself. NO SUCH official may participate in discussing or vote on an issue if the following circumstances apply (SDCL 6-1-17):
- the official has a direct pecuniary interest in the matter before the governing body or (this applies to any financial interest in the decision…such as family member employees, a new street in front of your business, etc.)
- at least 2/3 of the governing body votes that an official has an identifiable conflict of interest that should prohibit such official from voting on a specific matter.

Next is the contract issue: It is unlawful for any public officer or his agent to be interested in any contract entered into by the municipality. There are, however, some exceptions to this rule (SDCL 6-1-2):
- Any contract involving five thousand dollars or less regardless of whether other sources of supply or services are available within the county, municipality, township, or school district, provided that the consideration therefore is reasonable and just;
- Any contract involving more than five thousand dollars but less than the amount for which competitive bidding is required, and there is no other source of supply or services available within the county, municipality, township, or school district provided that the consideration therefore is reasonable and just and further provided that the accumulated total of such contracts paid during any given fiscal year shall not exceed the amount specified in SDCL 5-18A-14;
- Any contract with any firm, association, corporation, or cooperative association for which competitive bidding is not required and where other sources of supply and services are available within the county, municipality, township, or school district, and the consideration therefore is reasonable and just, unless the majority of the governing body are members or stockholders who collectively have controlling interest, or any one of them is an officer or manager of any such firm, association, corporation, or cooperative association then any such contract shall be null and void;
- Any contract for which competitive bidding procedures are followed pursuant to SDCL 5-18A or 5-18B, and where more than one such competitive bid is submitted;
- Any contract for professional services with any individual, firm, association, corporation or cooperative, if the individual or any member of the firm, association, corporation or cooperative is an elected or appointed officer of a county, municipality, township or school district, whether or not other sources of such services are available within the county, municipality, township or school district, provided the consideration therefore is reasonable and just.
- Any contract for commodities, materials, supplies, or equipment found in the state price list established pursuant to SDCL 5-18D-6 and 5-18A-28, at the price there established or below.
- Any contract or agreement between a governmental entity specified in SDCL 6-1-1 and a public post secondary educational institution when an employee of the Board of Regents serves as an elected or appointed officer for the governmental entity, provided that the employee does not receive direct compensation or payment as a result of the contract or agreement.
- Any contract with any firm, association, corporation, individual, or cooperative association for which competitive bidding procedures are followed pursuant to chapter 5-18A, and where only one such competitive bid is submitted, provided the procedures established in SDCL 6-1-2.1 are followed.

All of the conditions in each subsection must be met fully in order for the contract to be valid. (SDCL 6-1-2)

Another statutory exemption to the provisions of SDCL 6-1-1 appears in SDCL 6-1-3. This statute allows a bank to be the official depository of funds notwithstanding that an officer, director, stockholder, or employee of a bank is an
elected or appointed officer or treasurer of such county, municipality, township, or school district. (SDCL 6-1-3)

If competitive bidding procedures have been followed pursuant to chapter 5-18A, and the bid notice has been placed on the central bid exchange pursuant to SDCL 5-18A-13 for two weeks prior to the opening of bids, a bid from an officer of the governing body may be opened and accepted provided the consideration is reasonable and just as determined by the governing body or a disinterested governmental entity. (SDCL 6-1-2.1)

Finally, an elected official cannot hold concurrent offices if such positions are incompatible. The major lines of delineation in this area have been made by the Attorney General. For example, the Attorney General has determined that there are essentially four instances when offices are incompatible. They are: 1) when there are statutory prohibitions; 2) when one is subordinate to the other; 3) when one has supervision over the other; and 4) when the duties of the two offices are conflicting. (AGR 1949-50, p.37)

However, the Attorney General has also determined that, while the determination of whether a person may hold two or more positions is usually based upon incompatibility or inconsistency, the question of incompatibility or inconsistency never arises when there is a special statutory prohibition. The rule that governs will change from situation to situation. (AGR 1959-60, p.45)

