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Ray “Woody” Woodsend  
Rwoodsend@doughertymarkets.com

Tom Grimmond  
tgrimmond@doughertymarkets.com

Toby Morris  
tmorriss@doughertymarkets.com

Pierre, South Dakota | Phone 605.224.5557 | 877.224.5557
Sioux Falls, South Dakota | Phone 605.339.5800 | 800.339.1111

Member SIPC/FINRA
One of the most frustrating arguments we face when talking about a local option, citizen-approved Penny for Infrastructure comes from state government officials. They somehow see allowing any additional local sales tax for municipalities as competing with the state for revenue.

That is so wrong-headed it is hard to know where to start the arguments against it.

Look at the economic drivers in this state – the engines that keep the state on solid financial footing are working in the cities. We sometimes hear some resentment against our largest cities, but consider the sales tax revenue generated within them – in calendar year 2013, state government took in more than $500 million from just 16 cities that are over 5,000 in population. That half billion dollars flows to every school district in the state through the state aid formula, and to every community in the state through other state programs.

Cities pay just about the full freight for water, sewer, streets, and sometimes electricity. Not to mention all the amenities it takes to have people call your city “home.” Parks, recreation, and the infrastructure for the businesses and industries that provide employment – none of it happens without city investment. For every penny the city invests, the state gets back four.

And where do South Dakotans live? Increasingly, it is in city limits. The last census showed 70% of our population lived inside municipal city limits. The population of the entire state grew by 7%. Municipal population grew by 11%. Every bit of growth in population, PLUS a few thousand people – happened inside city limits. Cities can’t stand still, can’t be “maintenance only.” They have to grow – and because they do, the state benefits.

Seventy percent of the population is served by City utilities and infrastructure – with very little help from other entities. Yet the state stands in the way of serving that population. If you don’t do it, who will?

I’ve often pointed out that as your lobbyist, in more than 20 years, I’ve never gone to the state’s Appropriations Committee and asked for state funding. We don’t want to reach into anyone else’s pocket – we want to work with our citizens to reach into our own – but the state has sewn your pockets shut. Even a local vote of the citizens, choosing the funding with which they want to pay for projects – can’t open that pocket. Only the Legislature can allow your citizens this ability.

Please stay in contact with your legislators this session. Let them know you are capable of working with your citizens to fund your projects. They just need to get out of the way. Local control means citizens determining for themselves what to do, and how to do it. The state should not stand in the way of that.

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

Yvonne Taylor
Executive Director

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

**Subscribe to the SDML’s Legislative Update.**

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

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

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

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

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

To get the Update sent to you by mail or fax please send $10 along with a request (include your mailing address, phone number or fax number) to:

SDML, 208 Island Drive, Fort Pierre, SD 57532.
2015! Wow! It seems like just yesterday we were all worried about Y2k! My age is showing when I do the “remember when” thing…

As the New Year starts, South Dakota embarks on a very important time of year. That is the legislative session. It starts on January 13, 2015. From my standpoint, I can report that it is quite daunting as elected/appointed officials to get involved in the process. At times, I feel that it is not all that important for me to get involved…there are plenty of people that will keep abreast of the important issues. NOT! The contact you have with your own legislator IS essential when you feel a particular bill is going to affect you, your city or your state. One of the best things you can do is to sign up for Yvonne’s legislative update – unlimited e-mail addresses per city, free. Sent once a week, it is the only run-down of municipal issues. This format has become the easiest way to contact your legislators! The weekly update from Yvonne will have links to the legislators’ e-mail addresses. The best way to reach legislators is to e-mail them, with a clear indication in the subject line that you are a constituent in their district – because they are inundated with e-mails, and care most about those from their own district. Otherwise, a phone message can be left for them – all information available in the update. Also, if an issue becomes complicated, we cannot get much done without that local contact. Legislators care what the people in their district think! The annual Legislative/SDML Rib Dinner is February 3. What a great opportunity for you to give a quick handshake to the legislators and thank them for their support on all the issues presented to them!

Whew! I know that was a mouthful; but I wanted you to know that I remember when I first started in municipal government; it was hard to just jump in and feel the need to be active in the process. I found going to committee meetings during the session was also very helpful. Just to be able to sit and listen to the whole process. Very educational and at times quite profound at what these legislators deal with.

On another topic, I would like to recognize Christine Lehrkamp, Director of Research and Training for the SDML. Christine is leaving the SDML staff. By the time you read this; she will be settling in her new role as State Election Coordinator in the Secretary of State’s Office. Christine has been an important part of the league staff. Her knowledge base has been a tool that nearly all finance officers in the state have used one time or another. So, on behalf of the SDML Board of Directors and the SDML membership, I wish Christine all the best in her endeavors and thank her for her dedicated service to the SDML.

Until next month; “The reward of a thing well done is to have done it.”– Ralph Waldo Emerson

Jeanne Duchscher
President

### State Rates

(As of January 1, 2015)

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SDML Welcomes New Staff Members

Kristi Brakke joined the South Dakota Municipal League as the Accounting Assistant in November.

Prior to joining the League, Kristi worked in the accounting field for 22 years, the most recent position was an Accounting Assistant for a Construction Company and before that 19 years of her experience was working for a CPA Firm.

Kristi was raised in Blunt, SD where she and her son Adam make their home.

As a new staff member Kristi is excited and eager to contribute to the success of South Dakota Municipal League.

You can contact Kristi at 800-658-3633 or by email at kristi@sdmunicipalleague.org.

Paula Lind joined the South Dakota Municipal League as the new Administrative Coordinator in December.

Prior to joining the League, she spent the last 16 years working for the South Dakota High School Activities Association in Pierre.

Paula is a lifelong resident of South Dakota, growing up in White River and has lived the last 22 years in Ft. Pierre. Paula and her partner Kelly have a small acreage just outside of Ft. Pierre.

She has three grown children and one grandson. Her hobbies include caring for her horses and barrel racing.

You can contact Paula at 800-658-3633 or by email at paula@sdmunicipalleague.org.

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## 2015 Events Calendar

### January
- **13**: 2015 SD Legislative Session Begins, Pierre
  - Annual Report Workshops (See Registration)
- **21**: SD Police Chiefs’ Association Meeting, Fort Pierre

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

### March
- **3-4**: SD Municipal Electric Association Superintendent-Foreman Conference, Watertown
- **7-11**: NLC Congressional City Conference, Washington, DC
- **17**: District 7 Meeting, Akaska
- **18**: District 6 Meeting, Ipswich
- **19**: District 5 Meeting, St. Lawrence
- **24**: SD Building Officials ICC Code Officials Institute Program, Rapid City
- **24**: District 1 Meeting, New Effington
- **25**: District 2 Meeting, Madison
- **26**: SD Building Officials ICC Code Officials Institute Program, Sioux Falls
- **31**: District 4 Meeting, Dallas

### April
- **1**: District 3 Meeting, Yankton
- **7**: District 8 Meeting, Kadoka
- **8**: District 9 Meeting, Custer

### May
- **6-7**: SD Association of Code Enforcement Workshop, Mitchell
- **28-29**: SDML Board of Directors Meeting, Parker

### June
- **9-10**: Human Resource School, Pierre
- **10-12**: Finance Officers’ School, Pierre
- **19**: SD Municipal Attorneys’ Association Meeting, Rapid City

### July
- **8**: Elected Officials Workshop, Pierre
- **15**: Budget Training, Rapid City
- **16**: Budget Training, Pierre
- **16-17**: SD Building Officials’ Association Meeting, Pierre
- **22**: Budget Training, Aberdeen
- **23**: Budget Training, Sioux Falls

### August
- **12-13**: Policy Committee Meetings, Fort Pierre

### October
- **6-9**: SDML Annual Conference, Watertown

### November
- **4-7**: NLC Congress of Cities, Nashville, TN

### December
- **9**: Joint Board Meeting with County Association, Fort Pierre/Pierre
2015 LEGISLATIVE CALENDAR

Compliments of:

SOUTH DAKOTA MUNICIPAL LEAGUE

Ninetieth Session
South Dakota Legislature

January

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Legal Holidays for 2015

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

January 1st, 2015 – New Year’s Day
January 19th, 2015 – Martin Luther King Jr. Day
February 16th, 2015 – Presidents’ Day
May 25th, 2015 – Memorial Day
July 4th, 2015 – Independence Day
September 7th, 2015 – Labor Day
October 12th, 2015 – Native Americans’ Day
November 11th, 2015 – Veterans’ Day
November 26th, 2015 – Thanksgiving
December 25th, 2015 – Christmas

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

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

Municipal Government Day at Legislature
February 4, 2015

The annual Municipal Government Day at the Legislature will be held on Wednesday, February 4, 2015 in Pierre. This day allows municipal officials to personally witness and influence the law-making process.

An informal dinner with the state legislators will be held on Tuesday evening, February 3, 2015. An agenda and registration materials have been sent to your city offices and can be found at www.sdmunicipalleague.org.

A block of rooms has been reserved at the Kings Inn (605-224-5951) for Tuesday, February 3, 2015. Be sure to mention the SDML block when making your reservations. The room block will be released on January 20, 2015.
Carrying Your Message to the Capitol

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

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

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

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

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

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

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

Be responsive and provide additional information quickly, if asked.

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

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

Municipal Tax Payments

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

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


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

Phone Numbers to Know
- Senate Phone: 605-773-3821
- House Phone: 605-773-3851
- Lobbyist Phone: 605-224-5030
(Yvonne can be reached at this number or email her at yvonne@sdmunicipalleague.org during session.)
How an Idea Becomes Law

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

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

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

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

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

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

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

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

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

Reprinted with permission from the South Dakota Legislative Research Council
How to Track a Bill Online During the 2015 Session

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

Step 2
Click on “Legislative Session” on the left hand side of the page and then select “2015.”

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

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

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

Step 5
After you’ve found the bill you want to track, you can click on the bill and see a page like the one here (since no bills are entered yet for 2015 we’ve pulled up a page from the 2014 Session).

