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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 17 and 18 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 2016 Policy Statement, which will serve as the starting point for these committees, is printed on pages 23-37. Policy Committee members are on page 22.

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

---

**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 of 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.
I want to start out this month by reminding you that we are an organization that unites to get state laws passed that advance local control. We all know our citizens and each area has their own way of doing things. When the founding fathers of our country got together to write the Declaration of Independence they were trying to convey how government is supposed to work and the principles necessary to remain free and moral. Whatever rights or power we have come from us, the people. We try to write ordinances that will be fair to all the citizens of our community. Listening and getting input is crucial in this process. I think we need to listen, and it is easier to listen if you know the person speaking and can open your mind to their viewpoint. That does not mean you have to agree with it, but at least you know why they think the way they think and you can use this valuable information in governing for all of your citizens. (Although I concede that there are times when the town nut can’t stop repeating the same complaint and won’t listen to your decision.)

Local government is an integral part of this state and we need to know and visit the state legislators from each of our areas so that they can understand the problems we face. I encourage each Mayors’ Group, Finance Officers’ group, and civic organization to invite the legislators from your area to your meetings so they can hear what the challenges are in each of the Communities they represent. As I said it is easier to listen if they know you as we know our citizens. A lot of good ideas can be taken from the “radical nut” (each community has them) if we listen to what they are really saying (sometimes not eloquently). Remember if it matters to someone, it matters! Open your ears and listen! (Not like I do sometimes, I hear, but it doesn’t sink in for a couple of days).

All the power of each elected official comes from we, the people, so we must listen and convey these thoughts to our elected officials at the State level, the laws and freedoms that govern us come from them. A few months ago this idea to communicate more with these law makers came up at the Black Hills Mayors’ meeting. I think it is a very good idea and request that each community be proactive in connecting with their area state legislators. Any good public servant knows how to listen and I want you to be heard, as you yourself listen to your citizens and hear them.

There’s the key for your key chain I was looking for “LISTEN.”

Respectfully, Meri Jo Anderson
President
Tuesday, October 4, 2016

2:00 p.m. SDML Golf Tournament
Pre-registration required. (Visit www.sdmunicipalleague.org for registration form.)
Meadowbrook Golf Course, Rapid City
Hosted by: City of Rapid City
South Dakota Municipal League

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

Wednesday, October 5, 2016

8:00 a.m. Registration

8:00 a.m. Exhibits Open

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. “Mr. Attitude”
   Bob Prentice, Motivational Speaker, Trainer, and Life Coach
   Mr. Attitude specializes in customer service, planning, team building, memory power, and decision making.
   He also delivers powerful messages about stress and time management, creative thinking, and goal setting. He is guaranteed to get you laughing and feeling reenergized about the important work you do and roles you play personally and professionally.

9:00 a.m. SD Municipal Electric Association
Presiding: Todd Chambers, SDMEA President, Watertown Municipal Utilities
1. Heartland Consumers Power District – Southwest Power Pool Update
   Nate Jones, Chief Operations Officer, Heartland Consumers Power District
   Deb Birgen, Director of Legislative and Government Relations, Missouri River Energy Services
3. Western Area Power Administration – Update and News
   Marsha Thomas, Public Utility Specialist, Western Area Power Administration
4. Business Meeting and Election

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

11:00 a.m. Pooling Feud
Join us for the Risk-Sharing Pool’s version of the TV game show “Family Feud.” You don’t want to miss this one. Let’s play the Feud!
Brad Wilson, Administrator, SDML Workers’ Compensation Fund and President of Insurance Benefits, Inc.
Ron Burmood, Director of Member Services, SDPAA
Jerry Krambeck, Member Services Representative, SDPAA
Gary Drewes, Marketing Representative, SDML Workers’ Compensation Fund/Insurance Benefits, Inc.
Ladene Bachtell, Account Executive, SDML Workers’ Compensation Fund/Insurance Benefits, Inc.

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 Governmental Finance Officers’ Association for a program that directly affects elected and appointed officials with both planned events and natural disasters. This program will review the importance of the Incident Command System and will stress the significance of the local officials’ roles and responsibilities.

1:00 p.m.  **SD Municipal Attorneys’ Association**  
*Presiding: Steve Britzman, SDMAA President, Brookings*  
1. Business Meeting and Election  
2. Roundtable Discussion – *Reed vs. Town of Gilbert: Sign Regulation and First Amendment Issues*  

1:00 p.m.  **SD Building Officials’ Association**  
*Presiding: Mike McMahon, SDBOA President, Harrisburg*  
1. Business Meeting  
2. Historic Properties in South Dakota: What You Need to Know  
   *Kate Nelson, Restoration Specialist, SD State Historical Society, State Historic Preservation Office*  

1:00 p.m.  **SD Governmental Finance Officers’ Association**  
*Presiding: Monna Van Lint, SDGFOA President, Philip*  
1. Business Meeting and Election  
2. FEMA G402 – An Overview of the Incident Command System for Elected and Senior Officials  
   *Patrick Gerdes, NREMT, EMSI, COMT(3),COML(T), Special Projects, The Blue Cell, LLC*  

1:00 p.m.  **SD Police Chiefs’ Association**  
*Presiding: Dave Kull, SDPCA President, Brandon*  
1. Business Meeting and Election  
2. FBI in South Dakota  
   *Bob Perry, ASAC – FBI Minneapolis, Branch 2D (North and South Dakota)*  
3. Marsy’s Law for South Dakota  
   *Jason Glodt, State Director, Marsy’s Law for South Dakota*  
4. Presentations:  
   - Randy Seiler, Acting US Attorney  
   - Marty Jackley, SD Attorney General  
   - Denny Kaemingk, SD Department of Corrections  
   - Bryan Gortmaker, SD Department of Criminal Investigation  
   - Brian Zeeb, SD Department of Criminal Investigation  
   - Dan Satterlee, SD Department of Criminal Investigation  
   - Stefan Pluta, SD Homeland Security  
   - Craig Price, SD Highway Patrol  
   - Jeff Pierce, SD Bureau of Information & Telecommunications  
   - Mike Dravland, SD Bureau of Information & Telecommunications  

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

**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*  

5:00 p.m.  **Exhibit Area Social**

6:00 p.m.  **The City of Rapid City invites you to enjoy their downtown and Main Street Square!**  
A social will be held at the Main Street Square from 6:30 p.m. to 9:30 p.m. Abbey Road, a Beatles tribute band, will be playing from 7:00 p.m. to 9:00 p.m.
Thursday, October 6, 2016

7:00 a.m.  SDML 13th Annual Walk/Run  Pre-registration required. (Visit www.sdmunicipalleague.org for form.)
Starts at Founders Park, 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.  SDML Past Presidents’ Breakfast

8:00 a.m.  Registration

8:00 a.m.  Exhibits Open

8:00 a.m.  Resolutions Committee
   Presiding: Laurie Gill, Mayor, Pierre, Chair

9:00 a.m.  Elected Officials Workshop
   1. The Local Impact of Methamphetamines
      Dave Kull, Police Chief, City of Brandon
      Brian Zeeb, SD Department of Criminal Investigation
      Karl Jegeris, Police Chief, City of Rapid City
      Scott Jones, Police Chief, City of Belle Fourche
   2. Project Management: On Budget, On Target, On Time
      Rachel Headley, Owner, Cobblestone Science
   3. Information Technology Security On a Budget
      James Fry, Enterprise Solutions Engineer, Riverside Technologies Inc.
   4. USPS: Supporting our Customers in Rural America
      Doug Stephens, District Manager, US Postal Service

9:00 a.m.  SD Airport Management Association
   Presiding: Cody Roggatz, SDAMA President, Aberdeen
   1. Business Meeting and Election
   2. TBA

9:00 a.m.  SD Association of Code Enforcement
   Presiding: Dave Smith, SoDACE President, Sturgis
   1. Business Meeting
   2. Code Enforcement and the Abatement of Nuisances
      Brad Solon, Division Manager, Building Services, City of Rapid City

9:00 a.m.  SD Governmental Human Resource Association
   Presiding: Marie Marlow, SDGHRA President, Britton
   1. Business Meeting and Election
   2. Municipal HR Hot Topics and Updates
      Chris Hoyme, Principal, Attorney at Law, Jackson Lewis P.C.