Positions which are compatible include the following:
1) Mayor and state’s attorney; (AGR 1907-08, p. 215)
2) Office of mayor and member of the board of county commissioners; (AGR 1949-50, p. 37)
3) Mayor and state senator; (AGR 1949-50, p. 358)
4) Treasurer of a school district and trustee of an incorporated municipality; (AGR 1949-50, p. 75)
5) Assessor and register of deeds; (AGR 1949-50, p.56)
6) Office of county commissioner and membership on the governing board of a municipality; (AGR 1929-30, p. 278)
7) Office of state’s attorney and city attorney; (AGR 1949-50, p. 331)
8) Municipality marshal and sheriff or deputy sheriff; (AGR 1953-54, p. 84)
9) Police magistrate and candidate for the state legislature; (AGR 1953-54, p. 292)
10) Office of county clerk of courts and city councilman; (AGR 1955-56 p. 68-9)
11) Office of register of deeds and mayor; (AGR 1955-56, p. 217)
12) Office of county sheriff and peace officer of a municipality within the county; (AGR 1955-56, p.420)
13) Appointed municipality treasurer and treasurer of a school district. (AGR 1959-60, p. 45)

Positions which are incompatible include the following:
1) No mayor, alderman, commissioner, or trustee shall hold any other office under the municipality while an incumbent of any such office. No auditor or clerk may hold the office of treasurer in the municipality while an incumbent of such office. (SDCL 9-14-16)
2) A mayor may not be an attorney for a defendant in a criminal case for a crime committed within the municipality of which he is mayor. (State ex rel. Jones v. Taylor, 46 SD 354)
3) A city councilman may not be the defense attorney or counselor for a defendant charged with the violation of a municipal ordinance or a state law where the facts would also be a violation of the laws of his municipality. (AGR 1953-54, pp. 184-186)
4) Member of municipality board and janitor of a municipal building; (AGR 1932-34, p. 492)
5) County judge and city attorney; (AGR 1949-50, p. 133)
6) Member of a city council and municipal building, electrical, and plumbing inspector; (AGR 1955-56, pp. 105-106)
7) Member of city council and county high school board; (AGR 1949-50 page 75 and 1953-54, p.73)
8) Office of director of assessments and member of municipal governing board; (AGR 1955-56, p. 304)
9) County judge of the peace and the municipal chief of police; (AGR 1957-58, p. 116)
10) Municipality auditor and county auditor. (AGR 1959-60, p. 84)
11) Legislator and school board member. (AG Opinion No. 84-24)
12) Mayor and school board member of encompassing school district. (AG Opinion No. 85-23; Raymond v. Richardson, 6th Judicial Circuit, Sept. 18, 1985)
13) County director of equalization and school board member. (AG Opinion 86-6)

Despite the guidance provided by the Attorney General and case law, conflict remains a confusing subject. If (and when) you experience a conflict issue please consult with your city attorney or contact the League at 800-658-3633.
Election Notice

The South Dakota Public Assurance Alliance (SDPAA) Board of Directors election will be held Wednesday, October 7, 2015, at the SDPAA Annual Membership meeting during the SDML Annual Conference in Watertown, SD. The election shall be determined by a majority of those SDPAA Member entities present and voting with each member entity having one vote. Election winners will be seated on the Board of Directors January 1, 2016. A copy of the Board of Directors Election Policy Resolution is available upon request.

If you are interested in a position on the SDPAA Board of Directors, you must meet the following qualifications:

Article V – Paragraph 2 - Qualifications of Members of the Board.

Members of the Board shall be either:
 a. Elected officials of an Alliance Member, or
 b. Representatives, employees or appointed officials of an Alliance Member provided the governing Board of the Member in question has supported their appointment or candidacy by resolution.

SDPAA Board of Directors positions up for election are currently held by:
- Jim Borszich, President and CEO, Greater Huron Development Corporation, Huron
- Michael Hall, Risk Manager, City of Sioux Falls
- Mike Wiese, Brown County

Please send a letter of application and supporting resolution, if applicable, by the deadline date of September 4, 2015 to:

Paula Lind, SDML Administrative Coordinator
208 Island Dr.
Ft. Pierre, South Dakota 57532
Phone: 800-658-3633
Email: paula@sdmunicipalleague.org

All applications will be forwarded to the SDPAA Nominating Committee.