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

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

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

If you want to read the full text of the bill click on the “Bill Text Versions” at the bottom of the page.
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<thead>
<tr>
<th>District</th>
<th>Legislator</th>
<th>Address</th>
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<tr>
<td>1</td>
<td>Sen. Jason Frerichs</td>
<td>13507 465th Avenue, Wilmot, SD 57279</td>
<td>605-949-2204</td>
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<tr>
<td>1</td>
<td>Rep. Dennis Feickert</td>
<td>38485 129th St, Aberdeen, SD 57401-8386</td>
<td>605-225-5844</td>
<td>605-216-3451</td>
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<td>1</td>
<td>Rep. Steven McCleerey</td>
<td>45708 116th St., Sisseton, SD 57262-7019</td>
<td>605-698-7478</td>
<td>605-698-3749</td>
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<td>2</td>
<td>Sen. Brock Greenfield</td>
<td>507 N. Smith St., Clark, SD 57225-1250</td>
<td>605-532-4088</td>
<td>605-450-1263</td>
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<td>2</td>
<td>Rep. Lana Greenfield</td>
<td>PO Box 243, Doland, SD 57436</td>
<td>605-635-6932</td>
<td>605-635-6996</td>
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<td>2</td>
<td>Rep. Burt Tulson</td>
<td>44975 SD Hwy. 28, Lake Norden, SD 57248</td>
<td>605-785-3480</td>
<td>605-881-7809</td>
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<td>Sen. David Novstrup</td>
<td>1008 S. Wells St., Aberdeen, SD 57401-7373</td>
<td>605-225-8541</td>
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<td>3</td>
<td>Rep. Dan Kaiser</td>
<td>1415 Nicklaus Dr., Aberdeen, SD 57401-8822</td>
<td>605-228-4988</td>
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<td>3</td>
<td>Rep. Al Novstrup</td>
<td>1705 Northview Lane, Aberdeen, SD 57401-2268</td>
<td>605-226-2505</td>
<td>605-360-9711</td>
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<td>4</td>
<td>Sen. Jim Peterson</td>
<td>16952 482nd Ave., Revillo, SD 57259-5208</td>
<td>605-623-4573</td>
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<td>4</td>
<td>Rep. Fred Deutsch</td>
<td>16452 449th Ave., Florence, SD 57335</td>
<td>605-882-3323</td>
<td>605-886-8650</td>
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<tr>
<td>4</td>
<td>Rep. John Wiik</td>
<td>PO Box 95, Big Stone City, SD 57216</td>
<td>605-880-1440</td>
<td>605-862-8215</td>
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<tr>
<td>5</td>
<td>Sen. Ried Holien</td>
<td>PO Box 443, Watertown, SD 57201</td>
<td>605-886-4330</td>
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<tr>
<td>5</td>
<td>Rep. Lee Schoenbeck</td>
<td>PO Box 1325, Watertown, SD 57201</td>
<td>605-886-0010</td>
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<td>5</td>
<td>Rep. Roger Solum</td>
<td>1333 Mayfair Drive, Watertown, SD 57201-1155</td>
<td>605-882-7056</td>
<td>605-882-5284</td>
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<td>6</td>
<td>Sen. Ernie Otten</td>
<td>46787 273rd, Tea, SD 57064-8024</td>
<td>605-368-5716</td>
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<td>6</td>
<td>Rep. Isaac Latterell</td>
<td>PO Box 801, Tea, SD 57064</td>
<td>605-368-1002</td>
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<td>6</td>
<td>Rep. Herman Otten</td>
<td>PO Box 326, Tea, SD 57064-0325</td>
<td>605-498-5460</td>
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<td>7</td>
<td>Sen. Larry Tidemann</td>
<td>251 Indian Hills Rd., Brookings, SD 57006</td>
<td>605-692-1267</td>
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<td>7</td>
<td>Rep. Scott Munsterman</td>
<td>1133 W. 8th St. S., Brookings, SD 57006</td>
<td>605-691-9930</td>
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<td>8</td>
<td>Sen. Scott Parsley</td>
<td>103 N. Liberty Ave., Madison, SD 57042-2706</td>
<td>605-256-4984</td>
<td>605-256-8004</td>
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<td>8</td>
<td>Rep. Leslie Heinemann</td>
<td>47962 228th St., Flandreau, SD 57028-6701</td>
<td>605-997-2654</td>
<td>605-997-3732</td>
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<td>8</td>
<td>Rep. Mathew Wollmann</td>
<td>210 W. Center St., Apt. 302, Madison, SD 57042</td>
<td>605-480-3038</td>
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<td>9</td>
<td>Sen. Deb Peters</td>
<td>705 N. Sagehorn Dr., Hartford, SD 57033-2380</td>
<td>605-321-4168</td>
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<td>9</td>
<td>Rep. Paula Hawks</td>
<td>405 S. Tessa Ave., Hartford, SD 57033</td>
<td>605-254-2440</td>
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<td>10</td>
<td>Sen. Jenna Haggar</td>
<td>PO Box 763, Sioux Falls, SD 57101</td>
<td>605-610-9779</td>
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<td>10</td>
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<td>Rep. Steven Haugaard</td>
<td>47629 258th St., Sioux Falls, SD 57104</td>
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<td>11</td>
<td>Sen. David Omdahl</td>
<td>PO Box 88235, Sioux Falls, SD 57109-8235</td>
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<td>11</td>
<td>Rep. Jim Stalzer</td>
<td>5909 W. Bristol Dr., Sioux Falls, SD 57106-0660</td>
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<td>Sen. R. Blake Curd</td>
<td>38 S. Riverview Hts., Sioux Falls, SD 57105</td>
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<td>Rep. Thomas Holmes</td>
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<td>14</td>
<td>Rep. Larry Zikmund</td>
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<td>Sen. Angie Buhl O’Donnell</td>
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<td>15</td>
<td>Rep. Patrick Kirschman</td>
<td>901 N. Duluth Ave. #1, Sioux Falls, SD 57104-2328</td>
<td>605-366-4798</td>
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<td>15</td>
<td>Rep. Karen Soli</td>
<td>810 W. 6th St., Sioux Falls, SD 57104-2904</td>
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<td>16</td>
<td>Sen. Dan Lederman</td>
<td>725 Indian Wells Ct., Dakota Dunes, SD 57049</td>
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<td>16</td>
<td>Rep. Jim Bolin</td>
<td>403 West 11th St., Canton, SD 57013-2418</td>
<td>605-261-9669</td>
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<td>17</td>
<td>Sen. Arthur Rusch</td>
<td>PO Box 312, Vermillion, SD 57069-0312</td>
<td>605-624-8723</td>
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<td>17</td>
<td>Rep. Ray Ring</td>
<td>607 Sterling Street, Vermillion, SD 57069-3453</td>
<td>605-675-9379</td>
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<td>18</td>
<td>Sen. Bernie Hunhoff</td>
<td>707 Riverside Dr., Yankton, SD 57078</td>
<td>605-665-2975</td>
<td>605-665-6655</td>
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<td>18</td>
<td>Rep. Jean Hunhoff</td>
<td>2511 Mulligan Dr, Yankton, SD 57078</td>
<td>605-665-1463</td>
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<td>18</td>
<td>Rep. Mike Stevens</td>
<td>214 Marina Dell, Yankton, SD 57078</td>
<td>605-661-0057</td>
<td>605-665-5550</td>
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<td>19</td>
<td>Sen. Bill Van Gerpen</td>
<td>PO Box 10, Tyndall, SD 57066</td>
<td>605-589-3064</td>
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<td>20</td>
<td>Sen. Mike Vehle</td>
<td>132 N. Harmon Dr., Mitchell, SD 57301</td>
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<td>Rep. Joshua Klumb</td>
<td>26296 401st Ave., Mount Vernon, SD 57363</td>
<td>605-770-9708</td>
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<td>Rep. Tona Rozum</td>
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<td>21</td>
<td>Sen. Billie Sutton</td>
<td>919 Franklin St., Burke, SD 57523</td>
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<td>22</td>
<td>Sen. Jim White</td>
<td>1145 Beach Circle NE, Huron, SD 57350-4700</td>
<td>605-352-8184</td>
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<td>Rep. Peggy Gibson</td>
<td>1010 Valley View Ct., Huron, SD 57350-4221</td>
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<td>Sen. Corey Brown</td>
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<td>Rep. Justin Cronin</td>
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<td>23</td>
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<td>24</td>
<td>Rep. Mary Duvall</td>
<td>PO Box 453, Pierre, SD 57501</td>
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<td>Sen. Tim Rave</td>
<td>46923 250th St., Baltic, SD 57003</td>
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<td>25</td>
<td>Rep. Roger Hunt</td>
<td>PO Box 827, Brandon, SD 57005</td>
<td>605-582-3865</td>
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<td>26</td>
<td>Sen. Troy Heinert</td>
<td>PO Box 348, Mission, SD 57555</td>
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<td>26A</td>
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<td>26B</td>
<td>Rep. James Schaefer</td>
<td>23026 SD Hwy. 273, Kennebec, SD 57544-5201</td>
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<td>27</td>
<td>Sen.. Jim Bradford</td>
<td>PO Box 690, Pine Ridge, SD 57770-0690</td>
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<td>27</td>
<td>Rep. Kevin Killer</td>
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<td>27</td>
<td>Rep. Elizabeth May</td>
<td>20261 BIA 2, Kyle, SD 57752-7400</td>
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<td>28</td>
<td>Sen. Betty Olson</td>
<td>11919 SD Hwy. 79, Prairie City, SD 57649</td>
<td>605-855-2824</td>
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<td>28B</td>
<td>Rep. J. Sam Marty</td>
<td>16692 Antelope Rd., Prairie City, SD 57649</td>
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<td>29</td>
<td>Sen. Gary Cammack</td>
<td>PO Box 100, Union Center, SD 57787-0100</td>
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<td>Rep. Thomas Brunner</td>
<td>18769 Quin Road, Nisland, SD 57762-7646</td>
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<td>Rep. Dean Wink</td>
<td>PO Box 137, Howes, SD 57748-0137</td>
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<td>30</td>
<td>Sen. Bruce Rampleberg</td>
<td>13948 Lariat Road, Rapid City, SD 57702-7315</td>
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<td>289 Rainbow Ridge Ct., Hill City, SD 57745</td>
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<td>31</td>
<td>Sen. Bob Ewing</td>
<td>PO Box 607, Spearfish, SD 57783</td>
<td>605-722-5559</td>
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<td>31</td>
<td>Rep. Timothy Johns</td>
<td>203 W. Main St., Lead, SD 57754</td>
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<td>Rep. Fred Romkema</td>
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<td>605-722-1432</td>
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<td>Sen. Alan Solano</td>
<td>3410 Wisconsin Ave., Rapid City, SD 57701</td>
<td>605-342-8974</td>
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<td>Rep. Kristin Conzet</td>
<td>1523 West Blvd, Rapid City, SD 57701-4551</td>
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<td>32</td>
<td>Rep. Brian Gosch</td>
<td>312 Alta Vista Drive, Rapid City, SD 57701-2337</td>
<td>605-719-3365</td>
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### Important Legislative Information:

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<td>33</td>
<td>Sen. Phil Jensen</td>
<td>10215 Pioneer Ave., Rapid City, SD 57702</td>
<td>605-343-1335</td>
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<td>33</td>
<td>Rep. Scott Craig</td>
<td>8556 Heather Dr., Rapid City, SD 57702-7710</td>
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<td>Sen. Craig Tieszen</td>
<td>3416 Brookside Dr., Rapid City, SD 57702-8118</td>
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<td>Rep. Dan Dryden</td>
<td>2902 Tomahawk Dr., Rapid City, SD 57702-4250</td>
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<td>34</td>
<td>Rep. Jeffrey Partridge</td>
<td>7174 Prestwick Road, Rapid City, SD 57702</td>
<td>605-718-1912</td>
<td>605-301-4803</td>
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<td>35</td>
<td>Sen. Terri Haverly</td>
<td>22983 Candlelight Dr., Rapid City, SD 57703</td>
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<td>35</td>
<td>Rep. Blaine “Chip” Campbell</td>
<td>3480 Colvin St., Rapid City, SD 57703</td>
<td>605-393-1645</td>
<td>605-484-4848</td>
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<td>35</td>
<td>Rep. Lynne DiSanto</td>
<td>4973 Hansen Lane, Rapid City, SD 57703</td>
<td>605-389-0111</td>
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**Senate Phone:** 605-773-3821  
**House Phone:** 605-773-3851  
**Lobbyist Phone:** 605-224-5030  

**Legislative Research Council’s website:** [http://legis.sd.gov/](http://legis.sd.gov/)  
**Yvonne’s email:** yvonne@sdmunicipalleague.org
On November 4, 2014 SD voters approved Initiated Measure 18, to increase the state minimum wage.