9:00 a.m.  SD Municipal Street Maintenance Association
   Presiding: Beau Riopel, SDMSMA President, Spearfish
   1. Business Meeting and Election
   2. Infrastructure, Obtaining Funding, Planning and Budgeting
      Dana Foreman, Rapid City Municipal Group Manager, KLJ Engineering
   3. Tree Care and Emerald Ash Bore – Video Presentation
      Kelby Mieras, Parks Department, City of Sioux Falls
      Vanessa Victor, PE, Infrastructure Design Group, Inc.
   5. Accelerated Bridge Construction and Replacement Strategies
      Scott Hofer, Hancock Concrete Products

Noon  Excellence in SD Municipal Government Award Luncheon
   Featured Speaker: Governor Dennis Daugaard (Invited)
   Presentation of the 2016 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: Stuart Nelson, President, SD Chapter APWA
   1. TBA
   2. Round Table Discussion
   3. Business Meeting
1:30 p.m. South Dakota Fire Chiefs Association  
Presiding: Michael Koopman, 1st Vice President, SDFCA  
1. Welcome and Introductions  
2. Fire Marshal’s Office  
3. SD EMS  
4. Business Meeting

1:30 p.m. General Session  
Sense of Place: The Value of Government  
Patrick Ibarra, Co-Founder and Partner, Mejorando Group  
Besides its function as a democratic institution, the role of government is to be the protagonist for a better quality of life for citizens. In that pursuit, beyond the delivery of high-quality public services and programs, government also creates a sensory experience, which requires the investment of tax dollars. In this session Patrick Ibarra will provide a roadmap on transitioning the discussion from the cost or price of government and toward the value of government.

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

6:30 p.m. Dinner  
Hosted by: Dougherty & Company LLC

Entertainment: The Swinger David Scott  
Not only is there great stand-up comedy but there is so much more. There’s a straight jacket. There’s the “World’s Most Dangerous Bit in Comedy.” Even a little mind reading. Not to mention one of the best finales in the business. David Scott has been featured on HBO and Comedy Central, is the host of his own nationally syndicated radio show. Forget everything you think you know about Stand-up Comedy. This is a show unlike anything you have ever seen.  
Hosted by: Midcontinent Communications

Friday, October 7, 2016

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 Future of our Urban Forests  
   TBA, SD Division of Resource Conservation and Forestry

9:00 a.m. 2. A Date with the State: Making Your Voice Heard in Pierre  
   Our panel of experts tells you how to make sure you are getting what you need from the Legislative process.

9:30 a.m. 3. Stakeholder Communications: Being Your Best, Preparing for the Worst  
   Beth Noymer Levine, Founder and Principal, SmartMouth Communications
   Building community. Improving public spaces, roads and byways. Managing growth and/or downturn. Providing basic services, These – and so many other of the undertakings of municipal governments – are efforts that seek to do good. However, informing and persuading stakeholders can get tricky. Selling ideas or change can be fraught with peril. Even when doing good.

   In this session, participants will gain specific insights and tips that will help them be better, more efficient and effective communicators – under the best or worst circumstances. We’ll begin with a look at the audience experience and then dive into some tools and strategies that will give participants a fresh outlook on both their preparation and their delivery of high-stakes messages. Come to this session to gain an offensive game strategy so you don’t feel like you’re always on the defensive.

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 2017 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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<th>Hotel</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Ramkota (Host Hotel)</td>
<td>605-343-8550</td>
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<tr>
<td>The Rushmore Hotel</td>
<td>605-348-8300</td>
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<td>(formerly Adoba)</td>
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<tr>
<td>Comfort Suites Hotel</td>
<td>605-791-5087</td>
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<tr>
<td>GrandStay Suites Hotel</td>
<td>605-341-5100</td>
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<tr>
<td>Hilton Garden Inn</td>
<td>605-791-9000</td>
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<tr>
<td>Hotel Alex Johnson</td>
<td>605-342-1210</td>
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<tr>
<td>Rushmore Plaza Holiday Inn</td>
<td>605-399-7035</td>
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2016 ANNUAL CONFERENCE REGISTRATION FORM
Rapid City ~ October 4-7, 2016

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.

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Email</th>
<th>Wed Oct 5</th>
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TOTAL AMOUNT ENCLOSED $___________________

Please Return Registration By September 15, 2016 to: South Dakota Municipal League
208 Island Drive
Fort Pierre, SD 57532

Payment Must Accompany Registration
(Sorry No Credit Cards Accepted)

**CONFERENCE REGISTRATION FEES**

<table>
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<tr>
<th>Category</th>
<th>Fee</th>
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<tr>
<td>SDML Members*</td>
<td>Pre-Registration for multiple day attendance – must be postmarked or received by 9/15/16</td>
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<td>SDML Members*</td>
<td>Registration for multiple day attendance – received after 9/15/16</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>
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<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 info@sdmunicipalleague.org.

SDML Office Use Only: Date:_________________ Check #:_________________ Amount: $_________________
This year, the Excellence in South Dakota Municipal Government award will be presented to an elected municipal official 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 15, 2016. The award will be presented at the SDML Annual Conference in Rapid City on October 6, 2016.

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 15, 2016
Please submit to: South Dakota Municipal League
Nominations are confidential. 208 Island Drive, Ft. Pierre, SD 57532
Additional supporting documents welcome. FAX to 605-224-8655
Three election workshops are scheduled to assist election officers in conducting elections. The Secretary of State’s office, Associated School Boards of South Dakota and the South Dakota Municipal League will again co-sponsor workshops covering all aspects of elections – from notices to the final canvass – including question-and-answer sessions.

Municipal finance officers and school business managers have statutory responsibility to conduct elections in their local jurisdictions. Properly conducted elections are an integral part of the democratic process. The many hours of diligent work on the part of the election officers enhances candidate and voter participation, and provides for accurate and consistent elections.

Election officers may choose to attend one of the following three election workshops:

- **October 18th** Webinar* 9:00 am-1:00 pm Central Time
- **October 24th** Webinar* 9:00 am-1:00 pm Central Time
- **November 18th** Pierre, Ramkota Hotel 10:00 am-3:00 pm Central Time

There is no registration fee. Those who register to attend the webinar will be emailed the login and call-in information one week prior to the workshop date. The webinar will go through the lunch hour, so please plan accordingly.

*Each webinar is limited to 100 participants, so please register early if you plan to attend via webinar.

Those who register for the in-person training in Pierre should plan to get lunch on their own during the 12:00-1:00 break.

---

**Registration Form**

**2016 Municipal/School Election Workshops**

Municipality:________________________________________

Name *(Please Print)*   Title   Email

________________________________________

________________________________________

________________________________________

Please choose one workshop to attend:  ☐ Oct. 18 Webinar  ☐ Oct. 24 Webinar  ☐ Nov. 18 Pierre

**Registration Deadline: September 30, 2016**

**Please send to:** South Dakota Municipal League
208 Island Drive
Fort Pierre, SD 57532
Email to: info@sdmunicipalleague.org
Understanding Your Coverage Limits and Options

By Paytra Nichols, Underwriter, SDPAA

A question we often receive during coverage reviews or during the renewal process is, “Do we have enough coverage in place?” or “How much liability coverage do we need?” The answer to this question is different for each Member. Often during coverage discussions, we are asked about the potential need for an umbrella policy. In order to make an informed decision regarding an umbrella policy, you will need to understand how an umbrella policy works. In addition to understanding what an umbrella policy is, it is important to know if your policy has an aggregate limit and what that limit is.

Often entities are aware of their per occurrence limit but do not know what their aggregate limit is, or what an aggregate limit means. The per occurrence limit on a liability policy is the maximum that will be paid out for any one occurrence. The policy aggregate limit is the maximum that will be paid out in any given policy period. For example, if the policy has an aggregate limit of $2,000,000 and there are two claims during the policy period that equal $1,000,000 each, the aggregate limit has now been exhausted. Once the aggregate limit has been exhausted, the policy will no longer pay out any claims. **Coverages through SDPAA do not have aggregate limits.** This means that there is no maximum amount that will be paid out during a specific policy period. The only limit is the per occurrence limit, which limits the amount that will be paid on an individual occurrence.

The other question we need to answer is, “What is an umbrella policy and how does it work?” An umbrella policy is a type of excess liability policy. It provides a second layer of coverage for all underlying liability policies. For example, if a liability policy has a $1,000,000 per occurrence limit and an individual claim reaches this limit, the umbrella policy will come into play to pay expenses above and beyond the per occurrence limit of $1,000,000, up to the umbrella policy limit. In addition, you need to know that the umbrella policy will have a SIR (self-insured retention). The umbrella SIR is separate from the deductible on the underlying liability policy. The umbrella policy could also pay out when an underlying policy has reached its aggregate limit. Umbrella policies often have an aggregate limit as well, which will limit the amount that can be paid out during the umbrella policy period. **Again, one of the benefits of the SDPAA coverage is that there are no aggregate limits, therefore no umbrella policy is necessary.**

It is important to understand what coverages you have in place and how the different limits and coverages work. The SDPAA Member Services Department is available and always willing to do a policy review at any time to assist you and answer any questions you may have regarding your coverage. In addition, the SDPAA staff is available to answer any questions. Please contact our office at 800.658.3633 to set up a time to complete a policy review or for any assistance.
Risks Connected with Recreational Activities

By Rob Anderson, General Counsel to the South Dakota Public Assurance Alliance

Most municipalities and many counties own or operate some type of park, walking trail, campground, or other recreational area. Many of these areas do not involve direct supervision by employees of the municipality or county. For that reason and many others, the type of liability exposure that exists and arises from providing recreational opportunities to users is limited only by your imagination.