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All applications will be forwarded to the SDPAA Nominating Committee.
Election Notice

Health Pool of South Dakota

Notice of Board of Trustees Election

Wednesday, October 7, 2015

Ramkota Hotel and Watertown Event Center, Watertown, SD

The Health Pool of South Dakota (HPSD) Board of Trustees election will be held Wednesday, October 7, 2015, at the annual membership meeting during the SDML Annual Conference in Watertown, SD.

The HPSD Board of Trustees position up for election is currently held by:
- Al Cerny, Finance Officer, City of Gregory

If you are interested in a position on the HPSD Board of Trustees, and are either an elected or appointed official of a HPSD Member, please send a letter of application by the deadline date of September 4, 2015 to:

Sandi Larson
SDML Director of Risk Sharing Services
208 Island Drive
Ft. Pierre, South Dakota 57532
Phone: 800-658-3633
E-mail: sandi@sdmunicipalleague.org

The position on the Board of Trustees is a five year term and begins on January 1, 2016.

Available Now! 2015 Supplement to the SDML Handbook for South Dakota Municipal Officials

The 2015 Supplement is now available which contains all the changes and additions made during the 2015 Legislative Session to South Dakota municipal laws. Visit www.sdmunicipalleague.org for the order form or call 800-658-3633.

Life-Changing Events & Your Insurance Needs

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It’s our only business!

From Maternity to Newborn to Elderly care, the HPSD is there every step of the way!

Call the SD Municipal League at 1-800-658-3633 for more information.
By Rep. Kristi Noem

In February 2013, South Dakota law enforcement placed undercover ads on the webpage Backpage.com targeting folks in the Watertown area. They weren’t pretending to sell illegal drugs; they were pretending to sell people – young girls to be specific. Over the course of two days, more than 100 individuals responded to the ad – many of whom were hoping to buy these young women for sex. Similar operations were conducted in Rapid City and during the Sturgis Motorcycle Rally and all had similar results.

Many times, when folks think of sex trafficking, they picture scenes from urban areas or in foreign countries. But the reality is it’s happening here. Young girls – often being recruited between 12 and 14 years old – are bought and sold for sex in small towns and larger communities. They’re being forced to have sex upwards of 50 times per day, according to the Polaris Project – a leader in the movement to end trafficking. And their pimps are working to get them hooked on drugs and alcohol, only deepening the young woman’s dependence on the trafficker.

In some cases, trafficking victims are brought through South Dakota from bigger cities and sent to North Dakota’s oil fields. In other cases, they’re being recruited at local schools, online, or in Indian Country to be sold at large events, like the Sturgis Motorcycle Rally. In many – if not most – cases, they are being recruited in South Dakota and sold in South Dakota. It has to stop.

For the last few years, I’ve been working with shelters and advocates in South Dakota who have helped victims escape and survivors heal. With their experiences and needs in mind, I was able to draft legislation – while also helping move forward additional bills others had written – that aim to better combat this criminal industry. On May 29, we earned a significant victory. The broadly bipartisan Justice for Victims of Trafficking Act, S.178, was signed into law.

I was privileged to have language I wrote included in this larger package. My portion of the legislation accomplishes three things. First, it improves some existing federal grants to ensure they support shelters wanting to provide a place for trafficking survivors. Today, there are just 200 beds available in the country for underage victims, so this is an important expansion. My language also launches a review that will look into federal and state trafficking prevention activities to help identify and develop the best prevention practices. Finally, it requires an inventory of existing federal anti-trafficking efforts to ensure that the money we’re spending is working for victims.

In addition to the portion that I wrote, S.178 aims to stop websites, like Backpage.com, that are known to facilitate the buying and selling of our children for sex. It establishes grant programs to help teach medical professionals how to identify victims of trafficking, as they are often one of the first lines of defense when it comes to identifying a trafficking victim, and it helps improve law enforcement task forces to combat this terrible crime. All in all, it amounts to one of the largest anti-trafficking packages passed in nearly a decade.

There is still more to do. Building awareness remains a huge challenge, but it’s a challenge each of you can help us overcome. I encourage you to learn more about the red flags so you can identify them if someone you know is at risk. The Polaris Project website, found at www.PolarisProject.org, is one resource.