**Minimum Wage**
Effective January 1, 2015 the minimum wage for non-tipped employees in South Dakota will be $8.50/hour. The minimum wage will be annually adjusted by any increase in cost of living, as measured by the Consumer Price Index published by the U.S. Department of Labor. In no case may the minimum wage be decreased.

See South Dakota Codified Laws (SDCL) on fair labor standards laws, 60-11.

**Tip Credit**
Effective January 1, 2015, employers must pay tipped employees a wage of no less than 50 percent of the prevailing state minimum wage. The employer must make sure the employees receive no less than the minimum wage and must keep a record of all tips received by employees.

**Annual Increase**
South Dakota’s minimum wage will be adjusted on an annual basis, increasing at the same rate as the cost of living as measured in the Consumer Price Index published by the U.S. Department of Labor. The amount of the increase will be rounded to the nearest five cents. The minimum wage cannot decrease.

The new adjusted rate will be announced on the SD Department of Labor and Regulation’s website, http://dlr.sd.gov/wagehrs/minimumwage.aspx, for the following year no later than October 15 of each year.

**Exemptions**
- Seasonal amusement or recreation establishments, babysitters or outside salespersons. See SDCL 60-11-3 and 60-11-3.1.
- Training wage. See SDCL 60-11-4.1.
- Apprentices, person with a developmental disability. See SDCL 60-11-5.

If you have questions contact:
South Dakota Department of Labor and Regulation
Division of Labor and Management
700 Governors Drive
Pierre, SD 57501
Phone: 605.773.3681

Source: http://dlr.sd.gov/wagehrs/minimumwage.aspx

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### South Dakota Minimum Wage Law In Brief

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<th>Through December 31, 2014</th>
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<td><strong>Minimum Wage</strong></td>
<td>$7.25/hour</td>
<td>$8.50/hour</td>
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<td><strong>Automatic Increases</strong></td>
<td>No</td>
<td>Yes, tied to national Consumer Price Index</td>
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<td><strong>Tip Credit</strong></td>
<td>Employer must pay tipped employees at least $2.13/hour in direct cash wages, if employee makes enough in tips to bring them up to the minimum wage.</td>
<td>Employer must pay tipped employees at least 50 percent of the prevailing state minimum wage, if employee makes enough in tips to bring them up to the minimum wage.</td>
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<td><strong>Subminimum Training Wage</strong></td>
<td>$4.25/hour for employees under the age of 20 for first 90 calendar days of employment.</td>
<td>$4.25/hour for employees under the age of 20 for first 90 calendar days of employment.</td>
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<td><strong>Seasonal Amusement or Recreation Establishment Exemption</strong></td>
<td>Yes, if employer meet certain criteria.</td>
<td>Yes, if employer meets certain criteria.</td>
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Source: Compiled in conjunction with the South Dakota Retailers Association, November 2014
South Dakota received a Presidential Disaster Declaration as a result of June 2014 statewide flooding and tornado in Wessington Springs. Subsequently, approximately $1.4 million of funding is now available for local governments and certain private-non-profit organizations to apply for hazard mitigation projects that will reduce the loss of life and property by lessening the impacts of future disasters.

Find out more about the eligibility of mitigation projects or to apply for these funds, please contact Jim Poppen at 605-773-3231 or jim.poppen@state.sd.us. Discussions on your project are vital to ensure all components of the application are completed. The deadline for application submittal is April 1, 2015.

**Timelines:**
- Applications due to state: April 1, 2015. Submit prior to deadline to ensure complete application.
- OEM reviews the applications for completeness: April/May 2015
- OEM presents applications to the State Hazard Mitigation Team: May 2015
- State Hazard Mitigation Team approved projects submitted to FEMA: June 2015
- FEMA has until June 2016 to award projects
- Period of Performance to complete approved projects: June 2018

**Notes:**
- When submitting an application for a phased project, you will need to indicate that you are requesting the project to be phased and provide a detailed scope of work and budget for each phase of the project. A new benefit cost analysis is required for phase 2.
- If you intend to request progress payments throughout the construction of your project then this will need to be indicated in your application. Copies of all invoices and checks will be required and a project inspection will be performed by OEM prior to any payment. Each payment will be reimbursed at a 75% federal share rate with a 25% local match required.
- All agencies that have a stake in environmental and historical preservation for your project will need to have an environmental letter sent to them for their response on your project. These response letters must accompany the application. If construction is taking place on or near tribal property, it is a possibility the Tribal Historic Preservation Office may request a Class III Archeological Survey to be completed prior to award. This survey is an eligible expense.
The Grant County Development Corporation announced at its December board meeting that the Milbank Industrial Park has been approved by the Governor’s Office of Economic Development (GOED) as a South Dakota Certified Ready Site.

“On behalf of the GOED, I’d like to congratulate the Grant County Development Corporation and the Milbank Industrial Park on achieving certified ready status,” said Commissioner Pat Costello. “To date, we’ve approved 18 sites as shovel-ready. I appreciate community leaders like Bobbie Bohlen who see the value in the program, and continue to encourage other communities throughout South Dakota to utilize it.”

The Milbank Industrial Park was approved for certification in two classes, Light Industrial and Rural Business Park.

“The Certified Ready Sites program allows us to provide businesses, both current and potential, with the most comprehensive information available,” said Bobbie Bohlen, executive director, Grant County Development Corporation. “No matter the kind of business park, it is definitely in the community’s best interest to get it certified by the GOED. The programs like Certified Ready are incredibly beneficial, and could be the difference between a deal made and a deal lost. Hopefully this will help us to land more deals in Milbank.”

The South Dakota Certified Ready Sites Program is an economic development tool available to all counties, cities, townships, planning districts, business improvement districts and economic development groups.

The South Dakota Certified Ready Sites Program is operated under the supervision of the GOED for the purpose of providing consistent information on sites available throughout the state.

For more information on the South Dakota Certified Ready Sites program, visit www.sdreadytopartner.com.
At its November 2014 meeting, the South Dakota Transportation Commission awarded $1.12 million in grants for road improvements in smaller communities in South Dakota.

The Community Access grant program funds were awarded to improve roads leading to schools, main business areas, hospitals, grain elevators and other economic areas in the communities. The grants pay for 60 percent of the construction costs, up to a maximum of $200,000.

Those receiving the grant awards include:

- City of Arlington – $200,000 for Main Street which serves the school.
- City of Burke – $200,000 for Seventh Street which serves a business area.
- City of Groton – $200,000 for Railroad Avenue which serves the elevator.
- City of Ipswich – $183,500 for 2nd Avenue which serves the school.
- City of Menno – $55,800 for Poplar Street which serves a business area.
- City of Wessington Springs – $200,000 for Main Street and Dakota Avenue which serves the downtown area.
- Sully County – $81,000 for Ash Avenue and 185th Street which serves a business area.

For more information, visit http://www.sddot.com/business/local/economic or contact Paula Huizenga at 605-773-6253 or paula.huizenga@state.sd.us.

### SDML Directory Changes

Aberdeen  Add:  ATT Ron Wager
Baltic  Delete:  FO Elaine Hendrickson  Add:  ADM Ryan Fods  FO Julia Hoefert  PWD Ryan Fods
Briton  Delete:  CM Don Jones
Davis  Delete:  PR Heath McManaman  FO Bonnie Ballinger
Ethan  Delete:  T Joe Long
Huron  Add:  PC Denny Meyer
Hot Springs  Delete:  hlux@hs-sd.org  Add:  hsfinanceofficer@hs-sd.org  ADM Nolan Schroeder
Long Lake  Delete:  101 Beth Ave.  T Minnie Pietz  Add:  PO Box A-9  townoflonglake@yahoo.com  T Linda Shank
Mitchell  Delete:  FO Marilyn Wilson
Wagner  Add:  SS Jeremy Gulbranson  WS Jeremy Gulbranson
Watertown  Delete:  RD Terry Jorgenson
Wilmot  Add:  CM Brian Schnaser

Email Directory changes to paula@sdmunicipalleague.org.

### Sample Personnel Policies

The Sample Personnel Policies are available to SDML members. This manual is published to provide cities in South Dakota with a practical guide to managing their human resources.

Contact the League at info@sdmunicipalleague.org or 800-658-3633 for a User Name and Password to download the sample personnel polices from the SDML website, www.sdmunicipalleague.org.
Obituary: Sam Tidball

Sam B. Tidball
March 13, 1924 - November 18, 2014

Samuel B. “Sam” Tidball, a rancher at heart and long-time contributor to education and community, died November 18, 2014. Sam was born in 1924 on a Corson County ranch in NW South Dakota. He attended a one-room, country school for the first eight grades and graduated from Isabel High School.

In February 1947, Sam married Helen (Lyon) Peterson. They were married for 54 years. He married Joyce (McNeely) Levin in August of 2002.

Sam farmed and ranched in the Glad Valley/Isabel area. Later he owned and operated an automobile, farm machinery, and hardware business in Isabel. He sold the business but retained his farm and ranch operations and enrolled in college. He earned a Bachelor of Science degree at Black Hills State University and taught in Spearfish High School for three years. During this time he received his Master degree from the University of South Dakota. Sam then joined the faculty at BHSU where he taught in the Communications Department.

Sam left BHSU to become a school administrator in Faith and Bison schools. He moved to Fort Pierre, SD, to serve as Executive Director and lobbyist for the Associated School Boards of South Dakota. He served in that position for nearly eighteen years.

Sam lived in Fort Pierre where he served on the City Council for six years and served as Mayor for sixteen years. During his tenure, he led the city through the 2011 Missouri River flood and oversaw an economic development boom. Sam served as a member of the Department of Transportation Commission and he was an active participant in the Chamber of Commerce, Lions Club, his Church, Shriners, Masons and many community activities. Sam has been honored with numerous awards over the years that represent his community leadership and civic engagement. Sam was recognized by Governors Mickelson and Janklow with a designated day as “Sam Tidball Day.” Governors Rounds and Daugaard presented proclamations for his contributions to the State of South Dakota. Ft. Pierre and Pierre developed a strong shared working relationship while Sam was Mayor.

Sam’s wife, Dr. Joyce Tidball, was the state director of curriculum and instruction and provided leadership in preparing high quality teachers across the state and currently is a Realtor. Sam has three children. Dennis is a Superintendent of Schools in Minnesota; Deila recently retired as an administrator from the Lincoln, NE public schools; and Kareen owns her own consulting firm and shares in the work of her family vineyard in Round Mountain, TX.