In part because of this, the South Dakota Legislature has seen fit to create certain statutory immunities which protect political subdivisions of the State and their employees from most liability arising from the ownership or operation of outdoor recreational areas. Municipalities and counties should be aware of these immunities and their limitations.

SDCL §20-9-20 provides that subject to certain limitations, no political subdivision of the State or its employees have a duty of care to keep land safe for entry or use by others for “outdoor recreational purpose”, or to give any warning of a dangerous condition, use, structure or activity on the land to persons entering the land to engage in outdoor recreational activities.

The term “outdoor recreational purpose” is defined as any of the following activities or any combination: “...hunting, fishing, swimming other than in a swimming pool, boating, canoeing, kayaking, camping, picnicking, hiking, biking, skateboarding, in-line skating, sledding, horseback riding, off-road driving, nature study, waterskiing, team sports, snowmobiling, skiing, climbing, spelunking, para-sailing, hang-gliding, shooting, observing wildlife, viewing or enjoying historical, archaeological, scenic or scientific sites, or engaging in any other form of outdoor sport or recreational activity of any sort.”

As you can see, the types of activities listed are extremely broad.

SDCL §20-9-21 goes on to provide that political subdivisions and their employees, by either directly or indirectly inviting or permitting people to use land described for “outdoor recreational purposes”, or by charging a fee for admittance to parks, campgrounds, or other such areas, do not:

“(1) Extend any assurance that the land is safe for any purpose; or
(2) Confer upon any person the legal status of an invitee or licensee to whom a duty of care is owed; or
(3) Assume responsibility for, or incur liability for, any injury to persons or property caused by an act or omission of the political subdivision of South Dakota, and its employees as to maintenance of the land.”

In summary, owning, maintaining, operating and inviting people to use various recreational areas or to engage in various recreational activities does not expose a municipality or a county or their employees to the type of liability that would otherwise exist, but for these statutes.
However, there are limits to the immunity created by the statutes. SDCL §20-9-22 provides that nothing in the statutes creating these immunities limits any liability which arises:

“(1) For gross negligence or willful or wanton misconduct of the political subdivision of South Dakota, or its employees; and

(2) For injuries suffered in any case where the political subdivision of South Dakota, or its employees, have violated a county or municipal ordinance or state law which violation is a proximate cause of the injury.”

You can see that SDCL §20-9-22(2) imposes liability on the part of the municipality or the county, or their employees for violations of law or ordinances. Most of these will be safety or safety-related statutes or local ordinances. An example of a state statute, the violation of which could still expose a municipality, county or township to liability, is a violation of road signing requirements within a park established by the Manual on Uniform Traffic Control Devices. All governmental entities are obligated to follow the MUTCD in the placement of such things as stop signs and other traffic controls. Violation of this ordinance and others could still expose the entity to liability.

Subsection (1) makes it clear that gross negligence or willful or wanton misconduct will not be tolerated and can still be the basis for imposing liability.

Exactly what may constitute “gross negligence” or “willful or wanton misconduct” is judgmental to some degree. However, South Dakota courts have defined those terms. Gross negligence is something more than plain negligence and something more than simple failure to exercise ordinary care. It is not necessarily a deliberate and intentional wrongful act, but something very close to that, according to the South Dakota Supreme Court. Willful or wanton misconduct is defined in a similar fashion – something more than ordinary negligence, but less than deliberate or intentional conduct.

**Conclusion**

Safety should be a foremost concern of all municipalities and counties in regard to the operation and maintenance of recreational activities and areas. If you pay attention to safety concerns in a responsible manner, your municipality, county and employees will be protected from most, if not all, mishaps and injuries that are bound to occur.

**Author Note:** Robert B. Anderson is an attorney with May Adam in Pierre, SD.

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**2nd Joint Safety & Loss Control Training Conference**

**November 9 - 10, 2016**

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**Taking It to the Next Level**

**Keynote Speaker: Scott Burrows**

riveting story of overcoming incredible physical, personal, and professional challenges through sheer determination, will power, and goal setting encourages audiences to STAND UP to their own challenges regardless the circumstances.

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- Telematics and Distracted Driving
- Marijuana: High Time for Discussion
- Cyber Risk

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For registration information please contact: Janet Sporrer, Safety Benefits, Inc. at 888-313-0839 or jsporrer@safety-benefits.com
Gov. Daugaard Announces More Than $17.75 Million for Environmental Projects

Gov. Dennis Daugaard says the state Board of Water and Natural Resources has approved more than $17.75 million for water and waste projects.

The $17,751,000 total includes $822,700 in grants and $16,928,300 million in low-interest loans, with $745,000 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). For more information on these DENR funding sources visit http://denr.sd.gov/ or call 605-773-3151.

Grants were awarded to:
- Haakon County School District, $80,000 grant amendment for geothermal wastewater treatment system upgrades
- James River Water Development District, $275,000 grant for water quality improvements in lower James River and Lewis and Clark lake watersheds
- Roberts County, $75,000 grant for construction of a waste disposal cell
- Solid Waste Management Association, $15,000 grant for a joint South Dakota and North Dakota solid waste management conference

Loans were awarded to:
- Bridgewater, $121,000 loan for Main Street drinking water distribution improvements
- Canistota, two loans totaling $474,000 for Main Street utility improvements, which includes $378,000 for sewer lines and $96,000 for waterlines
- Elk Point, two loans totaling $799,000 for Rose Street utility improvements, which includes $235,000 for sewer lines and $564,000 for waterlines
- Hoven, $50,000 loan for waterline replacement
- Keystone, two loans totaling $529,000, which includes $431,000 for wastewater system improvements and $98,000 for well retrofit
- Lead, $427,000 loan for water meter replacement
- Midland, $225,000 loan for water distribution and storage improvements
- Mina Lake Sanitary District, $559,000 loan for wastewater system improvements
- Pierre, $1.45 million loan for Hilger’s Gulch sanitary sewer
- Sioux Falls, $9.287 million loan that provides $8.838 million for Basin 14D sanitary sewer extension and $449,000 for nonpoint source improvements in the Big Sioux River basin
- Vermillion, $812,000 loan for Prentis Street lift station
- Viborg, two loans totaling $711,000, which includes $105,000 for sanitary sewer replacement and $606,000 for drinking water distribution replacement
- Waubay, $390,000 loan amendment for treatment pond expansion
- AGRAT2 LLC, $322,000 for mattress and box spring recycling expansion that includes a $112,700 grant and $209,300 loan
- Raymond, $900,000 for wastewater system improvements that includes a $65,000 grant and two loans totaling $835,000, with $745,000 in principal forgiveness
- Viewfield Rural Water Association, $250,000 for water treatment improvements that includes a $200,000 grant and $50,000 loan

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 and Solid Waste Management Program.

The Consolidated Water Facilities Construction Program, funded in part by revenues from the Petroleum Release Compensation Tank Inspection fee and the sale of lotto tickets, provides grants and loans for water, wastewater and watershed projects. 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 and Solid Waste programs through the Governor’s Omnibus Water Funding Bill.

The State of South Dakota and the U.S. Environmental Protection Agency fund the Drinking Water State Revolving Fund Program, which provides low-interest loans for public drinking water system projects. The State of South Dakota and the U.S. Environmental Protection Agency fund the Clean Water State Revolving Fund Program, which 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.
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. Other groups may participate by applying through one of the eligible entities as 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.
By Andrew Peterson, Field Services Manager, SDLTAP

It’s an eventful time of year with summer upon us. There are always many questions and problems that come about when dealing with roads and bridges on the local level. LTAP is here to help by providing the technical assistance, material, and training to solve those very issues. LTAP translates the latest highway and bridge technology into understandable terms for local government entities throughout the state. In linking transportation technology and local government, LTAP keeps local government officials informed about new publications, techniques, and training opportunities that may benefit their respective organization.

A very important topic for many municipalities is pavement maintenance. With a limited budget, government agencies need every tool in the toolbox to extend the life of their roads and keep their stakeholders happy. This is obviously no easy task. The reality is, when applied at the optimal time, pavement preservation can extend the life of pavement by up to seven or more years. But that is not currently realistic for a lot of government agencies due to budget constraints and current road conditions. The longer maintenance is postponed, the greater the damage and the more expensive the repair. A planned maintenance strategy aimed at prolonging the life-cycle of the pavement is key, in order to retard future deterioration and maintain (and possibly improve) the functional condition of the pavement.