Thank you to everyone who has engaged in ending trafficking in South Dakota. The work you do to eliminate its presence in our community and heal survivors is admirable and vital.
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17040 Hwy 11
701-242-2474

Hoople, ND 58243
7885 Hwy 18 S
701-894-3663

Huron, SD 57250
1715 US Hwy 14 W
605-353-1200

Jamestown, ND 58401
1910 2nd Ave. SE
701-251-1400

Minot, ND 58701
1905 Hwy 2 Bypass E
701-852-3088

Devils Lake, ND 58301
7916 Highway 2 W
701-665-3000

Aberdeen, SD 57401
4350 E. Hwy 12
605-225-0210

Pierre, SD 57501
801 N. Garfield Ave.
605-229-5400

Rapid City, SD 57702
3601 Deadwood Ave.
605-342-4855

Sioux Falls, SD 57107
3201 N. Louise Ave.
605-336-3910

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SEPTMBER Community Events

May 28 - October 1
Transformation & Continuity in Lakota Culture: The Collages of Arthur Amiotte
Chamberlain

August 7 - October 25
Heartland Country Corn Maze
Harrisburg

September 1
Legends in Light
Crazy Horse

September 3
Summer Porch at Strawbale Winery
Renner

September 4
Portfolio Show
Sioux Falls

September 4 - 7
South Dakota State Fair
Huron

September 5
3rd Annual Rush-No-More Car Show and Shine
Sturgis

September 5 - 26
3rd Annual Redfield Quilt Show
Redfield

September 6
Studebaker Car Show
Custer

September 6 - 7
Labor Day Weekend Open House at Crazy Horse Memorial
Crazy Horse

September 7
Labor Day Parade
Winner

September 10
Main Street Square Concert Series
Girls Guns and Glory
Hot Springs

September 11
Don Williams
Deadwood

Beer Train
Hill City

LifeLight Festival
Worthing

Flavor Days
Spearfish

August 7 - October 25

Heartland Country Corn Maze
Harrisburg

September 1
Legends in Light
Crazy Horse

September 3
Summer Porch at Strawbale Winery
Renner

Main Street Square Concert Series
Judd Hoos
Rapid City

September 3 - 7
South Dakota State Fair
Huron

September 4
Portfolio Show
Sioux Falls

Downtown Friday Nights:
Blue Street Spearfish

Bill Engvall
Deadwood

Foothills Bud Light Bull Bash
Wessington Springs

18th Annual Southern Hills Triathlon
Hot Springs

Dueling Pianos
Rapid City

Winner Roughstock Challenge
Winner

Merle Haggard
Deadwood

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SOUTH DAKOTA MUNICIPALITIES
Patriot Day Program
Hot Springs

September 11 - 13
James Valley Threshing and Tractor Show
Andover

Watertown Art Showcase
Watertown

September 12
Menno Car Show
Menno

Vintiques Classic Car Show
Watertown

Sidewalk Arts Festival
Sioux Falls

Living History Fall Festival
Groton

1880 Train Wine Express
Hill City

Rodney Carrington
Deadwood

Pioneer Day at Pioneer Museum
Hot Springs

September 12 - 13
Beef N Fun Festival
Mobridge

September 16
Pumpkin Pickin Hay Ride
Redfield

September 16 - 19
Wissota 100
Huron

September 17 - 18
St. Joseph’s Indian School 39th Annual Powwow
Chamberlain

September 18 - 19
Deadwood Jam
Deadwood

September 18 - 20
North Country Fiber Fair
Watertown

September 19
21st Annual Watertown Radio Chili Cook-off
Watertown

Harvest Moon Festival
Volga

1880 Train Wine Express
Hill City

September 19 - 20
Celtic Faire and Games
Aberdeen

September 19 - December 30
James Valley Model Railroad Open House
Aberdeen

September 23 - 26
Gypsy Days
Aberdeen

September 25
Menno Band Day
Menno

26th Annual Buffalo Wallow Chili Cook-off
Custer

September 25 - 26
Badger Clark Cowboy Poetry and Music Gathering
Hot Springs

September 26
South Dakota Women’s Expo
Huron

Great Downtown Pumpkin Festival
Rapid City

Living History Fall Festival
Groton

1880 Train Oktoberfest Express
Hill City

September 26 - 27
Menno Pioneer Power Show
Menno

September 29
REO Speedwagon
Deadwood

September 30 - October 4
South Dakota Film Festival
Aberdeen

For details visit
CLASSIFIEDS

CLASSIFIED ADS POLICY: Member municipalities receive free insertions and free postings on the League website. Non-member advertisers are billed $50 per insertion. All ads are subject to editing if necessary. The next deadline is August 14 for the September 2015 issue. Email ads to carrie@sdmunicipalleague.org or fax to 605-224-8655. Visit www.sdmunicipalleague.org for more classifieds.