Survivors include his wife, Joyce, his son, Dr. Dennis (Shirley) Peterson, Chanhassen, MN; his daughters, Dr. Deila (Don) Steiner, Lincoln, NE; and Dr. Kareen Strickler, Round Mountain, TX; three sisters, Margaret Lyon Reno, Lemmon, SD; Patsy Monnens, Gillette, WY; Nora (Jim) Anderson, Lemmon, SD; nine grandchildren and fourteen great-grandchildren and numerous nieces and nephews.

Sam was preceded in death by his parents; his wife, Helen, an infant son, Harlan, brothers, James Tidball, William (Bill) Tidball, Keith Tidball and sister, Betty Everidge.
Obituary: Donald Jones

Donald L. Jones
April 24, 1945 -
December 2, 2014

Donald Leroy “Don” Jones was born April 24, 1945 at Kearney, NE to Paul Henry and Dorothy Lucile (Walter) Jones. He spent his early childhood and attended school in the area where he grew up on the Nebraska/South Dakota state line.

On August 10, 1962, Don entered the U. S. Navy and served until his honorable discharge on August 13, 1966. During that time, he saw action in VietNam, and was awarded the Armed Forces Expeditionary Medal as well as the National Defense Service Medal.

Don was united in marriage with Pamela Bitterman on January 5, 1969 at Lake Andes, SD. They lived for a while in Lake Andes where Don worked at his father-in-law’s, Rest Haven Resort and the grain elevator. They later moved to Clarissa, MN where Don was engaged in farming and worked at Jack’s Meat Market. After moving to Wheaton, MN Don continued his work as a meat cutter for Jim’s Meat Market and also Willy’s SuperValu. They eventually moved to Britton and Don worked at the Red Owl Store. He later worked at Olson Auto Repair, Symens Electric and as a mechanic at Cenex-Full Circle Ag. Don retired at the age of 63, but still worked part time at Full Circle and assisted at Mike’s Plumbing and Heating.

Always an outdoors enthusiast, Don greatly enjoyed hunting, fishing and playing a round of golf. The only thing that could make any of those activities better for Don was to be able to share them with a good friend or his family. He served for a number of years on the Britton City Council, as well as the office of Mayor. Perhaps above all else, what brought Don the most pleasure the past few years were his grandchildren and great-grandchildren.

Grateful for having shared his life are his wife of 45 years, Pam Jones of Britton; a daughter, Donita (Brad) Johnson of Webster, two sons: Sonny (Marissa) Jones of Britton; Torrey (Nicole) Jones of Britton; eight grandchildren: Natasha, Kasandra, Jacob, Brianna, Nathan, Preston, Nevaeh and Jocelyn; two great-grandchildren: Avarie and Haevyn; four sisters: Donna Walter of Sioux Falls; Gala Houser of Mitchell, Dianne Houseman of Mitchell, Sharon Ibarra of Enid, OK; and a brother, Jay Stalks of Madison, SD.
Refrer to the 2015 Municipal Elections Handbook for additional information. The handbook can be found on the SDML website under the Library section then Elections.

How is a candidate for municipal office nominated?

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

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

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

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

If the candidate is to be voted for by the voters of a ward or subdivision of a municipality of the first or second class having more than one ward or subdivision, a nominating petition shall be signed by at least five percent of the registered voters of the ward or subdivision. The percentage shall be based on the total number of registered voters voting in the ward or subdivision at the last preceding general election. No petition needs to be signed by more than fifty voters.
In municipalities of the third class, if the candidate is to be voted for by the voters at large, the nominating petition shall be signed by not less than ten registered voters of the municipality. If the candidate is to be voted for by the voters of a ward or subdivision of a municipality having more than one ward or subdivision, the nominating petition shall be signed by not less than five registered voters of the ward or subdivision.

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

If a person signs more than one petition (except in a third class municipality) the first valid signature presented counts. 5:02:08:00.04. Validity of petition signature when signer has signed more petitions than offices to be nominated. The first signature presented to the filing office which meets the requirements of SDCL 12-6-8 and §§ 5:02:08:00 and 5:02:08:00.01 is valid. The same signature which meets the requirements of SDCL 12-6-8 and §§ 5:02:08:00 and 5:02:08:00.01 on the next nominating petition presented to the filing office may also be valid if the person has not signed petitions exceeding the number of candidates required to be nominated for the same office. Any subsequent signature by such person on a nominating petition presented to the filing office that exceeds the number of candidates required to be nominated for the same office is not valid, except as provided in SDCL 9-13-9.

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

Can anyone circulate a petition?

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

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

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

What if only one candidate files for office?

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

Who is eligible to vote in a municipal election?

SDCL 9-13-4.1 explains:

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

SDCL 12-1-4 explains:

12-1-4. Criteria for determining voting residence. For the purposes of this title, the term, residence, means the place in which a person has fixed his or her habitation and to which the person, whenever absent, intends to return. A person who has left home and gone into another state or territory or county of this state for a temporary purpose only has not changed his or her residence. A person is considered to have gained a residence in any county or municipality of this state in which the person actually lives, if the person has no present intention of leaving. If a person moves to another state, or to any of the other territories, with the intention of making it his or her permanent home, the person thereby loses residence in this state.

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

In order to qualify, a person must be:

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

Alderman candidates must be registered voters and residents of the ward they are running for when nominated (SDCL 9-8-1.1).

The person in charge of the election is responsible for notifying the person elected what they need to do to qualify.

9-13-28. Notice to persons elected—Time allowed for qualification. The finance officer, within two days after the result of the election is declared, shall notify each
person elected to office of the person’s election. If a person does not qualify by filing an oath or affirmation of office in the usual form provided by law within ten days after the first meeting of the month next succeeding the election, the office becomes vacant.

If an official fails to qualify then a vacancy is created pursuant to SDCL 3-4-1:

3-4-1. Events causing vacancy in office. Every office shall become vacant on the happening of any one of the following events before the expiration of the term of such office:

(1) The death of the incumbent;
(2) His resignation;
(3) His removal from office;
(4) His failure to qualify as provided by law;
(5) His ceasing to be a resident of the state, district, county, township, or precinct in which the duties of his office are to be exercised or for which he may have been elected;
(6) His conviction of any infamous crime or of any offense involving a violation of his official oath;
(7) Whenever a judgment shall be obtained against him for a breach of his official bond.

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

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

Who selects and pays for election officials?

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

Federal regulations have a special exception for Election Workers – you do not need to withhold Social Security or Medicare from their paychecks if they earn less than $1600 and do not hold any other city position. No 1099 needs to be issued. If the individual earns more than $1600 or their election pay plus their wage from their other city position is more than $1600 then you follow normal procedure for withholdings.

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

What constitutes an official canvass?

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

A quorum of council needs to be present for the canvas since a majority vote to approve the canvas needs to be taken and recorded.

What is the procedure for absentee voting?

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

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

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

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

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

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

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

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

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

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

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

**What are the hours for municipal elections?**

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

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

Yes, if in a first class municipality. Every person elected or appointed to any civil office shall, before entering upon the duties thereof, qualify by taking an oath or affirmation to support the Constitution of the United States and of this state, and faithfully to discharge the duties of his office, naming it; and by giving a bond, when one is required, conditioned that he will faithfully and impartially discharge the duties of his office, naming it, and render a true account of all money, credits, accounts, and public personal property requiring inventory, as defined in rules issued by the commissioner of the bureau of administration, that shall come into his hands as such officer, and pay over and deliver the same according to law (SDCL 3-1-5). Each candidate for county commissioner, school board member in a school district with a total enrollment of more than two thousand students, or commissioner, council member, or mayor in any first class municipality, shall file a statement of financial interest with the office at which the candidate’s nominating petitions are filed within fifteen days after filing such petitions or, if otherwise nominated, within fifteen days after such nomination is certified. A violation of this section is a petty offense. An intentional violation is a Class 2 misdemeanor (SDCL 12-25-30).
Do any campaign finance reporting requirements apply to municipal elections?

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

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

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

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

Who can register voters?

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

Voter registration forms can be printed at your local printing company or you can print the form off of the Secretary of State’s website. Go to www.sdsos.gov and click on Register to Vote under the Elections & Voting tab.
## 2015 Municipal Election Calendar

| Event                                                                 | Second Tuesday in April | First Tuesday after the first Monday in June | Combine with school on third Tuesday in June | To Newspaper by |
|----------------------------------------------------------------------|--------------------------|---------------------------------------------|---------------------------------------------|----------------
| The governing board must establish the election date no later than January 14th of the election year, if they choose a different election date other than the 2nd Tuesday in April.* (9-13-1) | April 14                 | June 2                                      | June 16                                      |                |
| The person in charge of the election must notify the Secretary of State when the election will take place by e-mail, letter, fax, or telephone. (12-2-7) elections@state.sd.us | Immediately              | Immediately                                | Immediately                                |                |
| Publish notice of vacancies and time and place for filing petitions each week for two consecutive weeks. (9-13-6 or 9-13-40 & 05:02:04:06; 13-7-5) | Jan 15 - 30              | Feb 15 - March 1                            | March 15 - 30                               |                |
| Earliest date to begin petition circulation and earliest date to file nominating petition. (9-13-9, 9-13-40 & 13-7-6) | January 30               | March 1                                    | April 7                                     |                |
| Deadline for filing nominating petition. Office must be open until 5pm. (9-13-7, 9-13-40 & 13-7-6) | Feb 27 5:00 pm           | March 31 5:00 pm                           | May 8 5:00 pm                               |                |
| Deadline for submission of written request to withdraw candidate’s name from nomination. (9-13-7.1, 13-7-7) | Feb 27 5:00 pm           | March 31 5:00 pm                           | May 8 5:00 pm                               |                |
| In the event of an election being canceled due to the death of a candidate, withdrawal of a candidate, or absence of contest, publication of notice of cancellation of municipal election is required.* (9-13-7.1 & 05:02:04:21) | After Feb 27 5:00 pm    | After March 31 5:00 pm                     | After May 8 5:00 pm                          |                |
| Publish first deadline of voter registration notice that needs to be published each week for two consecutive weeks. (12-4-5.2 & 05:02:04:04) | March 9 - 13             | April 27 - May 1                            | May 11 - 15                                 |                |
| Publish last deadline of voter registration notice that needs to be published each week for two consecutive weeks. (12-4-5.2 & 5:02:04:04) | March 16 - 20            | May 4 - 8                                  | May 18 - 22                                 |                |
| Deadline for voter registration. (12-4-5) | March 30                 | May 18                                     | June 1                                      |                |
| Absentee ballots must be made available no later than 15 days prior to the election. (9-13-21 ) | March 30                 | May 18                                     | June 1                                      |                |
| Publish notice of election that needs to be published each week for two consecutive weeks. First publication must be at least 10 days before election. (9-13-13 & 05:02:04:08 or 13-7-8 & 5:02:04:15) | March 30 - April 10     | May 18 - 29                                | June 1 - 12                                |                |
| Publish facsimile ballot in the calendar week before the election. The calendar week falls from the Monday to the Saturday of the week prior to the Tuesday of Election Day. (9-13-13) | April 6 - 11             | May 25 - 30                                | June 8 - 13                                 |                |
| Automatic tabulating systems only. Conduct a public test of the system. Must publish notice 48 hours before test. (12-17B-5 & 5:02:09:01.01) | April 4 - 13             | May 23 - June 1                            | June 6 - 15                                 |                |
| **Election Day. Polls open 7:00 a.m. to 7:00 p.m. (9-13-1)** | **April 14** | **June 2**  | **June 16** |                |
| Deadline for official canvass. (9-13-24) | April 21                 | June 9                                     | June 23                                     |                |

*Contact Elections@state.sd.us to notify the SOS office of your election date and in the event of your city not having an election.*
The hiring process can be a bumpy road. Municipal officials can avoid a few bumps along the way by following these Do’s and Don’ts:

**Don’t Rely on Inaccurate Job Descriptions to Determine Exempt Status.** When determining whether an employee is exempt from overtime pay requirements under the Fair Labor Standards Act (“FLSA”), a municipality must base its determination on “the duties actually performed by the employee.” 5 C.F.R. § 551.202(e). A recent court decision provides an example of an employer that mistakenly relied on inaccurate job descriptions to determine exempt status. See **Madden v. Lumber One Home Ctr., Inc.**, 745 F.3d 899 (8th Cir. 2014). In **Madden**, the employer classified three employees as executives under one of the FLSA exemptions. The employer based its determination on the job descriptions for the three positions which included involvement in the hiring and firing process. In reality, however, two of these employees were not consulted and did not have their suggestions considered as part of any hiring or firing process. The court upheld an award of back pay to the two employees for overtime pay and also ordered the employer to pay the employees’ attorney’s fees.