There are three types of maintenance: (1) preventive, (2) corrective, and (3) emergency. Understanding which maintenance process to use will assist you in repairing and preserving your pavement appropriately. Unfortunately, much of the pavement maintenance is performed reactively. For example, many times street repairs and maintenance are prioritized by doing the “worst, first.” While this approach may seem logical to some, a more proactive approach would be to seal coat a street that was resurfaced three to five years ago. This would get your best value out of your money spent. It’s more of using the right application at the right time more than anything.

A well-managed street department should have an established Pavement Management Program (PMP), which includes inspecting and rating all streets on an interval basis. A PMP will maintain awareness of existing conditions and will serve as a guide for future pavement repairs. Knowing the condition of your streets strengthens your budgeting and prioritizing decisions.

SDLTAP is here to help you with training and technical assistance on topics, such as, asphalt maintenance, asphalt paving, culvert installation, defensive driving, geotextiles, gravel roads, personnel management, risk management, safety awareness, surveying, winter maintenance, and work zone traffic control.

Check us out on Facebook at South Dakota Local Transportation Assistance Program and on our website at www.sdstate.edu/engr/ltap.

SDLTAP Contacts:
- Greg Vavra, Program Manager
  605-695-0901
- Andrew Peterson, Field Services Manager
  605-661-7882
- Ted Eggebraaten, Field Representative
  605-691-4665
- Charles Fromelt, Field Representative
  605-419-1172
- Cliff Reuer, Field Representative
  605-209-8932
- Nancy Vehorn, Program Assistant
  605-688-4185 (Office)
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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- Servers
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- Printers

DEPLOYMENT:
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- Google Management Console
- Chromebook Elite Services

CUSTOMIZATION:
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- Laser Engraving
- Decals
- Banners
- Carrying Cases & Backpacks

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- Wireless Assessment
- Network Assessment
- Managed IT Services
- Break-fix Services
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Health Department Awards $500,000 for Mosquito Control

More than 200 South Dakota cities, counties and tribes will share in $499,854 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 $450 to $20,000. Grant awards were based on the population of the applying jurisdiction and its history of human WNV cases through 2015.

Since the state’s first human case in 2002, South Dakota has reported 2,208 cases, including 696 hospitalizations and 32 deaths. Every county has reported cases. This season South Dakota reported its first human WNV case, a Minnehaha County resident, on June 24.

Including this latest round of grants, the state has provided local mosquito control programs with more than $6.5 million in support, in either direct grant funding or control chemicals, since the virus emerged in South Dakota.

For prevention information and surveillance updates see westnile.sd.gov.


2016 SD Mosquito Control Grant Program
Grant recipients and amounts awarded as follows:

Aberdeen $20,000
Alexandria $2,236
Anderover $500
Armour $2,052
Astoria $750
Avon $941
Belle Fourche $6,901
Big Stone City $2,050
Bowlde $1,000
Brandon $1,000
Bristol $938
Broadland $500
Brookings County $4,315
Bruce $1,862
Bushnell $751
Canistota $1,497
Cavour $800
Chamberlain $2,624

Akaska $750
Altamont Inc $750
Arlington $1,130
Artesian $1,861
Aurora $1,126
Baltic $1,131
Beresford $2,250
Bon Homme County $1,000
Bridgwater $940
Britton $7,052
Brookings $5,216
Brown County $13,605
Bryant $1,125
Camp Crook $750
Carthage $936
Centerville $2,054
Chancellor $1,493
Cheyenne River Sioux Tribe $7,656
Clark $2,426
Clear Lake $763
Colman $1,126
Colton $1,497
Corsica $2,051
Crooks $1,318
Dallas $936
Davis $1,491
Deadwood $1,133
Delmont $1,677
Doland $937
Douglas County $3,539
Eagle Butte $4,648
Egan City $938
Elkton $1,127
Erwin $500
Ethan $1,493
Fall River County $6,000
Flandreau $1,884
Fort Pierre $3,361
Fulton $1,306
Garretson $1,500
Geddes $1,492
Goodwin $936
Gregory $1,503
Groton $ 5,000
Hartford $3,365
Hecla $1,862
Hermosa $1,309
Highmore $2,238
Hitchcock $1,306
Howard $2,000
Huron $7,344
Ipswich $2,500
Isabel $1,306
Kimball $1,682
Lake Andes $2,794
Langford, Pierpont, Roslyn, Eden Coop $2,978
Letcher $2,602
Madison $2,655
Martin $2,796
McIntosh $1,681
Meade County $4,862
Midland $936
Miller $3,357
Mission Hill $1,000

Claremont $2,231
Clark County $4,074
Codington County $5,000
Colome $1,000
Conde $750
Cresbard $936
Crow Creek Sioux Tribe $3,500
Dante $1,121
De Smet $5,000
Dell Rapids $1,896
Dimock $1,306
Dolton $750
Dupree $2,050
Edgemont $2,608
Elk Point $1,330
Emery $1,309
Estelline $943
Faith $1,494
Farmer $450
Florence $500
Freeman $1,000
Garden City $751
Gary $1,307
Gettysburg $2,427
Grant County $3,918
Grenville $751
Harrisburg $1,716
Hayti $500
Henry $800
Herreid $1,864
Hill City $1,000
Hosmer $937
Hurley City $1,680
Interior $2,000
Irene $1,309
Kennebec $1,500
Kranzburg $754
Lake City $1,491
Lemmon $2,427
Lower Brule
Sioux Tribe $5,381
Marion $1,128
Marvin $935
McPherson County $2,244
Menno $1,311
Milbank $2,634
Mission $3,000
Mobridge $2,500
SOUTH DAKOTA MUNICIPALITIES
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**Total Awarded $499,854**
SDML Policy Committee Meetings
SDML Conference Room, Fort Pierre

Wednesday, August 17, 2016

10:00 a.m. — Public Health, Safety and Welfare Committee: Tom Paisley, Building Official, Spearfish, Chair ◆ Brittany Smith, Deputy Finance Officer, Philip, Vice Chair ◆ Steve Allender, Mayor, Rapid City ◆ Clint Rux, Councilmember, Aberdeen ◆ Dave Kull, Police Chief, Brandon ◆ Jill Franken, Public Health Director, Sioux Falls ◆ Larry Christensen, Police Chief, Beresford ◆ 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 ◆

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 ◆ Angie Uthe, Compensation and Benefits Manager, Sioux Falls ◆ Arnie Waddell, Councilmember, Murdo ◆ Becky Brunsing, Finance Officer, Wagner ◆ Fay Bueno, Finance Officer, Sturgis ◆ Bill O'Toole, Human Resources Director, Sioux Falls ◆ Brett Bill, Planning and 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 ◆ Greg Barnier, City Attorney, Sturgis ◆ Jamie Hafner, Assistant Finance Officer, Spearfish ◆ Jerry Zeimetz, City Administrator, Beresford ◆ Joe Neeb, City Administrator, Spearfish ◆ Joel Landeen, City Attorney, Rapid City ◆ John Hughes, City Attorney, Baltic ◆ Mary Jo Nelson, Finance Officer, Deadwood ◆ Mary McClung, Finance Officer, Harrisburg ◆ Michael Carlson, Finance Officer, Vermillion ◆ Neal Pinnow, Mayor, Lemmon ◆ Paullyn Carey, Finance Director, Huron ◆ Rick Kiley, Councilmember, Sioux Falls ◆ Roy Lindsay, Mayor, Madison ◆ Sharon Mins, Finance Officer, Belle Fourche ◆ Stephanie Ellwein, City Administrator, Mitchell ◆ Teresa Gossard, Councilmember, New Underwood ◆ Tim Reed, Mayor, Brookings ◆

Thursday, August 18, 2016

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 ◆ Carole Kiecker, Finance Officer, Java ◆ Chuck Turbiville, Mayor, Deadwood ◆ David Bixler, City Council Budget Analyst, Sioux Falls ◆ Cindy Donnell, Mayor, Hot Springs ◆ Daniel Ainslie, City Manager, Sturgis ◆ Dave Dutton, Finance Officer, Spearfish ◆ Jim David, Operations/Legislative Director, Sioux Falls ◆ Dennis Olson, Assistant City Administrator/Finance Officer, Brandon ◆ Jeff Weldon, City Manager, Brookings ◆ Jennifer Eimers, Finance Officer, Madison ◆ Julie Hoeffert, Finance Officer, Baltic ◆ Karl Alberts, Finance Officer, Aberdeen ◆ Kwinn Neff, Town Board President, Keystone ◆ Lori Heumiller, Finance Officer, Salem ◆ Greg Neitzert, Councilmember, Sioux Falls ◆ Lori Jorgensen, Finance Officer, Viborg ◆ Mike Levens, Mayor, Aberdeen ◆ Ralph Borkowski, City Planner, Huron ◆ Tracy Turbak, Director of Finance, Sioux Falls ◆