ASSISTANT PUBLIC WORKS DIRECTOR/GENERAL MAINTENANCE: The City of Eureka, an equal opportunity employer, is accepting applications for a full-time Assistant Public Works Director/General Maintenance. Valid driver’s license required. No conviction by any state or federal agency for any crime punishable by imprisonment in a federal or state penitentiary. Appropriate character and behavior traits for public relations. High School graduate or GED certificate required. Experience preferred in heavy machinery operation and knowledge of all city departments and functions in all departments. Must possess or obtain a CDL. Have or ability to get water and sewer certifications by the state of South Dakota. Mosquito spraying certification. Code enforcement training and classes. Pay based upon experience. Position open until filled. Apply at City of Eureka, PO Box 655, Eureka, SD 57437. Contact City Office at 605-284-2441 for more information regarding job description and application.

CITY ATTORNEY: Responsibilities: City of Spearfish is accepting applications for a full-time City Attorney who will bear ultimate responsibility for the overall operation, planning, development of the City Attorney’s Office and provide highly professional legal representation of City government, elected officials, and City staff. Requirements: Graduation from an accredited school of law with Juris Doctor degree supplemented by at least (4) four years’ experience of a responsible nature in the practice of law with considerable law experience involving municipalities, trying court and jury cases, administering a law office, preparing and reviewing contracts, pleadings, and laws or ordinances; or any such combination of education/experience as may be acceptable to the hiring authority. Admission to practice law in federal courts and in South Dakota state courts. Strong negotiation skills and tact. Possession of a valid South Dakota driver’s license and clean driving history. Residency required within a distance from the City of Spearfish adequate to meet a thirty (30) minute response time requirement. How to Apply: Interested persons must submit a City application to the Human Resource Office, 625 Fifth Street, Spearfish, SD 57783; p 605-642-1354; f 605-642-1329; e jodi.friedel@cityofspearfish.com. Minimum salary: $92,580.80, DOE/DOQ; Excellent Benefits; Equal Opportunity Employer. Position open until filled. To view entire position description please visit the City’s web page at www.cityofspearfish.com Individuals with disabilities who need reasonable accommodations to complete the job application process are encouraged to apply and should contact Jodi Friedel to commence the accommodation interactive process.

DIRECTOR OF PUBLIC WORKS: The City of Eureka, an equal opportunity employer, is accepting applications for a full-time Director of Public Works. This position supervises the Assistant Works Director. Valid driver’s license required. No conviction by any state or federal agency for any crime punishable by imprisonment in a federal or state penitentiary. Appropriate character and behavior traits for public relations. High School graduate or GED certificate required. Experience preferred in heavy machinery operation and knowledge of all city departments and functions in all departments. Must possess or obtain a CDL. Have or ability to get water and sewer certifications by the state of South Dakota. Mosquito spraying certification. Code enforcement training and classes. Code Enforcer job duties optional. Pay based upon experience. Position open until filled. Apply at City of Eureka, PO Box 655, Eureka, SD 57437. Contact City Office at 605-284-2441 for more information regarding job description and application.

EVANS PLUNGE FACILITY DIRECTOR. The City of Hot Springs (pop 3700) located in the Black Hills is seeking a professional and knowledgeable Facility Director for Evans Plunge, a municipal pool with both annual members and daily guests. This position is a leadership role within the organizational structure of Evans Plunge. The Facility Director serves as the Department Head of Evans Plunge. The Facility Director is responsible for ensuring optimal levels of guest and member satisfaction through the training and managing of employees. Responsible for the day to day management of the facility in addition to ensuring the entity stays consistent with its long term goals and objectives. It is the responsibility of this position to work cooperatively with Evans Plunge stakeholders in developing the entities goals and objectives. Graduation from an accredited college or university with a Bachelor’s Degree in business, management, hospitality management, or related field preferred. Deadline to apply is August 8. Applicants are encouraged to submit a resume and cover letter to City of Hot Springs, Attn: Nolan Schroeder, City Administrator, 313 North River Street, Hot Springs, SD 57747 or alternatively, email application materials to nolan.schroeder@hs-sd.org. EOE.