**Don’t Refuse to Rehire Former Qualified Employee who Exhausted Protected Leave.** Municipalities must be cautious when hiring from a pool of applicants that includes a former employee. A recent court opinion held that a city was liable for failing to rehire a former employee who had previously terminated employment with the city after exhausting leave under the Family Medical Leave Act (“FMLA”). See **Jackson v. City of Hot Springs**, Nos. 13-1772, 13-1875 (8th Cir. March 12, 2014). Jackson had worked for the city beginning in August 2001. In 2010, he took FMLA leave after having pancreas and gallbladder surgeries, but was unable to return to work upon exhaustion of leave and was terminated. One month after Jackson was terminated, his doctor cleared him for work and he re-applied to his former position. Jackson was selected for interviews and his former supervisor recommended him for rehire. Jackson was not rehired and the position was left vacant until the job was reposted in January 2011. Jackson again applied but was not hired. The court held that Jackson’s qualification for the position and the city’s inadequate explanation for not rehiring Jackson were sufficient evidence to find the city unlawfully retaliated against Jackson for exhausting FMLA leave.

**“Do” Take the Smooth Road to Hiring**

By Jerry L. Pigsley and Kelly M. Ekeler, Harding & Shultz, P.C., L.L.O.

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**Don’t Require Disclosure of Criminal History on Job Application for All Positions.** State law grants municipalities the power to require each person over eighteen years of age seeking employment with the municipality to submit to a state and federal criminal background investigation by means of fingerprint checks by the South Dakota Division of Criminal Investigation and the Federal Bureau of Investigation. SDCL § 9-14-42. Failure to submit or cooperate with the criminal background investigation is grounds for denial of an application. *Id.* However, for most positions in municipal employment, a criminal background check is not mandated by statute, except for persons seeking to be employed as a law enforcement officer. SDCL § 23-3-42. The EEOC and the South Dakota Division of Human Rights advise that an employer’s check into a job applicant’s arrest, court or conviction record is suspicious of discrimination if such check is not substantially related to the functions of employment. *See, e.g., Pre-Employment Inquiry Guide, South Dakota Division of Human Rights.* If a criminal background check is used for non-law enforcement officer positions, the appropriate timing for requesting a check is after a conditional offer of employment has been made.

**Do Prevent Inadvertent Discrimination.** Legally protected classes in South Dakota include race, color, religion, sex, veteran status, creed, ancestry, national origin, pregnancy, age of forty years and older, and disability. It is unlawful to treat a qualified applicant differently because of the applicant’s membership in a protected class or because of genetic information that is unrelated to the ability to perform the duties of a particular position. During the hiring process, there is a risk a decision-maker will appear biased if the decision-maker learns information about the applicant’s membership in a protected class and later decides not to hire the applicant. Thus, it is ideal for non-decision makers to perform any background screening and present only the information relevant to employment to those making the hiring decisions.

The road to hiring may have a few speed bumps but following these Do’s and Don’ts will help keep your municipality riding smoothly. This article covers only a few legal obstacles encountered in hiring, if you have a specific question contact your labor and employment attorney to help you navigate the process.

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

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**Election Reminder**

The governing board must establish the election date no later than January 14th of the election year, if they choose a different election date other than the 2nd Tuesday in April. (SDCL 9-13-1)
Proven Techniques for Getting Returns from Employee Wellness Programs

By Shayne Kavanagh, Carey Adamson, and Chris Shanahan

Wellness programs are employer-sponsored initiatives designed to improve the health of employees, leading to a decrease in health-care costs for the employer. They can include any number of more specific elements, but the core ingredients generally include a health risk assessment for employees (including a blood test and lifestyle questionnaire), resources to help employees improve their health in targeted areas (e.g., a smoking cessation or weight loss program), and an incentive program to encourage participation and to get better results.

Many governments are enthusiastic about wellness programs; in a survey of GFOA members, conducted by the Government Finance Officers Association and Colonial Life and Accident Insurance Company, close to 80 percent of respondents have undertaken at least some form of wellness program. Of those respondents, 90 percent would recommend their program to others, and 65 percent would recommend it enthusiastically. This enthusiasm is not misplaced; a number of rigorous studies have shown that wellness programs have a significant potential return on investment – more than $3 saved for every $1 invested over a three-year period, according to one particularly comprehensive study of larger employers (with more than 1,000 employees).

Impressive ROI figures are not guaranteed, however. The purpose of this article is to present four key strategies for realizing return on investment from employee wellness programs. Governments that already have wellness programs or are considering one are invited to compare their program design (or anticipated design) against the criteria described in this article.

**Key Strategy 1: Keep It Focused On Outcomes**

The fundamental reason for providing a wellness program is to improve the value residents receive for their tax dollars. A wellness program can accomplish that in two basic ways: 1) by shifting a higher percentage of the cost of the employer health program to employees who do not meet the program’s objectives (e.g., charge a higher premium to employees who do not participate), and 2) by reducing the number of claims by creating a healthier pool of health plan participants. In both cases, the employer should start by identifying a series of goals that relate directly to improved health outcomes. These

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**Exhibit 1**

<table>
<thead>
<tr>
<th>Body Mass Index</th>
<th>Blood Pressure</th>
<th>LDL Cholesterol</th>
<th>Blood Glucose</th>
<th>Tobacco/Nicotine Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incentive: $100</td>
<td>Incentive: $50</td>
<td>Incentive: $25</td>
<td>Incentive: $10</td>
<td>Incentive: $20</td>
</tr>
</tbody>
</table>

Notable features include the following:

- National Institutes of Health standards are used, allowing the employer to compare its standards to an accepted national benchmark.
- In most cases, an employer’s goals won’t be as ambitious as the NIH standards. This is often a good idea for employers that are just starting their wellness programs, as it shows employees that the employer is not being unreasonable in its expectations. The bar can be raised over time.
- Establish alternative goals for cases when an employee cannot meet the primary goal; participants will not be motivated by goals they have no hope of achieving. Alternative goals provide an incentive for making incremental progress, often by moving from one category to another (e.g., from a higher category of blood pressure to one that is closer to the employer’s goal). Exhibit 2 provides an example of how a categorization scheme might look for blood pressure-related goals.
- Specify a reward employees can earn for achieving the goal (shown in the far right column of Exhibit 1). Incentives are a major component of many wellness programs.
Communicate

The concept is simple: The more employees who participate in a wellness program, the higher the potential return. Ideally, 90 percent or more of the workforce would be in the program. The starting point for getting to that level of participation is making sure workers are aware of the program and understand what it is. Employers need to establish a good communication plan that addresses these elements.

Create Awareness. Employees are often not aware of all their wellness benefits, and when they don’t know, they can’t participate. Fifty-eight percent of employers report low employee engagement as the biggest obstacle to changing their employees’ health risk behavior. Low engagement means employees aren’t getting their physicals or participating in wellness initiatives or health risk assessments.

When employees know about their wellness programs, they consistently report a keen interest in these benefits. One survey found that 78 percent of employees would participate in physical activity programs if they were offered; 74 percent would take advantage of fitness centers; and 69 percent would engage in nutrition programs, health risk assessments, and health club memberships.

Make Sure Employees Understand. Wellness programs are often poorly understood. A 2012 survey of both employers and employees revealed a surprising gap: While 57 percent of employers believed their employees had a good understanding of the health and wellness programs offered and how to participate, only 41 percent of employees said the same. Only half of respondents said they knew how to participate, while the other half had either some understanding or none at all.

Take a Focused Promotional Approach. Wellness programs also fall short because there isn’t enough support and enthusiasm for building a wellness culture. If the organization’s top managers don’t take an active interest in wellness, the program can easily become little more than subsidized health club memberships or nutritional information posted in the cafeteria. Further, the conventional means of promoting a workplace benefit – fliers and newsletter postings (perhaps nowadays augmented with intranet and e-mail) – often take a centralized, scattershot approach.

Successful wellness programs start with the tone set at the top. Top managers can create a work environment that is conducive to wellness, such as providing employees with the time or even the space for exercise during the workday. Even better, if top management is seen to personally make time for wellness (e.g., exercise), then employees will feel better about making time themselves during the workday. Middle managers also play an important role in wellness leadership, since they shape the day-to-day work experience of their employees, so promoting wellness should be made a distinct job responsibility for them as well.

A wellness coordinator can complement the efforts of management by designing a comprehensive, coherent approach to wellness.
wellness program, creating excitement around it, developing specialized communication media, evaluating the results, and adjusting accordingly. Organizations that have a dedicated employee promoting wellness generate 26 percent more participation. However, hiring dedicated wellness personnel is an expensive undertaking that is generally reserved for large employers. An alternative is to work with a benefits carrier that can provide one-on-one benefits counseling to help employers understand the full range of programs offered. Research shows that nearly all (96 percent) employees who meet individually with a benefits communication counselor say it improved their understanding of benefits, and 98 percent of those surveyed said the interaction was important.

Finally, wellness champions can exist at various levels in the organization. These are simply employees who are enthusiastic about wellness and who support the program at the grassroots level. This could include providing technical assistance to other employees or just spreading their enthusiasm to others.

**Key Strategy 3**

**Provide Well-Designed Incentive Structure**

A good communications approach is critical for making employees aware of the organization’s wellness program and fostering their desire to participate in it. Wellness programs are commonly associated with incentives for participation, and many wellness experts see this as a vital element for increasing participation beyond the uptick that can be achieved by communications alone. The features outlined below need to be considered when designing a wellness incentive:

- **Focus on Outcomes.** To produce a return, a wellness program must make an impact on health outcomes and lower the total dollar amount of claims. Therefore, incentives should be directly related to the desired outcomes.
outcomes for the program. For example, in addition to rewarding employees for completing a full weight loss program, employers should also reward incremental reductions in body mass index.