1:00 p.m. — Public Works Committee: Mark Cotter, Public Works Director, Sioux Falls, Chair ◆ Justin Weiland, City Administrator, Dell Rapids, Vice Chair ◆ Adam Jans, Finance Officer, Parker ◆ 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 ◆ Harry Weller, Mayor, Kadoka ◆ Jack Trullinger, Mayor, New Underwood ◆ Jackie Lanning, City Engineer, Brookings ◆ Jerry Baum, Street Superintendent, Elk Point ◆ Larry Cooper, Airport Manager, Huron ◆ Leon Schochennmaier, City Administrator, Pierre ◆ Linda Kramer, Town Board President, Hermosa ◆ Lynn Lander, City Manager, Aberdeen ◆ Mike Keolker, Town Board President, Newell ◆ Rex Rolfing, Councilmember, Sioux Falls ◆ Robin Bobzien, City Engineer, Aberdeen ◆ Ron Hofteizer, Street Superintendent, Miller ◆ Tracy Davis, Deputy Finance Officer, Rapid City ◆
South Dakota Municipal League
Current Statement of Policy

The SDML Policy Committees will consider policy additions and revisions at their meetings August 17 and 18 in Ft. Pierre. SDML member municipalities will vote on the policy resolutions at the 2016 Annual Conference October 4-7 in Rapid City. 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)

GOVERNMENT ETHICS AND OPERATIONS
4. The SDML supports legislation that would exempt municipalities from the regulations of the unclaimed property laws. (GG – 2000; 12)
5. The SDML supports amending SDCL 12-1-5 to include municipal election officials on the State Board of Elections. (GG – 2000; 13)
6. 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)
7. The SDML supports clarifying the voting requirements for non-ordinance items in the aldermanic form of government to a majority of the quorum present at the meeting. (GG – 2010; 2015)
8. The SDML supports amending state law to clarify residence requirements for municipal elected officials. (GG – 2014)
9. The SDML supports refining the definition of residence for purposes of incorporating a municipality. (GG – 2015)
10. The SDML supports working cooperatively with other state entities to clarify residence for voter registration. (GG – 2015)
11. The SDML supports making provisions for the time to qualify for office consistent. (GG – 2015)
12. The SDML supports making provisions for supplementing municipal budgets consistent with provisions found in county law. (GG – 2015)
A. The SDML supports cooperative activities between county and municipal governments, the protection of existing joint activities, and elimination of barriers that hinder the creation of such arrangements. (Added by SDML Board of Directors, December 9, 2015)
13. The SDML supports legislation allowing elected officials to continue to serve in office even though displaced from their residence by a natural disaster. (GG – 2015)
14. The SDML supports increasing the audit “trigger” to $750,000. (GG – 2014)
15. The SDML supports increasing the Internal Control Review range to between $100,000 and $750,000. (GG – 2014)
Current Statement of Policy

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

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

18. 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)

19. The SDML supports legislation to allow a local option for resolutions to be published by title and abbreviated explanation only. (GG – 2006)


21. 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)

22. 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)

23. The SDML supports extending the time for awarding bids for materials, supplies, and equipment to 45 days, when so specified in the bid letting. (GG – 2015)

24. 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)

25. 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)
Current Statement of Policy

26. 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)

27. The SDML supports changing the vote to create a hospital district to a simple majority. (GG – 2007)

28. 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)

29. The SDML supports making special assessments for sidewalks consistent with all other special assessment procedures. (GG – 2013)

30. The SDML supports legislation clarifying SDCL 45-6-77 to include municipalities using their own materials on their own projects. (GG – 2015)

31. The SDML supports clarifying that nuisance assessments may be made by local resolution. (GG – 2013)

COMMUNITY AND ECONOMIC DEVELOPMENT

32. The SDML supports allowing a separate and additional class of on-sale liquor licenses for golf courses. (GG – 2003; 2007; 2008)

33. The SDML opposes any change to the requirement that alcoholic beverage licenses be given only to a single legal description. (GG – 2000; 21)

34. 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)

35. The SDML supports the public financing toolbox for local governments. (GG – 2014)

36. The SDML supports a reduced rate for ballot publications. (GG – 2009)

37. The SDML urges federal and state support for alternative transportation programs that take into account new technologies, mobility, community quality of life, and demographic trends as well as maintenance of traditional modes of transportation. (GG – 2015)

38. The SDML supports amendments to annexation laws that increase local authority. (PW – 2000; 9)

39. 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)

40. 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)

41. 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)

42. 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)
Current Statement of Policy

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

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

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

46. The SDML supports legislation that reduces risk to municipal tax payers when sharing costs of improvements through special assessments in newly annexed areas. (PW – 2015)

47. The SDML would support legislation to prohibit creation of any entity with municipal powers within five miles of any existing municipal boundaries. (PW – 2015)

48. 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)

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

50. 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)

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

52. 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)

53. The SDML supports legislation allowing municipalities to rebate municipal property taxes to homeowners to encourage housing with conditions as determined by the governing body. (T&R – 2015)

LOCAL CONTROL AND HOME RULE

54. 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)

55. 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)

56. 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)

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

58. 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)

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

60. 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)


62. 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
Current Statement of Policy

63. 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)

64. 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)

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

66. The SDML supports allowing counties greater local control to move revenue among funds to adequately fund county services. (T&R – 2015)

PUBLIC HEALTH AND SAFETY

67. 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)

68. 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)

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

70. 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)

71. The SDML supports making affordable public and private health care coverage available to all South Dakotans and encourages efforts to expand Medicaid. (PHSW – 2014; 2015)

72. The SDML supports a statewide task force to review access and resources 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; 2015) (Amended and moved from Core Beliefs)

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

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

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

76. 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)

77. The SDML supports continued efforts to reduce distracted driving. (PHSW – 2012; 2014)

78. The SDML supports code enforcement efforts including the enacting of the International Property Maintenance Code, with the option of local administration. (PHSW – 2013; 2014)

79. The SDML supports the recommendations of the SD EMS Stakeholder Group, and commends the efforts of the Department of Health in the collaborative process. (PHSW – 2015)

80. The SDML strongly supports a statewide task force to review access and resources for the treatment of mental healthcare and increased funding for services and programs. (TP – 2000; 2010; 6)

81. The SDML strongly supports a statewide task force to review access and resources for the treatment of mental healthcare and increased funding for services and programs. (TP – 2000; 2010; 6)

82. The SDML strongly supports a statewide task force to review access and resources for the treatment of mental healthcare and increased funding for services and programs. (TP – 2000; 2010; 6)

83. 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)

84. 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)

85. 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)

86. The SDML supports extending or repealing the sunset on the increased 911 surcharge. (T&R – 2000; 35; 2015)

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

88. 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

89. 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)

90. 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
Current Statement of Policy

and free training for water certification. (PW – 2000; 2008; 16)

91. 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)

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

93. 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)

94. 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)

95. 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)

96. 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)

MUNICIPAL FINANCE

97. 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)

98. 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)

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

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

101. 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)

102. The SDML supports allowing local governing bodies to set the cap on the accumulation of funds allowed in SDCL 9-47-1, 9-21-14.1, and 9-48-2. (T&R – 2004; 2015)

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

104. 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)

105. The SDML supports legislation requiring counties to notify municipalities of any changes to road and bridge reserve fund levies. (T&R – 2015)
Current Statement of Policy

106. The SDML supports making water and sewer assessments consistent by adding the provisions of 9-48-15 to chapter 9-47. (T&R – 2015)

Sales Tax
107. 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)

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

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

110. 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)

111. 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)

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

113. The SDML strongly opposes any formula-driven redistribution of sales and use tax revenues. The SDML strongly supports maintaining the current system of returning revenues based on sales actually attributed to that point of delivery. (T&R – 2002; 15)

114. 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)

115. 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)

116. 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)

117. 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)

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

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

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

State/Federal Funding
121. 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)

122. 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)

123. The SDML supports exempting government projects from the contractors excise tax. (T&R – 2004; 2015)

124. The SDML supports exempting government owned and provided materials from the contractors excise tax. (T&R – 2015)

125. The SDML supports legislation to allow a local option, gross receipts tax on alcoholic beverages for the counties to fund public-safety related items. (T&R – 2015)