LAW ENFORCEMENT OFFICER: The Town of Buffalo (pop 330) located in northwestern South Dakota is seeking a law enforcement officer, either full time or part time to fill the one man Town of Buffalo Police Department. Range of pay is $19.00/ hour or negotiable depending on experience. Benefits dependent on hours.
worked each week – insurance compensation, retirement, vacation leave, sick leave. Perfect position for a retired police officer looking for a small, friendly community to live in. Also a good community to raise a family. Good school system, excellent hunting and fishing opportunities. Position is open until filled. Applicants are encouraged to submit a resume and cover letter and 3 references to Town of Buffalo, PO Box 82, Buffalo, SD 57720 or email to townofbuffalo@sdplains.com. The Town of Buffalo is an Equal Opportunity Employer. Phone: 605-375-3130.

LIQUOR STORE/BAR MANAGER: The City of Kadoka is accepting applications for the position of full-time liquor store/bar manager. Application forms are available at the City Finance Office. Retail and/or managerial experience is beneficial, but not required. Please return letter of interest, resume and/or completed application form to City Finance Officer, PO Box 58, Kadoka, SD 57543. This position includes health, dental and retirement benefits. Salary range $30,000.00 to $50,000.00, depending upon qualifications. Please call the City Finance Office at 605-837-2229 if you have any questions. Applications accepted until filled. EOE.

MAINTENANCE WORKER: City of Platte. Full-time. Must have a high school diploma or GED equivalent. Restricted Use Pesticide license, Commercial Applicators License, Water Distribution Class I, Wastewater Collection Class I, Wastewater Treatment Class I (or Stabilization Pond Class I in lieu of Wastewater Treatment Class I) certifications or be able to be certified according to state regulatory approval or be able to attain above mentioned licenses. Work areas include but not limited to water, sewer, streets, parks, snow removal, rubble site, swimming pool, and airport. Person must be dependable, reliable, friendly and be able to work with others. Send applications and resumes to: City of Platte, PO Box 236, Platte SD 57369, phone 605-337-3921, fax 605-337-3988, e-mail: platte@midstatesd.net. Application deadline is August 31, 2015. EOE.

MAINTENANCE WORKER: The City of Hoven, SD. Work areas include but are not limited to water, sewer, streets, snow removal, landfill, swimming pool and airport. The following certifications/licenses must be possessed or be able to obtain: Commercial Applicator’s License, Class I Water Distribution, Class I Wastewater Treatment and Collection, Commercial Driver’s License. Knowledge and experience with all types of equipment is desired. Individual must also be dependable, reliable, friendly, and able to work with others. Salary/wage is depending upon qualifications and experience. Applications and the detailed job description may be obtained from the City Finance Office, PO Box 408, Philip, SD 57567-0408; telephone 605-859-2175; or, email philipdfo@gwtc.net. The City Office is located at 140 S. Howard Ave., Philip, SD, Haakon County Courthouse, Fourth Floor. Office hours are 8:00 a.m. to 5:00 p.m. Monday thru Friday (Mountain Time). The position will remain open until filled. EOE.

PATROL OFFICER: The City of Brookings is seeking applicants for a full-time hourly Patrol Officer. Responsible for providing law enforcement services to citizens of Brookings. Must exercise independent judgment and use discretion acting decisively during times of crisis and emergency. Must be 21 years of age with no convictions of any crime by any state or federal government punishable by imprisonment in a federal or state penitentiary. Valid driver’s license required with acceptable driving record. Law Enforcement Standards and Training Commission certification must be obtained within one year of hire date. Will work rotation of various shifts. Hourly pay range $21.21 - $25.80/hr. Full benefit package with shift differential. To apply: Visit www.cityofbrookings.org for job application and complete position description. Submit application with resume to South Dakota Department of Labor and Regulation – Brookings or City of Brookings, 520 3rd St., Suite 230, PO Box 270, Brookings, SD 57006-0270, 605.697.8668 Fax 605.697.8661. Email dlangland@cityofbrookings.org. AA/EOE.