- **Give Rewards as Soon as Possible.** Rewards that are given when the objective is achieved, or as close as possible, have a larger impact on behavior than those that are deferred. Employees should receive incentives as soon as the goal is reached, not at year’s end or in a scheduled meeting that’s six months away.

- **Make Incentives Highly Visible.** Conspicuous incentives tend to have a larger impact than smaller gestures. For example, a $25 cash reward included in an employee’s regular paycheck doesn’t make much of an impression; nor does a $25 discount on a $1,000 health insurance premium. (This is not to say that premium adjustments are not helpful.) It is much more effective to give the employee a $25 check. Gift cards and deposits into an employee’s health savings account are other ways to make an incentive more conspicuous.

- **Keep It Simple.** The rules and criteria for obtaining the incentive should be easy to understand. The goals shown in Exhibit 1 are an example.

- **Make It Big Enough to Get People’s Attention.** “Big enough” depends largely on context; employees who are making minimum wage will be motivated by different amounts of money than those who make top dollar. It makes sense to budget between $600 and $800 per employee per year for an effective incentive program.

For employers that are concerned about how to fund incentives, Section 2705 of the Patient Protection and Affordable Care Act may provide at least a partial answer: Employers are allowed to use up to 30 percent of the total amount of employees’ health insurance premiums (50 percent, when nicotine is included as one of the risk factors that incentives will be used for) to provide outcome-based wellness incentives.10 Hence, employers can raise employee health insurance premiums and return the amount of the increase to employees as incentive payments. This would be cost-neutral for some, more costly for employees who don’t participate in the wellness program, and less costly for those who participate fully.

Employers might also choose to consider disincentives. Psychological research has shown that losses matter more than gains. In other words, the prospect of losing some amount of money is more motivating than the prospect of gaining that same amount of money. A good example is the use of premium differentials, which penalizes those who don’t participate in the wellness program with higher premiums than participants pay.
Finally, employers should consider ways of getting spouses and domestic partners involved in the wellness program. Employees make up only a portion of the covered lives that comprise the total employer health-care plan. Spouses make up a significant portion and often drive a large part of the claims. Hence, there is a simple mathematical reason to get spouses involved in the wellness program—more people in the wellness program will further reduce costs. Employees also find it more difficult to follow through on their wellness goals at home if their spouses are not engaged in the effort as well. Spouses can be engaged in the wellness program using incentives similar to those used on employees.

**Key Strategy 4**

**Check and Adjust**

Employers should regularly check to see how the wellness program is working and make adjustments as needed. They need to obtain aggregated information on the risk factors described earlier in this article, showing how participants are doing relative to employer goals. Important things to look for when analyzing the performance of the wellness program include:

- **Trends.** If multiple years of data are available, check how performance has changed compared to the goals over multiple years. If, for instance, no improvement has been made in improving a poor score on blood glucose, a different approach is likely needed.
- **Benchmarks.** Compare performance against demographically similar employers. This helps provide context for the scores.
- **Segments.** Although the employer should not scrutinize individual results (this would, in fact, be illegal), it is helpful to review results by relevant segments of employees such as work location or department. For example, if one department is not improving as fast as others, more focus might be needed there.
- **Reward Level.** It can be helpful to see how many employees have earned a reward, and how much. Employers can use this information in estimating the cost of the incentive program in the future, including potential changes to the goals.

Two examples of the types of analysis employers might conduct are shown in Exhibit 3. The left-hand chart shows how BMI for the workforce compares in the first and second years. Similar charts could be devised for the other risk factors and to show more than two years. The right-hand chart shows the change in the portion of employees who have “high risk” conditions in any of the risk factors (e.g., obesity). This provides a good global overview of how the workforce is doing on wellness.

![Exhibit 3: Types of Analysis Employers Might Conduct](image-url)
Conclusions
Wellness programs offer a considerable potential return on investment, but they must be properly designed if the employer is to realize that return. Creating a well-designed program starts by defining outcome-focused wellness goals. The way wellness programs reduce the cost of the employer-provided health benefit is by improving health outcomes. Once goals are established, the maximum number of plan participants must be engaged in meeting them. This starts with the organization’s leadership, which must demonstrate that the organization takes wellness seriously. Incentive structures that engage both the employee and spouse also help maximize participation. Finally, the effectiveness of the wellness program should be continually monitored, and adjustments made in response.

Notes
1. ROI figures include soft-dollar savings like productivity gains and reduced absenteeism. See Katherine Baicker, David Cutler, and Zirui Song, “Workplace Wellness Programs Can Generate Savings,” Health Affairs, February 2010.
2. Chronic Diseases: The Power to Prevent, the Call to Control, U.S. Centers for Disease Control, 2009.

Shayne Kavanagh is senior manager of research for the GFOA’s Research and Consulting Center in Chicago, Illinois. He can be reached at skavanagh@gfoa.org. Carey Adamson is vice president, public sector, at Colonial Life and Accident Insurance Company. Chris Shanahan is a vice president at Bravo Wellness.

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Wellness Programs Revisited

By Rick French and Karrah Hernandez

The City of Garland, Texas, has a long and successful history with wellness programs – a commonly used strategy today, but less so in 2004, when the city’s program got underway. Government Finance Review featured the pilot program six years ago,1 and this article updates readers on the monetary savings and health benefits Garland has realized since then.

The City of Garland, Texas, has more than 2,000 full-time employees whose aim is to provide the highest possible quality of service to its residents and businesses. As Garland’s mission statement says, the city is committed to preserving public trust, delivering quality services, promoting economic growth, protecting the community, and enhancing the quality of life for the good of the city and its future. To fulfill that mission, city employees need the means and opportunities to make healthy lifestyle choices – and the city’s wellness program has helped make that possible.

It was apparent that the city needed to expand on the success of its initial wellness effort. In 2009, Garland developed an executive training course called Executive Excellence, in collaboration with the school of Public Affairs at The University of Texas at Dallas. Eighteen key managers were selected to participate in the program, popularly known as EX2. After completing the course, these managers began working together on a class project that they determined to be of critical interest and importance to all city employees: the rising cost of health care and its impact on the City of Garland.

A New Cornerstone: C2W

The EX2 Committee developed an expanded, no-cost, comprehensive wellness program, called Commit to Wellness, to help with the challenge of promoting healthier lifestyles and curbing the rising cost of health care. C2W was first implemented for full-time employees in 2011, and since then it has been a yearly reoccurring initiative that has evolved over time. Approximately 52 percent of employees a year, on average, have met all C2W requirements during the initial three years. C2W has become the central theme for all the city’s wellness courses and programs since 2010.

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The program has been updated and modified to accommodate the changing needs of employees and advances in wellness protocols. To promote the program and encourage employee participation, the city began providing an incentive in 2011, reducing health insurance premiums by $20 a month ($240 a year) for participants who fully met all program requirements. In 2012, the city increased health insurance premiums by $20 a month for employees who chose not to participate. The changes were based on claims data supplied by the city’s health insurance carrier, information gained from extensive networking with other metroplex cities, and recommendations from employees. When employees understand the steps they need to take in order to make meaningful changes, most are willing to make adjustments that improve their health, save them money, and help the city’s health-care claims costs. Employees are often not sure of what to do, however, so C2W provides them with current, validated, and useful information, creating win-win scenarios for all concerned.

The initial requirements began in 2011 with an annual physical exam, health risk assessment, and age-appropriate screenings. In 2012, the city joined with a nearby university health-care system to provide biometric screenings and wellness challenges to employees. In 2013, the city continued this partnership and expanded the wellness challenges. Based on aggregate data from the two years of the partnership, there have been decreases in nine of the thirteen risk categories measured by the biometric screenings. Some of the decreases have been small, but any improvement in employee health is rewarding.

Being able to produce data illustrating the C2W program’s impact on the city’s health insurance claims has been vital. Exhibit 1 lists data for the 2012-2013 program year, which saw a 6.6 percent return on investment.

Enhancements For 2014
For 2014, the fourth year of C2W, the city combined the basic structure from the first year with additional program enhancements. For the first time, the C2W program will have two levels, to entice employees who have not yet participated and to further inspire employees who already participate. The city is also working with a full-service organization that provides employees with pricing information and quality comparisons for medical services, and with “concierge” services such as booking appointments.

Level One: To complete the first level of the program, an employee must complete a health risk assessment; an annual physical at the city’s onsite clinic or with an in-network physician of the employee’s choice; one age-appropriate screening; and an introductory call with the price transparency and concierge organization.

Health risk assessments and annual physicals have always been an essential component of the C2W program. These assessments provide employees with an opportunity to consider their day-to-day wellness habits and to see (on a personalized report that is based on the employee’s responses) how daily habits and choices affect their overall health. Annual physicals are essential to any comprehensive wellness program, encouraging employees who may be intimidated by the notion of visiting a physician to take that first step.

Exhibit 1: One Year of Data for the Commit to Wellness Program

<table>
<thead>
<tr>
<th>Participated in Wellness Program</th>
<th>Didn’t Participate in Wellness Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>968 Employees</td>
<td>848 Employees</td>
</tr>
<tr>
<td>x $ 20 Monthly Reward to Offset Medical Insurance</td>
<td>x $ 20 Monthly Increase to Medical Insurance</td>
</tr>
<tr>
<td>x 12 Months</td>
<td>x 12 Months</td>
</tr>
<tr>
<td>$232,320</td>
<td>$203,520</td>
</tr>
</tbody>
</table>

Health Claims

<table>
<thead>
<tr>
<th>October 2013</th>
<th>October 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,378,243</td>
<td>$1,422,372</td>
</tr>
<tr>
<td>$44,129 Difference in Claims</td>
<td></td>
</tr>
</tbody>
</table>

Total ROI

| Revenue Generated by Wellness Program | $203,520 |
| Difference in Health Claims          | + $44,129 |
| Total                               | $247,649 (6.6% ROI Increase) |
first critical step in becoming educated about their health. In complying with these measures, several employees have found illnesses while they were still in the beginning stages, allowing for better treatment and less drastic (and costly) treatment measures to be taken. Other employees have come to understand the importance of remaining vigilant in properly caring for a chronic health condition.

The program started requiring age-appropriate screenings in 2011 because these tests provide the maximum amount of information on an individual’s health in the least invasive manner and at the lowest possible cost. Employees are encouraged to have discussions with their physicians about which screenings are best for them, based on health status, age, and family history. This preventative measure helps employees identify and treat potential health problems before they develop or get worse.

Employees who complete the first level of C2W will receive a $20 monthly reduction on their health insurance premium in 2015. Employees are required to complete the first level of C2W to participate in the second level.

Level Two: The second level of C2W includes two wellness challenges, which are designed to encourage employees to take the information they have learned during their health risk assessments, annual physicals, and age-appropriate screening, and apply it to future lifestyle choices. The format of two wellness challenges – lifestyle management and tobacco cessation – with four completion options each is easy for employees to understand. The city has increased the requirements for these challenges to encourage employees to make actual lifestyle changes rather than merely completing requirements to receive an incentive.