126. 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)
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<thead>
<tr>
<th>Number</th>
<th>Statement</th>
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<tbody>
<tr>
<td>127.</td>
<td>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&amp;R – 2000; 2010; CB6) (Moved from Core Beliefs)</td>
</tr>
<tr>
<td>128.</td>
<td>The SDML opposes removing or reducing tax exemptions for municipal bonds. (T&amp;R – 2013)</td>
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<tr>
<td><strong>Property Tax</strong></td>
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<tr>
<td>129.</td>
<td>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&amp;R – 2000; 31)</td>
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<tr>
<td>130.</td>
<td>The SDML opposes any legislation that would shift more of the current property tax levy from ag to non-ag property. (T&amp;R – 2000; 32)</td>
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<td>131.</td>
<td>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&amp;R – 2005)</td>
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<tr>
<td>132.</td>
<td>The SDML supports continuing liens and encumbrances on property purchased through a tax deed. (T&amp;R – 2013)</td>
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<td>133.</td>
<td>The SDML supports legislation to amend SDCL 10-13-35 to set the property tax cap at 3% or the rate of inflation, whichever is greater. (T&amp;R – 2015)</td>
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<td><strong>User Fees</strong></td>
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<td>134.</td>
<td>The SDML supports the concept of user fees for public service calls, including but not limited to law enforcement and fire protection for all tax-exempt properties. (T&amp;R – 2000; 2008; 2010; 33; 2015)</td>
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<tr>
<td>135.</td>
<td>The SDML opposes discriminatory charges on county taxpayers living within municipal boundaries for services, including but not limited to 911 emergency services. (T&amp;R – 2012)</td>
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Current Statement of Policy

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)

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)
Current Statement of Policy

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)

Community and Economic Development

CB16. The SDML urges all municipalities to adopt a fair housing policy. (GG – 2000; CB16)

CB17. 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)

CB18. 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)

CB19. 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)

CB20. 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)

CB21. 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)

CB22. The SDML supports the creation of a long-range technology master plan for South Dakota. (PHSW – 2003)

CB23. The SDML urges investment in research and development and intellectual property using research triangles and incubator programs to promote these endeavors. (PHSW – 2003)

CB24. The SDML recognizes that the mismanagement of the Black Hills National Forest is a health, safety and economic development issue for residents of South Dakota. The SDML supports policies that prioritize quality of life and economic development in the Black Hills National Forest. (PHSW – 2003)

CB25. 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)

CB26. 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)

CB27. 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)

CB28. The SDML believes that municipal and county governments should formulate and control all local planning and zoning programs. (PW – 2000; CB7)

CB29. The SDML supports enhanced state and federal funding for water supply systems. (PW – 2014)

CB30. 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
CB31. The SDML endorses the Core Beliefs espoused by the National League of Cities. ¹ (GG – 2000; CB18)

CB32. The SDML encourages municipalities to initiate policies to oppose racial profiling in any municipal activity. (GG – 2000; CB19)

CB33. The SDML encourages municipal elections to remain non-partisan. (GG – 2003)

CB34. 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
CB35. The SDML encourages federal, state, and local government leaders to continue to work with American Indian tribes to resolve taxation,
Current Statement of Policy

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)

CB36. 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)

CB37. 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)

CB38. The SDML proactively opposes the mandatory OSHA requirements being applied to municipalities. (GG – 2000; 2)

CB39. The SDML opposes any legislation which would inhibit municipalities from providing services requested by citizens in whatever form the citizens approve. (GG – 2006)

CB40. The SDML opposes any state environmental laws and regulations that are more stringent than existing federal environmental laws, standards and regulations. (PHSW – 2000; CB4)

CB41. 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)

CB42. 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)

CB43. The SDML opposes any state mandated prohibition against the cities’ right to construct with their own crews. (PW – 2003)

CB44. 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)

CB45. 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

CB46. 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)

CB47. 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)

CB48. 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)

CB49. 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)

CB50. The SDML urges municipalities to develop ordinances that establish water and energy priorities within the municipality to conserve these resources. Further, the SDML urges
Current Statement of Policy

municipalities to develop and implement public education programs designated to encourage water and energy conservation methods. (PW – 2000; CB1)

CB51. 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)

CB52. The SDML feels strongly that a concerted effort should be made by the state, counties, and cities of this state to eliminate traffic hazards and provide uniform traffic control devices and signing for streets and highways. (PW – 2000; CB3)

Municipal Finance

CB53. 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

CB54. 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)

CB55. 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)

CB56. 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)

CB57. 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)

CB58. The SDML supports funding of the South Dakota Local Technical Assistance Program. (T&R – 2000; CB5)

CB59. 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)

CB60. 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)

CB61. The SDML requests that the state financially underwrite the full costs of all law enforcement 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; 2015)

CB62. 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)

CB63. The SDML supports repeal of state taxation on fuels used by local governments. (T&R – 2003; 31)

CB64. 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)

CB65. 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)
Current Statement of Policy

CB66. The SDML supports developing an open, stronger, more cooperative working relationship with the SD Department of Revenue. (T&R – 2010; 2012) (Moved from General Policy)

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)

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

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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.sdpaaline.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
Banyon Data 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.

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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 that reduces the cost of goods and services by aggregating the purchasing power of public agencies nationwide. U.S. Communities provides participants with access to a broad line of competitively solicited contracts with national suppliers that have committed to providing their lowest overall public agency 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 Michelle Phelps at 720-441-9739 or mphelps@uscommunities.org, visit www.uscommunities.org.
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 Police Chiefs’ Association and
- SD Municipal Street Maintenance Association

**Municipal League Districts**
A listing of the cities in each District can be found on pages 98-100 of the 2016-201 Directory of Municipal Officials.

**District 1:** All incorporated municipalities within Marshall, Day, Clark, Roberts, Grant, Codiington, 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.

**Contact the League**
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Ft. Pierre, South Dakota 57532
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Overview of Municipal Government in SD

Population:
There are three classes of municipalities:
First Class: Those with populations of 5,000 or over. There are 17 first class municipalities;
Second Class: Those with populations between 500 and 5,000. There are 98 second class municipalities;
Third Class: Those with populations of 500 or less. There are 195 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 five are 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 160 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 determined by ordinance, but may not exceed 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

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://sdlegislature.gov/Statutes/Codified_Laws/default.aspx.

Overview
There are 310 incorporated municipalities in South Dakota. They are grouped according to two different factors: population and form of government.
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).

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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 so 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 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).

Ordinances and Resolutions

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.
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).
Special Feature: Elected Officials Segment

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 meeting 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 are subject to the direction of these three 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. Any time a legal quorum of your entity is discussing public business, meaning any matter relating to the activities of the entity, you must notify the public in the appropriate manner in the appropriate timeframe. This applies whether the discussion is in person, by telephone or any other electronic means.

SDCL 1-25-11 further states that recording of open public meetings is permitted. No state, political subdivision, or public body may prevent a person from recording, through audio or video technology, a public meeting that is open to the public as long as the recording is reasonable, obvious, and not disruptive.

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, by email, or by 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.

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.

The Guide to Open Meetings Law

Conducting the Public’s Business in Public: A guide to South Dakota’s Open Meetings Law can be found under the Library section on the League’s website, www.sdmunicipalleague.org.
Municipal Funding

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

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 obtaining 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.

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.

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D.A. Davidson & Co. is committed to strengthening the infrastructure and enriching the lives of people in our communities throughout South Dakota and across the nation.
D.A. Davidson has established strong bonds with communities throughout South Dakota. Our public finance bankers average over 20 years of experience in conventional fixed-rate debt financing, variable-rate bonds, credit-enhanced structures and non-rated bonds. Year after year we serve as manager of billions of dollars of financing. Our primary areas of focus include the following:

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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 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.

The Municipal Accounting Manual, produced by SD Department of Legislative Audit, can be found at http://legislativeaudit.sd.gov/ under the Resources tab.
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 officers (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.
- 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.

Visit the League’s website!
Visit the Events section frequently on the SDML website, www.sdmunicipalleague.org, to find out what events are coming up.

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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 incompatible 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)
14) No mayor, alderman, commissioner, or trustee in a municipality is disqualified from holding office as a result of holding any liquor license. (SDCL 9-14-16)
15) City council and county commission. (AG Opinion 88-24)
16) Any mayor, alderman, commissioner, or trustee may serve in a volunteer, unsalaried municipal position or provide any service for the municipality if the compensation for such service does not exceed $5,000 per calendar year. (SDCL 9-14-16.1)

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 justice 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 consult with your city attorney or contact the League at 800-658-3633.
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Election Notice

SDML Workers’ Compensation Fund

Notice of Board of Trustees Election

Wednesday, October 5, 2016

Ramkota Hotel and Conference Center,
Rapid City, SD

The SDML Workers’ Compensation Fund Board of Trustees election will be held Wednesday, October 5, 2016, at the Annual Membership meeting during the SDML Annual Conference in Rapid City, SD. The election shall be determined by a majority of those SDML Member entities present and voting with each Member entity having one vote. Election winners will be seated on the Board of Directors January 1, 2017. A copy of the Board of Directors Election Policy Resolution is available upon request.