WATER AND SEWER SUPERINTENDENT: The City of Lennox, population 2111, is accepting qualified applications for the Water and Sewer Superintendent position. The Superintendent is responsible for operation of the City’s wells and reservoir, water distribution system, and sewer collection system. The Superintendent reports to the Public Works Director. The requirements for the position include a high school graduation or GED, Class II Water Treatment, Class II Water Distribution, Class I Wastewater Treatment, and Class II Wastewater Collection certificates from the State of South Dakota. Salary will depend on experience and qualifications. The position includes an excellent benefit package including SD Retirement System, health insurance, life insurance, AFLAC, Delta Dental and paid sick leave and vacation. A completed application, resume and cover letter are required. Job description and application are available at the Finance Office, 107 S Main St., Lennox, SD 57039 and on the City’s website www.cityoflennoxsd.com. The position will be open until filled. The City of Lennox is an equal opportunity employer.
FOR SALE: The City of Beresford is taking sealed bids on a 1995 Case 580 Super L Backhoe/Loader with approximately 9,900 hours. The backhoe/loader was used by the Beresford Public Works department. A snow and dirt bucket are included with the backhoe. Sealed bids may be submitted to the City Finance Office, City Hall, 101 N. 3rd St., Beresford, SD 57004 no later than August 14, 2015 at 5:00 p.m. Bids must be received in a sealed envelope marked on the lower left hand corner “1995 Backhoe/Loader Bid”. The backhoe/loader is in good working condition. For pictures go to www.beresfordsd.com and click the “For Sale” tab. The minimum bid accepted is $15,000. For more information contact Public Works Supt. Bill Sebern at 605-751-9151.

FOR SALE: The City of Fort Pierre is taking sealed bids for a 1986 Ford F800 Truck equipped with Terek Telelect Hi Ranger HR50M (Bucket Truck with material handler). Chassis is in good condition with 23,800 miles and 5565 hours. Hi-Ranger was replaced in 1999 and has 3716 hours. Hi-Ranger serviced and inspected August 2014 and currently meets all industry regulations. Complete specs available upon request at the Fort Pierre City Office, 605-223-7690. Bids will be accepted until 11:00 am on 9/2/15. Bids can be mailed to City of Fort Pierre, Roxanne Heezen, PO Box 700, Fort Pierre, SD 57532 (08 E 2nd Ave, Fort Pierre, SD 57532 for non-mail delivery). The City reserves the right to reject and or all bids.

SURPLUS PROPERTY: City of Lake Norden, SD. 1993 Chevrolet Pickup, 2 Wheel Drive, Blue, Appraised Value: $100. 2001 Dodge Pickup, 2 Wheel Drive, Silver, Appraised Value: $4,000. 1981 International Dump Truck with 12 Foot Snow Plow Blade, Yellow, Appraised Value: $1,500. 1981 Street Sweeper (Does Not Run) Appraised Value: $100. 10 Foot Snow Plow, Black, Appraised Value: $500. P12 Fluorescent Strip Lights, 8 Foot (Quantity - 11), $20 each. Sealed bids may be submitted to the Lake Norden City Office, PO Box 213, Lake Norden, SD 57248. Bid opening is 7:00 pm, September 8, 2015 at the city building located at 508 Main Avenue. Questions - please call 605-785-3602.


SURPLUS PROPERTY: The Town of Hermosa has for sale ten new 5/8” Badger, numerical read water meter heads, with remotes. Please note, meter bases are not included. These items have become surplus due to a municipal changeover in meter types. Appraised value of these meters are listed as $30 each (head and remote), and have been discontinued by the manufacture. Interested parties should contact the Town of Hermosa, PO Box 298, Hermosa, SD 57744, located at 230 Main St. For further information, or to view the meters, please contact the Chuck Ferguson at 605-390-0045.

FOR SALE: ABB/Elster Three Phase A1D+ meters. 9S, 6S, 16S, 4S, and 3S meters were taken from a working environment when we converted to AMI. $50 each, less if you take the entire pallet. Contact Roger at Moreau-Grand Electric Cooperative 605-865-3511.