The lifestyle management wellness challenge encompasses nutrition improvement, stress reduction, physical activity, and weight reduction. There are two activities to complete, each with four requirement options to choose from. Activity 1 requires employees to discuss a wellness-related topic (nutrition, physical activity, stress, or weight) with a trained health coach, and employees can accomplish this via e-mail, one-on-one onsite coaching, telephone, or a group class, depending on what they are most comfortable with and what best fits their schedules. Activity 2 requires employees to make a 12-week commitment to logging nutritional intake, personal exercise, stress cues, and weight reduction efforts; attend a city-sponsored workout class or Naturally Slim program (10-week commitment); or track their steps and calories burned with a FitBit device. The Naturally Slim program has been very successful for years (see the February 2008 Government Finance Review article for more information) and has grown to include online courses, in addition to onsite classroom courses. The city also provides free employee workout classes (CrossFit, kickboxing, Pilates, and Zumba) twice a week to any employee who would like to participate, and more than 200 employees have participated so far. These classes have generated “wellness families” of employees who hold each other accountable and provide emotional support.

The tobacco cessation challenge includes three steps: coaching via telephone, cheek swab testing to detect nicotine, and onsite coaching with a trained coach. Nicotine is powerfully addictive, and this wellness challenge is designed to support employees on the difficult journey of becoming tobacco-free. An employee who isn’t able to stop using tobacco products after completing the tobacco cessation course and lifestyle challenge will still receive the incentive. Allowing tobacco users the additional option of completing a wellness challenge ensures that the city remains compliant with the Patient Protection and Affordable Care Act.

Employees who complete the second level of C2W will receive an additional $10 monthly reduction on their health insurance premium in 2015 (for a $30 overall reduction).

Recognizing Success
The City’s wellness program has received the following awards:

- The Congressional Record of the United States House of Representatives
- 2013 American Heart Association Platinum Level Fit-Friendly Worksite
- Dallas Business Journal’s Healthiest Employers 2014
Conclusions
C2W is a valuable benefit, providing employees with not only financial incentives, but also valuable information on their health and ways to maintain or improve it by making the necessary lifestyle changes. The city is aware of the program helping one employee avert a likely heart attack, and other employees catch colon and breast cancers in their early stages. And because of C2W, many city departments are making cultural changes by encouraging group health challenges and workout programs. For example, the municipal courts department hosted an eight-week challenge during which the eight participating employees lost a combined 100 pounds. Changing employees’ views on wellness is instrumental in decreasing employee absenteeism and “presenteeism,” controlling claims costs, and increasing employee job satisfaction. C2W empowers employees to seek additional information on health and wellness, and encourages them to take responsibility for their health instead ignoring symptoms or waiting until it is too late.

Employers must evaluate whether wellness programs are appropriate for their individual organizations based on their employee populations, employee receptivity, and overall culture. Financial rewards vary from organization to organization, but wellness programs cannot be evaluated strictly on a ROI basis – helping improve employee health and welfare is simply the right thing to do.

Note

Rick French is HR services director for the city of Garland, Texas. Karrah Hernandez is wellness and benefits coordinator.

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2014 Year End Report

to the Membership

We have just completed another successful year within the SDML Workers’ Compensation Fund. It has become tradition to share the year end numbers with our Membership for the past year.

Membership Growth: The growth in public entities that purchase their work comp coverage from the SDML Workers’ Compensation Fund has been phenomenal. Below is a history of the Membership numbers from the very beginning of the SDML Workers’ Compensation Fund.

<table>
<thead>
<tr>
<th>Year</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987</td>
<td>The Fund’s 1st Year 57</td>
</tr>
<tr>
<td>1995</td>
<td>Insurance Benefits 1st Year as Administrator 188</td>
</tr>
<tr>
<td>2000</td>
<td>209</td>
</tr>
<tr>
<td>2005</td>
<td>290</td>
</tr>
<tr>
<td>2010</td>
<td>362</td>
</tr>
<tr>
<td>2013</td>
<td>398</td>
</tr>
<tr>
<td>2014</td>
<td>405</td>
</tr>
</tbody>
</table>

Below is the Membership breakdown by type of entity:

<table>
<thead>
<tr>
<th>2015 Net Estimated Numbers Contributions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cities 220 $3,286,543</td>
</tr>
<tr>
<td>Counties 66 (All Counties in SD) $3,068,630</td>
</tr>
<tr>
<td>Townships 12 $12,623</td>
</tr>
<tr>
<td>Fire Districts 27 $71,645</td>
</tr>
<tr>
<td>Conservation Districts 49 $51,665</td>
</tr>
<tr>
<td>Irrigation Districts 1 $11,247</td>
</tr>
<tr>
<td>Sanitary Districts 4 $12,448</td>
</tr>
<tr>
<td>Solid Waste Districts 2 $5,970</td>
</tr>
<tr>
<td>Boards &amp; Misc. 13 $73,781</td>
</tr>
<tr>
<td>Ambulance Districts 10 $71,390</td>
</tr>
<tr>
<td>Total: 405 $6,665,942</td>
</tr>
</tbody>
</table>

Claims Information:

<table>
<thead>
<tr>
<th>Year</th>
<th>Claims</th>
<th>Incurred Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>847</td>
<td>$2,073,250</td>
</tr>
<tr>
<td>2005</td>
<td>883</td>
<td>$3,461,306</td>
</tr>
<tr>
<td>2010</td>
<td>1,011</td>
<td>$2,988,788</td>
</tr>
<tr>
<td>2013</td>
<td>932</td>
<td>$3,771,522</td>
</tr>
<tr>
<td>2014</td>
<td>1,013</td>
<td>$2,500,298</td>
</tr>
</tbody>
</table>

There has been a 93% increase in the number of Members since Year 2000 but claims activity has remained relatively stable in both the number of claims (Frequency) and the dollar cost of those claims (Severity). We believe this has been consistent for several reasons; the solid underwriting practices that Insurance Benefits uses when adding new members, the claims management and use of rehab nurses that Claims Associates provides, and the active loss control programs that are provided by Safety Benefits.

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

The 2015 rates have remained the same. Also, Renewal Credits, Loss Control Credits and Equity Credits are given to each Member which reduces the amount you pay for your workers’ compensation coverage and puts money back into your budget.

The SDML Workers’ Compensation Fund purchases Excess “Reinsurance” to protect your financial assets. This is purchased through Safety National Casualty Corporation. SNCC carries an A.M. Best Rating of an A+ (Superior), for it’s financial strength. However, with the success of the Fund comes along related expenses and changes in our Reinsurance program. This year, the “self-insured retention” (the amount that the SDML Workers’ Compensation Fund pays for each claim prior to
“reinsurance” stepping in and paying the amount above this dollar amount called the “self-insured retention”, was increased from $850,000 for each claim to $900,000 for each claim. The SDML WC Fund Board of Trustees were advised that this would occur and they prepared accordingly. That preparation is why your rates are able to remain stable and unchanged. Since 1987 the SDML WC Fund has only had 12 claims that ever reached our self-insured retention limit. Those are outlined as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Claims</th>
<th>Self-insured Retention (Paid by SDML WC Fund)</th>
<th>Incurred Claim Value</th>
<th>Paid by Reinsurance Company</th>
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We are providing this information to you as Members, so that you understand the importance of purchasing reinsurance. It caps the amount of claims dollars that would be paid by the SDML WC Fund for that particular claim.

The SDML WC Fund Board of Trustees thanks all of you for the continued support you give to the SDML WC Fund, your commitment to safety, to returning an injured employee back to work, for following your loss control suggestions, and especially your continued membership with the SDML WC Fund.

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

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Washington Report: Tax Uncertainty a Raw Deal for South Dakotans

By Senator John Thune

With a new year upon us, small businesses and families will soon begin reviewing their finances in anticipation of filing their 2014 taxes. The federal tax code is a maze of complicated provisions made worse by the uncertainty businesses and individuals face as they wait for Congress to act each year on a host of tax measures. From the deduction for state and local sales taxes used by those who itemize, to the higher business deduction limits relied upon by small businesses, temporary tax relief does not provide the certainty individuals and businesses need to make long-term planning decisions. Instead, South Dakotans find themselves expending time and money complying with a tax code that would be better spent on new business investments or in their local community.

Earlier this month, Congress came very close to a bipartisan deal to make permanent a number of tax relief measures for individuals and businesses that have recently expired. This proposed deal was supported by Senate leadership of both parties as well as House Republicans, but unfortunately President Obama and a few of his liberal allies in Congress decided to scuttle the deal before it was finalized. Rather than work with Congress to make tax relief permanent for families and businesses, the president chose to issue a veto threat while good-faith negotiations were still under way, effectively killing the chances for a deal.

The administration’s actions are especially disappointing because the bipartisan deal included a provision to finally make permanent the deduction for state and local sales taxes that expired at the end of 2013. South Dakota is one of only seven states without an income tax, and South Dakota taxpayers deserve the same treatment as taxpayers in states with an income tax, where the deduction for state income taxes is a permanent part of our tax code. The proposed deal also would have made permanent the $500,000 small business expensing limit that expired at the end of 2013, which is critical for small business owners and family farmers as they plan future investments. Additionally, the deal would have made permanent measures that promote charitable giving, such as allowing individuals above the age of 70 and a half to give Individual Retirement Account savings to charities without incurring a tax hit.

The president’s ill-advised veto threat demonstrates how difficult it has been to work with this administration on common-sense tax relief measures to give individuals, including small business owners, the certainty they need to make investment decisions to help grow our economy. Unfortunately, rather than enacting permanent relief for individuals and small businesses, Congress did the bare minimum – a one-year extension of expired tax relief, once again kicking the can to the next year for Congress to take up yet again. South Dakota taxpayers deserve much better than this. They deserve permanent tax relief that they can rely upon and a tax code that treats them fairly.

I intend to do whatever I can next Congress to make comprehensive tax reform a reality. I hope that next time the president will choose to work with us.
Ethical Decisions in Tough Times

By Eddie Holloway

Public confidence in America’s political leadership is at an all-time low. Whether it is the Harris, Gallup or Rasmussen national poll, results indicate that there is little confidence left in today’s political leadership. How did this happen, when did it happen and who is responsible for this new low? Media reports and social media hubs are filled with accounts of failures in ethical conduct by public servants. Fraud and perjury are just some of the types of crime and unethical conduct, or impropriety that are contributing to the loss of faith in American governance. It must be said that it is difficult to place a monetary cost on the amount of loss to society and overall waste in human capital. The question that needs to be asked is: has America lost its moral compass—its commitment to integrity, fair play and personal accountability?

Some say that today is a time of skepticism while others say that this is time for public accountability. These discussions change the focus of the question, bringing more attention to the approach that needs to be taken to change public opinion. Leading the conversation to focus on how and by what methods will accountability, trust and credibility be achieved? As the topic of ethics is discussed, the causes and reasons for this increase in the display of unethical conduct should be assessed. Competition, the aspiration of wealth, disregard for the common good of society; self-assessment and the best practices on ethical behavior and discipline ought to be explored to lessen corruption in government and society. The increased practice in unethical conduct will be conducive to a true culture of cheating where everyone is thought to be partaking in fraudulent behavior. It is time for public servants to make changes and make developments in attitude and behavior to bring back a sense of normalcy and trust in government. We must address this situation and the American society must make the changes necessary to restore confidence in its public officials.