If you are interested in a position on the SDML 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:
- Michael Kreutzfeldt, McCook County Highway Superintendent, Salem
- Jeff Heinemeyer, Adviser, City of Madison
- Steve Harding, City Commissioner, Pierre

Please send a letter of application and supporting Resolution, if applicable, by the deadline date of September 5, 2016 to:
SDML Office Manager
208 Island Dr.
Ft. Pierre, South Dakota 57532
Phone: 1-800-658-3633
Email: info@sdmunicipalleague.org

All applications will be forwarded to the SDPAA Nominating Committee.
The SD Office of Emergency Management will be hosting a free training taught by FEMA procurement specialists that will discuss Federal standards for procurement. The information will enable participants to successfully participate in the FEMA Public Assistance (PA) program under a disaster declaration of the Stafford Act. The FEMA PA program provides Federal assistance when the magnitude of an incident exceeds the affected state, tribal, and local government capabilities to respond to or recover from. This training is also useful for applicants of the Hazard Mitigation Grant Program or any other sub-recipient of a Federal grant. Local and tribal governments and private non-profit organizations must use their documented procurement procedures that reflect applicable state, tribal and local government laws and regulations, provided that the procurements conform to Federal law and standards.

Please register using one of the links below:

**August 16 - Sioux Falls**

**August 17 - Aberdeen**

**August 18 - Pierre**

Contact Tyler Steen at tyler.steen@state.sd.us or 605-773-3231 with questions.

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Washington Report:

By Rep. Kristi Noem

Before the iPhone, the near-universal ownership of a personal computer, and the fall of the Berlin Wall, the United States passed a new, 26,000-page tax code. In the 30 years since, very few reforms have been made to modernize that tax code – only loopholes added that have nearly tripled its size. No wonder 9 out of 10 taxpayers use either a professional tax preparer or computer software to file their taxes.

The call for comprehensive tax reform has been made for years and it’s frustrating that it seems as though little has been done. That was one of the reasons I pushed so hard to join the House Ways and Means Committee this Congress. Out of the House of Representatives’ 435 members, what happens to our tax code starts with the 24 majority members of the Ways and Means Committee. That is where I needed to be, so I was grateful to be named to the committee this year – the first South Dakota Representative in history to do so.

Earlier this summer, the committee released our blueprint for pro-growth tax reform. Simply put, it is designed to grow families’ paychecks, the workforce, and the American economy. More specifically, the proposal centers around three ideas. First, the tax code should be simpler, fairer, and flatter. Second, it should make it easier to create jobs, raise wages, and expand opportunity. Finally, it should put taxpayers first.

This blueprint is all about simplicity. In fact, we tried to make it simple enough that most Americans could do their taxes on a postcard. That meant reducing the amount of tax brackets from seven to three. We then went through and eliminated many of the most damaging add-on taxes, such as the death tax. Finally, we made sure important “milestone” tax breaks remained to help give families peace of mind at critical moments in life, such as going to school, getting a job, raising a family, or planning for retirement.

To make it easier to create jobs and raise wages, the proposal offers to cut taxes on small businesses, creating a separate, low tax rate of 25 percent for many on Main Street. Because U.S. businesses currently have to pay the highest corporate tax rate in the world, it also lowers the corporate tax rate to make America a more competitive place to do business.

Ensuring taxpayers come first meant we needed to tackle some pretty serious issues within the IRS – an agency that in recent years has allowed millions of taxpayer calls to go unanswered, targeted conservative organizations, and failed to operate in an ethical manner time and again. This blueprint outlines a restructured IRS that is held accountable to the Taxpayer Bill of Rights and set up to provide excellence in customer service. It would also install a new, term-limited commissioner who would be required to administer the new tax code fairly while keeping politics out of the IRS.

This blueprint is just the beginning of the conversation. It isn’t perfect or set in stone, but we’ve taken the initiative to draw the outline; now, it’s time to color in the picture. While we included the ideas that so many taxpayers have talked about and urged for years, we’ll continue looking for feedback and insight. The goal is to turn this plan into detailed, comprehensive legislation that can be moved when a new administration takes office in 2017.

If a family or business did things like they did in the 80’s, they’d still be relying on a fax machine. The world doesn’t work like that anymore and neither should our tax code.

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701.251.1400

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701.456.1490

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701.262.7474

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Hill City

Ribs, Rods & Rock n’ Roll Vermillion

Badger Clark Cowboy Music & Poetry Festival Hot Springs

September 9 - 11
James Valley Threshing and Tractor Show Andover

September 10
Beef N Fun Festival Mobridge

Sidewalk Arts Festival Sioux Falls

Foothills Bud Light Bull Bash Wessington Springs

September 11
Strawbale Winery Sangria Sunday Renner

September 15 - 17
St. Joseph’s Indian School 40th Annual Powwow Chamberlain

September 16
Dakota Western Heritage Festival Wagon Train & Trail Ride Fort Pierre

September 16 - 17
NESD Celtic Faire and Games Aberdeen

Deadwood Jam Deadwood

September 16 - 18
North Country Fiber Fair Watertown

Eureka German-Russian Schmeckfest Eureka

September 17
Dye & Dash Brookings 5K Brookings

1880 Train Wine Express Hill City

September 17 - 18
Dakota Western Heritage Festival Fort Pierre

September 18
Strawbale Winery Sangria Sunday Renner

September 21 - 25
South Dakota Film Festival Aberdeen

September 24
South Dakota Women’s Expo Huron

Great Downtown Pumpkin Festival Rapid City

22nd Annual Watertown Radio Chili Cook-off Watertown

1880 Train Oktoberfest Express Hill City

September 24 - 25
Menno Pioneer Power & Toy Show Menno

September 25
Strawbale Winery Sangria Sunday Renner

September 29 - October 1
Custer State Park Buffalo Roundup & Arts Festival Custer

September 30 - October 1
Oktoberfest Deadwood

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For more information call or e-mail deRicci Getty at 1-800-445-5588 or dgetty@amlegal.com
**ELECTRICAL UTILITY DIRECTOR:** Due to a retirement, Rauenhorst Recruiting Company has been retained by the City of Anoka to place a full-time Electric Utility Director to oversee their electric distribution system. Are you ready to make the move to lead a mid-sized municipal electric utility? If you are an experienced GM, CFO, electric supervisor, or line supervisor, this could be the opportunity you seek. Several pending retirements will allow you to shape the department with new talent as a model organization for the coming decades. The Electric Utility Director oversees all aspects of this public utility, under the direction of the City Manager. The role requires leadership and vision. As an effective change agent, this position requires strong work habits, an ability to coordinate work independently with practiced judgment, and to supervise a staff of up to 17. An attractive pay and benefits package and a relocation program is available to the selected candidate. Essential duties and responsibilities require a successful candidate to proactively communicate with the Commission on matters of regulatory and community interest; prepare budget estimates, manage expenses, approve AP and staff requests, and propose rate case adjustments. Required skills and experience include demonstrated success and experience in Electrical and Water Distribution Systems, including supervising, directing and evaluating personnel; a four-year college degree in one of the STEM disciplines (Science, Technology, Engineering or Math), or public administration, or a closely related discipline, OR at least six years of relevant/equivalent experience in the electric and/or water utility field with a track record of advancement and success. Desired skills, experience and training includes, a minimum of six years of experience in the direct assignment and supervision of electrical distribution systems; possession of an AWWA Water Operator Certification, OR the ability to qualify for a Minnesota Class A Water Operators Certificate may be an asset for future growth of the position; experience and competence with computer systems in understanding their use and information output for billing, accounting and operations management and APPA rate design classes, APPA power management courses and MMUA supervisorial training will be beneficial. Do not contact the city directly. To apply, contact Rauenhorst Recruiting Company, Thomas Jackson, at 952-583-6043, or Mark Carlson at 952-563-7365 and send resume and cover letter to Resume@Rauenhorst.com.