Historical Society Grants

Historic preservation projects recently received matching grants from the SD State Historical Society.

“This program is designed to encourage restoration or rehabilitation of historic properties and is one more way we can promote and protect our history and culture.” said Jay D. Vogt, director of the State Historical Society.

The following projects were the most recent to receive grants to supplement their work:

- Mitchell: Whittier School (aka Whittier Lofts), built in 1935, $15,000 to repoint the mortar on the brick exterior and to seal joints.
- Sioux Falls: Marion E. Bowen House, built in 1888, $14,740 to repoint the mortar on the brick exterior and the Sioux quartzite stone foundation and to seal joints.
- Sioux Falls: Shriver-Johnson Building, built in 1918, $15,000 to repoint the mortar in the stone and brickwork and to seal joints.
- Spearfish vicinity: Anderson Ranch at Frawley Ranches, built in 1888, $10,350 to repoint mortar joints and replace the roof.

These recipients represent a total award amount of $55,090 and public-private matching funds of $190,308.
WE ARE PLEASED TO ANNOUNCE

CONNECTSD

Riverside Technologies, Inc. (RTI) is the primary equipment provider for the municipalities that received technical infrastructure improvements through the state sponsored South Dakota Broadband Initiative. Improvements included wired and wireless network equipment, servers, firewalls for edge security and end user devices such as computers, laptops and tablets. The SDBI project has now closed and RTI would like to help South Dakota municipalities sustain those technical improvements and maximize their potential. Therefore, we are continuing to offer the same products and services to our state’s municipalities and related organizations through a new project called ConnectSD. RTI has a long standing history with public sector, and looks forward to delivering the same level of products and services to which they are accustomed through the ConnectSD project.

Connect with us at: www.riversidetechnologies.com/connectsd/cart

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FOR MORE INFORMATION, CONTACT RTI TODAY:
866-804-4388 | 866-812-5370
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Passion | Creativity | Teamwork
Municipal Calendar

August 2015

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September 2015

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**August**

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

**No later than August 1** – In those municipalities employing a city manager, the city manager is required to prepare and submit an annual budget to the governing body. (SDCL 9-10-15(5); See Hdbk., sec. 12.065)

**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)

**On or before September 1** – The finance officer must report annually to the governing body an estimate of the expenses of the municipality and likewise the revenue necessary to be raised for the current year in budget form similar to that recommended by the municipal accounting manual as provided in SDCL 4-11-6. (SDCL 9-22-23; See Hdbk., sec. 12.065)

**At the first regular meeting in September, or within ten days thereafter** – The annual appropriation ordinance for the ensuing year must be introduced. (SDCL 9-21-2; See Hdbk., sec. 12.066)

**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)

**September**

**On or before September 1** – The finance officer must report annually to the governing body an estimate of the expenses of the municipality and likewise the revenue necessary to be raised for the current year in budget form similar to that recommended by the municipal accounting manual as provided in SDCL 4-11-6. (SDCL 9-22-23; See Hdbk., sec. 12.065)

**On or before September 1** – If the number of on-sale and off-sale liquor licenses is not fixed by ordinance, the governing body may determine by resolution the number of on-sale and off-sale liquor licenses and the fees to be charged for each. (SDCL 35-4-11; See Hdbk., sec. 11.205)

**First Monday of September** – Labor Day – State holiday (SDCL 1-5-1)

**At the first regular meeting in September, or within ten days thereafter** – The annual appropriation ordinance for the ensuing year must be introduced. (SDCL 9-21-2; See Hdbk., sec. 12.066)

**On or before October 1** – The governing board of any municipality may, on or before the first of October preceding the annual municipal election, approve an ordinance requiring a secondary election as found in SDCL 9-13-27.1 and SDCL 9-13-26.1 (SDCL 9-13-25; See Hdbk., sec. 7.600)

**On or before October 1** – Immediately upon passage and publication of the annual appropriation ordinance, the auditor or clerk must certify the tax levies contained therein to the county auditor on or before October first in the following form:

For general purposes______________________
For interest and debt service fund________________

(SDCL 9-21-20 and SDCL 10-12-7; See Hdbk., sec. 12.066)

**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)
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