Ethical standards are critical to the process of “doing right” in public governance. It is generally agreed upon that leadership and governance are not easy tasks. There is also agreement that practical strategies are needed to navigate the difficult challenges of decision making in today’s governance. Gone forever are the days when public servants can say, “I’ll execute my duties as an elected official and public servant as I desire.” Today’s servant must be briefed on laws, self-assessment and be equipped with methods of accountability, responsibility and a heaping dose of ethics. These attributes will prepare politicians for a stable, long term and fruitful service, as well as a reputation for high standards of transparent political life.

In his book, The Cheating Culture, David Callahan discusses the pervasive cheating occurring across occupations and institutions. He talks about how cheating has turned into a moral crisis and social problem in America. Mr. Callahan explains that Americans are not only cheating more, but feeling less guilty about it. Thus, our culture stands to become numb to the notion or act of cheating and has become a part of America’s normalcy.

Others have added to the discussion. In the book, A Nation of Cheaters, Kirk Hansen speaks of the cheating that has long lived across business, educational and sports areas. He explains that the shortage of time, desire to win by any means necessary, fear of failure and unfair systems of evaluation and measurement undergird the reasons for the chaos in politics. Mr. Hansen writes of the need to build new systems whereby wealth and notoriety are not the only defining marks of success in life’s journey.

It is not intended to imply that politicians lead the wealthy or all other parties in unethical conduct. In most instances, it is the public official or politician that is the most scrutinized, reaping the downfall, public humiliation and defamation. For the politician’s security, safety and benefit, it is crucial that they employ strategies, mental sensitivities and tactics that will prevent acts of collusion in illegal and unethical conduct. To accomplish our dream for a better society and government in America, elected officials, politicians and public servants will have to value the display of good character, ethical leadership practices and attitude development in public services. They will have to understand and manage anger in the workplace, build positive relationships and develop personal and organizational codes of conduct. It is time for a clarion call for sanity and a greater display of ethics in politics and the electorate.

Eddie Holloway is the Dean of Students at the University of Southern Mississippi in Hattiesburg, Mississippi.

FEBRUARY Community Events

February 6 - February 7
Mardi Gras
Deadwood

February 7
Eagles and Bagels
Walk in the Park
Fort Pierre
John Muellers Dance Party
Watertown
Aberdeen Wings Hockey
Aberdeen

February 7 - February 8
Dakota Territory Gun Collector’s Assn. Show
Aberdeen

February 10 - February 14
Watertown Farm Show
Watertown

February 13
Heart to Heart Chocolate Auction
Brookings
Strawbale Winery Valentines
Twilight Flights
Renner
Lights on the Ice Teen Night
Rapid City

February 14
Strawbale Winery Valentines
Twilight Flights
Renner
Watertown Polar Plunge
Watertown
Valentine’s Lover’s Leap
Snowshoe Hike
Custer

February 14 - February 15
Winter Big Boy Toy Show
Aberdeen

February 15
It’s Your Party Bridal Show
Watertown
February 16
Wessington Springs Farm & Home Show
Wessington Springs

February 18 - February 21
Laura
A Play by the Townplayers
Watertown

February 20
Aberdeen Wings Hockey
Aberdeen

February 21
Aberdeen Wings Hockey
Aberdeen
James Valley Model Railroad
Open House
Aberdeen
Snowshoe on the Trail
Lead
Sea & Sky Saturday
Sioux Falls

February 22
Laura
A Play by the Townplayers
Watertown
Hub City Radio’s Briday Showcase
Aberdeen

February 24 - February 26
Aberdeen Ag Expo
Aberdeen

February 28
Last Day to Skate Beach Party
Rapid City

February 28 - March 1
Home Builders Show
Watertown

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605-353-1200

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701-665-3800

Rapid City, SD 57702
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605-342-4850

Dickinson, ND 58601
28031-94 Business Loop E
701-456-1400

Hankinson, ND 58041
17040 Hwy 11
701-242-7474

Jamestown, ND 58401
1910 27th Ave. SE
701-251-1400

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605-225-6240

Sioux Falls, SD 57107
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605-336-3010

Fargo, ND 58104
3402 36th St. SW
701-280-3100

Hoople, ND 58243
7695 Hwy 18 S
701-894-6363

Minn, ND 58701
1505 Hwy 2, Bypass E
701-852-3508

Pierre, SD 57501
801 N. Garfield Ave.
605-224-5400

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CHIEF OF POLICE: The City of Flandreau, South Dakota, approximate population 2,500, is seeking a responsible individual to direct and manage the City Police Department. This individual will be responsible for directing all activities of the seven-employee Police Department within the City and land under the jurisdiction of the Flandreau Santee Sioux Tribe. This individual will be responsible for law enforcement under a unique, multi-jurisdictional arrangement between the City and the Tribe. The candidate must be certifiable as a law enforcement officer by the State of South Dakota and have five years of progressively responsible experience in law enforcement with supervisory work experience. A bachelor’s or associate’s degree in criminal justice or related field is a plus; salary dependent upon qualifications. Some knowledge of Tribal laws would be beneficial. Interested individuals are encouraged to apply by submitting a resume and cover letter, including salary requirements, to: City Administrator, City of Flandreau, 1005 W. Elm Avenue, Flandreau, SD 57028. Call 605-997-2492 for more information. Resumes must be postmarked by January 16, 2015. EOE.

CHIEF OF POLICE: The City of Scotland, SD is taking applications for a full-time Chief of Police. Responsibilities include management of the police department personnel and policies, enforce city ordinances, police patrol and other law enforcement duties. High School Diploma or GED required. SD Certified Preferred. Salary is dependent on qualifications and experience. Applications and job descriptions can be picked up at the City Finance Office located at 530 Juniper Street, Scotland, SD or call 605-583-2320. Completed applications can be sent to City of Scotland, PO Box 316, Scotland, SD 57059. The position will remain open until filled.

LIQUOR STORE MANAGER: Full-time for Bison Municipal Bar. Wage negotiable DOE. For application/job description, call Beth, 605-244-5677 or 605-244-5231. EOE.
POLICE OFFICER: The City of Flandreau, South Dakota, approximate population 2,500, is seeking a Certified Police Officer. Flandreau has a progressive Police Department which participates in a unique relationship through a joint powers agreement with the Flandreau Santee Sioux Tribe (FSST). Responsible for performing police patrol, investigation, traffic regulation and related law enforcement activities within the City and on land under the jurisdiction of the FSST. Salary is dependent upon qualifications. Interested individuals are encouraged to apply by submitting a resume and cover letter, including salary requirements, to: City Administrator, City of Flandreau, 1005 W. Elm Avenue, Flandreau, SD 57028. Call 605-997-2492 for more information. Position open until filled. EOE.

WASTEWATER TREATMENT PLANT SUPERINTENDENT: The City of Pierre is accepting qualified applications for the Wastewater Treatment Plant Superintendent position. The Superintendent is responsible for directing and supervising the operation, maintenance and repair of the wastewater treatment facilities and lift stations. Individual should have knowledge of plumbing, electrical, electronics, pumps and pump and motor controls and must have knowledge in the operation of Aerobic Digestion and SCADA systems. The Superintendent will: assist in developing the department budget; work with management in overseeing projects and personnel; and must possess strong administrative, oral and written communication skills. The Superintendent is responsible for the plant meeting South Dakota DENR and EPA rules and regulations and for compliance monitoring. Must possess a valid Wastewater Treatment Class IV Certificate issued by South Dakota DENR or obtain certification within 1 year. Prefer candidates have college or vocational school degree majoring in environmental sciences, or related fields and four years experience including at least two years of experience in a Municipal Class III or higher facility. Salary range: $49,000 - $71,000 and is FLSA Exempt. The capital city of Pierre is a premier destination for outdoor recreation and was recently highlighted as the Nation’s Second Best Capital City to live in and the best community to live in South Dakota. Job description and application available at: City of Pierre, Attn: Human Resources, 222 East Dakota, PO Box 1253, Pierre, SD, 57501. E-mail: laurie.gronlund@ci.pierre.sd.us. Application and job description available online at www.cityofpierre.org. Open until filled.

WATER TREATMENT PLANT FOREMAN: Watertown Municipal Utilities has a full-time opening for a Water Treatment Plant Foreman. Reporting to the
Water Superintendent, this position is responsible for the technical and supervisory work in the direction of the municipal water treatment plant and related facilities. South Dakota Water Treatment Class III Certification and two years supervisory experience required. Salary commensurate with experience and qualifications. Wage range of $26.94 - $30.72. Excellent benefits package, including pension, health insurance, life insurance, 457 plan, paid sick leave and vacation. A completed application and resume, including salary history, references and a cover letter, are required. Job description and application are available at: Watertown Municipal Utilities, Attn: Human Resources, 901 – 4th Avenue SW, Watertown, SD 57201, E-mail: hr@watertownmu.com. Application and job description also available online at www.watertownmu.com. Position open until filled. EOE.

FOR SALE: ONAN 55 EN Generator, Ford 75 liter engine. 55 KW 3 PH, 37 KW 1 PH, 1079 hours with ONAN Transfer switch. To view contact Jerry Hofmann at 605-464-9985. Sealed bids to Town of Tabor, PO Box 146, Tabor, SD 57063. Bids will be opened February 2, 2015 at 8 pm.

FOR SALE: The City of Wall/Wall Fire Department is offering for sale through “sealed bid” a 2002 Ford Excursion with 45,293 miles. Two options are available to bid; with accessories removed or the following accessories included: SVP SA450 Siren control with siren, JOTTO Desk Dash Council, Extend Bed 1200 lbs., Battery Tender, LED light Bar with switches. Bids will be accepted at the Wall City Finance Office, 501 Main Street, PO Box 314, Wall SD 57790 until 4:00 pm on February 5th, 2015. The sealed bids will be opened on February 5th at 6:30 pm during the City Council meeting. The City of Wall reserves the right to reject any or all bids. For more information call 605-279-2563 or 605-515-1950 and ask for Jim.

FOR SALE: The City of Wall/Wall Fire Department is accepting sealed bids on a Pedestrian Trail Bridge, 7’ - 8’ wide and 70’ long. Contact City Hall in Keystone, for more information, 605-666-4827. Can send a picture upon request.

Visit www.sdmunicipalleague.org for more classifieds.
Municipal Calendar

January

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

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

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

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

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

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

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

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

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

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

Utility board – Is required to make an annual report of its operations upon 30 days notice at the end of the fiscal year. (SDCL 9-39-29; See Hdbk., sec. 12.080)

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

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

February

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

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

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

Not later than its first meeting in February – The governing body may by resolution encumber that portion of the unexpended appropriations from the preceding year for which applicable obligations were incurred but were not paid. (SDCL 9-21-24.1; See Hdbk., sec. 12.069)

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

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

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

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

Last Friday in February – For elections held in April, nominating petitions must be filed not later than five p.m. on the last Friday in February preceding the day of the election. (SDCL 9-13-7; See Hdbk., sec. 7.250) If no one, including the incumbent, files a nominating petition, a vacancy is created and is filled by appointment or special election. (SDCL 9-13-14.1; 9-13-14.2) Follow the Municipal Election Calendar for all election deadlines.

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