**ELECTRICAL SUPERINTENDENT:** The City of Arlington, SD (population 925) is seeking an Electrical Superintendent to manage the municipal electric system. Candidates for this position must have successfully completed an approved Electrical Line Worker program and have Journeyman experience. This position requires a strong working knowledge of a municipal electrical system, departmental budgeting, and a vision for long range electrical system planning. Applicants must be proficient with computers including Microsoft, mapping and AMI systems. The Electrical Superintendent reports directly to the Utility Superintendent. The ideal candidate will display excellent communication, leadership and supervisory skills for this position. Candidates must also demonstrate the ability to engage the general public and address any electrical outages or concerns. Candidates must possess a Class A Driver’s license and are subject to random drug and alcohol testing. Salary commensurate with experience and qualifications, with competitive benefits package. To apply, submit a cover letter, resume, salary history and three work-related references to Sue Falconer, Finance Officer, City of Arlington. Electronic: cityofarlington@arlingtonsd.com or mail to: PO Box 379, Arlington, SD 57212. For more information contact Marshal Mix (Utility Supt) at 605-203-1121 or Sue Falconer at 605-983-5251. Position open until filled. EOE.

**ENGINEERING AND BUILDING SERVICES TECHNICIAN:** Full-time hourly staff member to assist in all phases of construction inspection, surveying, drafting and application of building, codes, ordinances, and engineering design standards. Associates or bachelor’s degree in construction management or civil engineering technology required with two years of progressively responsible engineering experience in construction, building codes, and inspection preferred. A combination of education, training and experience may be considered. General knowledge of construction and engineering principles, practices, methods, techniques, codes, tools and equipment used in technical engineering work in office and field, including CAD, calculations, surveying and inspection work desired, but not required. Must demonstrate...
effective communications and positive public relations. Hourly range of pay: $21.01 - $25.57. Excellent benefit package. To apply: visit www.cityofbrookings.org for job application and complete position description. Submit application and resume to Attn: HR Dept., City of Brookings, PO Box 270, 520 Third St., Suite 230, Brookings, SD 57006, (phone) 605-697-8668, (fax) 605-697-8661, dlangland@cityofbrookings.org. AA/EOE.

FINANCE/CITY ADMINISTRATOR: Box Elder, SD is looking for someone with City Administration experience to help develop continuity in all Departments. The Finance Officer’s responsibilities are set forth in SDCL 9-14-17, 9-14-18, 9-14-19, 9-14-20, 9-14-21. Their primary job is as chief accounting and financial officer providing accounting advice and counsel to the Mayor, Department heads and City Council. Various job responsibilities include: financial reporting; cash management and investments; preparation, facilitation and maintenance of annual budget; direct city’s Human Resources functions and maintain employee files and records; and other duties as designated by the Mayor and Council. Bachelor’s degree in Accounting, Business, Management or closely related major required with coursework and/or experience in Governmental Accounting preferred. Five years of experience in financing and office accounting required with preference given for governmental accounting. Minimum of two years overseeing professional and technical staff in administrative or supervisory capacity required with management of information. Applicants must be eligible for bonding. Excellent benefits package. Salary is negotiable DOQ. Position open until filled. Submit letter of interest, detailed resume and application to: Attn: Finance Opening, Finance Office, 420 Villa Drive, Box Elder, SD 57719. Phone: 605-923-1404.

MAINTENANCE WORKER: 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 Applicators License, Class I Water Distribution, Class I Wastewater Treatment and Collection. Knowledge with all types of equipment is desired. Wage DOE. Please contact the City of Hoven, PO Box 157, Hoven, SD 57450. You may also call 605-948-2257. Position open until filled.

MAINTENANCE WORKER (PART-TIME): Java, SD. Work areas include but are not limited to water, sewer, streets, parks, snow removal, landfill, and cemetery. The following certifications/licenses must be possessed or be able to obtain within 6 months of employment: Class I Water Distribution, Class I Wastewater Treatment and Collection. Applicant must have a valid SD driver’s license and be competent to operate a blade, front end loader and a tandem gravel truck. Position open until filled. For an application and job description contact: Town of Java, PO Box 56, Java, SD 57452-0056. Call 605-649-6226, Fax: 605-649-6229 or Email: javacity@venturecomm.net.

PATROL OFFICER: City of Brookings, SD. Full-time hourly position. Responsible for providing law enforcement services to citizens. 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 $21.79 - $26.51/hr. Full benefit package with shift differential. To apply: Visit www.cityofbrookings.org for job application and position description. Positions are open until filled. Submit application with resume to Attn: HR Dept., City of Brookings, PO Box 270, 520 Third St., Suite 230, Brookings, SD 57006, 605-697-8668 phone. 605-697-8661 fax. Email: dlangland@cityofbrookings.org. AA/EOE.

POLICE OFFICER: City of Lennox, (population 2111) is accepting applications for a full-time certified police officer. Qualifications: a high school diploma/GED certificate and state law enforcement academy certification. Benefits include SD Retirement System, health and life insurance, dental insurance, AFLAC, flex plan, vacation and sick leave. Applications can be picked up at the City Finance Office at
UTILITY GENERAL MANAGER: Due to a retirement, Rauenhorst Recruiting Company has been retained by the City of East Grand Forks Water & Light to place a full-time General Manager to oversee their electric and water distribution systems. Are you ready to make the move to General Manager of a mid-sized municipal electric and water utility? If you are an experienced GM, CFO, water supervisor, or line supervisor, this could be the opportunity you seek. The Utility General Manager oversees all aspects of public utilities, including electric and water distribution under the direction of the Water and Light Commission. The role requires strong work habits, an ability to coordinate work independently with practiced judgment, and to supervise a staff of up to 25. The utility’s electric infrastructure is virtually all underground, enjoying the resulting reliability. A solid track record of maintenance and investment ensures stability and a pleasant work environment. Essential duties and responsibilities require candidate to proactively communicate with the Commission on matters of regulatory and community interest; prepare budget estimates, manage expenses, approve AP and staff requests, and propose rate case adjustments. Position supervises up to 25 employees, including electric, water, IT and billing. Required skills and experience include demonstrated success and experience in Electrical and/or Water Distribution Systems, including supervising, directing and evaluating personnel; a four-year college degree in one of the STEM disciplines (Science, Technology, Engineering or Math), or public administration, or a closely related discipline, OR at least six years of relevant/equivalent experience in the electric and/or water utility field with a track record of advancement and success. Desired skills, experience and training includes, a minimum of six years of experience in the direct assignment and supervision of electrical and water distribution systems or maintenance forces; possession of an AWWA Water Operator Certification, OR the ability to qualify for a Minnesota Class A Water Operators Certificate; experience and competence with computer systems in understanding their use and information output for billing, accounting and operations management and APPA rate design classes, APPA power management courses and MMUA supervisorial training. Position offers competitive salary and benefit package. Full job description available at www.egf.mn. Do not contact the city directly. To apply, contact Rauenhorst Recruiting Company, Thomas Jackson, at 952-583-6043, or Mark Carlson at 952-563-7365 and send resume and cover letter to Resume@Rauenhorst.com.

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**WATER SUPERINTENDENT:** Freeman, SD. Reports directly to the City Administrator. Applicant shall have great communication skills; participate in the daily operation of the water distribution system, street maintenance and care of public properties. A Class B CDL truck driving license must be obtain within three months of hire. High School Diploma or G.E.D. is required. A SD Water Certification Class 1 distribution licenses is preferred but must be obtained within one year. Salary is dependent on qualifications and experience, EOE. Copies of the applications and full job description can be obtained at carroll@cityoffreeman.org or by mail to Carroll Vizecky, City Administrator, PO Box 178, Freeman, SD 57029. Open until filled.

**FOR SALE:** John Deere 503 Rotary Mower, 3 pt., 540 PTO. Very good condition. $900/make an offer. Winpower 50/30 KW Generator, 3 phase, 540 PTO, Trailer and Cable. Like new condition. $4,000/make an offer. Town of Langford, SD. Call Blair at 605-228-6691 or Joe at 605-381-4139.


**FOR SALE:** Sensus RadioRead Water Meter Equipment – The City of Piedmont, SD has seventy-eight (78) new “Sensus Radio Readers” Model # M510P-F1-3W-X-P for sale. Asking price is $75.00 each. Sensus RadioRead features the most robust, high-powered radio frequency transmitter available for use with walk-by or drive-by automatic meter reading systems. A handheld unit can be used for reading RadioRead equipped meters. If interested, contact the City of Piedmont at 605-716-5495.

**FOR SALE:** Barely used Hussey brand bleachers. Each section has 10 Rows with 93 seats total. There are four telescopic sections, the jacks for moving them, and the motorized device for extending the bleachers into operation. Call Lee Harstad at 605-578-1876 or lee@deadwood.org.

**SURPLUS PROPERTY:** City of Hoven, SD. 17 Fire Hydrants that are complete and work - $300.00 a piece. 12 man hole covers with rings - $150.00. 138 3/4” plastic water meters and 19 1” plastic water meters. Contact Wendy Rausch at 605-948-2257 or hovencity@venturecomm.net.

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Municipal Calendar

August 2016

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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)

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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