Welcome to Watertown!

On behalf of the people of Watertown, I welcome you to our city for the annual South Dakota Municipal League Conference. As municipal officials and employees, you know how important these gatherings are to the host city, and we look forward to making sure yours is both productive and enjoyable.

This is the 82nd such conference by the Municipal League, and the work you accomplish here will undoubtedly resonate in all of your individual towns and cities. But conferences are not all work and no play, so we hope you seize the opportunity to check out our city, South Dakota’s “Rising Star.”

Many of you will participate in the SDML Golf Tournament at Cattail Crossings Golf Course on the shores of Lake Kampeska, which we believe is one of the most beautiful lakes in the state. The lake is home to three parks: Stokes Lake City Park owned by the City of Watertown; Memorial Park operated by Codington County; and the state-run Sandy Shore Recreation Area. Each area is enjoyed by residents of Watertown, northeast South Dakota and visitors from across the state and region. The lake also is home to an outstanding Veterans Memorial, a must-see destination.

Watertown is a city on the rise. We just opened a new $18 million middle school and are in the process of building a $24 million community center, $8.5 million ice arena and $5.7 million softball complex. These three projects aim to keep momentum moving forward in our dynamic, growing city. I urge you to visit Bramble Park Zoo, an impressive facility that is constantly growing and adding new attractions. We believe our zoo would be a showplace in a city 10 times our size.

And there’s more: the world famous Redlin Art Center; the Mellette House, restored home of South Dakota’s first governor; the Codington County Historical Museum, housed in a historic former Carnegie Library building in Uptown Watertown; and the city’s impressive new Uptown Sculpture Walk, featuring large, world-class works by regional and national artists.

I hope you enjoy your time in Watertown as much as we enjoy having you here.

Steve Thorson
Mayor

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Cover Photo By Watertown Convention & Visitors Bureau

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We’ve been at work this summer on some exciting ideas. In addition to the excellent discussions during the recent policy committees, we will soon be meeting with the county government groups on ways we can work together during the legislative session, perhaps even bringing some joint legislation; and we’ve been working to try to put together some economic development tools that would allow cities to be less reliant on Tax Increment Financing Districts.

It is no surprise, but the place everything falls apart is on the issue of funding. There seems to be broad agreement on issues – major problems are infrastructure, housing, and workforce. None can be solved without additional funding. Additional sales tax authority for municipalities could help with many of the problems, but we have a significant number of our members who need other tools – the sales tax is most useful in cities with strong retail development. We need tools that will help all of our cities – which in turn helps the state.

Some of the ideas involve getting the State more involved in funding economic development. While the entire state benefits from the growth in our cities, city residents are paying the tab. There needs to be some buy in at the state level for economic development projects at the local level.

We are closely watching two State-level committees that are at work this summer. The first is the Governor’s Blue Ribbon Task Force on education. The direction that group takes will affect our ability to have the legislature address the long-standing municipal problems with funding infrastructure.

The other committee is the legislative summer study of county government. Again, answers to county issues will most likely affect our ability to get answers to our own.

At some point, municipalities are going to have to stop taking the back seat and finally get some relief from the legislature. We don’t ask the state for funding, we ask them to step out of our way.

As the topics develop, and summer studies turn into pre-legislative items, we will keep you posted – but it is already promising to be a very interesting 2016 legislative session.

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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D.A. Davidson & Co. is committed to strengthening the infrastructure and enriching the lives of people in our communities throughout South Dakota and across the nation.

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

- Cities, Counties, School Districts, Rural Water Utility Finance, Healthcare Finance,
- Lease-Purchase Financing, Nonprofit Entities and Alternative Energy.
Recently, I sat down with a major cell phone dealer in order to upgrade my cell phone and plan. I was so confused by all the different KINDS of phones and confused on all the different KINDS of plans available! The gentleman that helped me rattled off the technology like nobody’s business! I left the store satisfied with my purchase. I also left the store very much appreciative of my salesman’s attitude. He was not condescending, he was not “pushy.” He truly had good customer service skills.

That experience has led me to use customer service as a topic for this month’s column. We, as city officials, try our best to deal with our customers. But, unlike retail sales, our customer service usually is to deal with a disgruntled citizen, or a citizen that has not paid a utility bill. In other words, our customer service is quite often a negative experience.

And how can we put our best foot forward when dealing with these people? Quite often I try to understand the citizen’s situation. What would I do or think if I were in their shoes? I’ll let you in on a little secret. I am not the world’s greatest customer service rep. It is hard to listen to every excuse there is as to why a utility or nuisance property bill has not been paid.

Those of you that are elected officials deal with customers as well. At any given moment a citizen will call you and complain about the neighbor’s dog. Complain about the neighbor’s yard not being mowed and so on. As an elected official, you all do a good job of customer service because you listen. So, what is the next step? Your citizen needs to know that their complaint is being handled through the proper channels. Now, depending on how involved you are as an elected official in this process is up to you and your city. But, no matter what, you know you are trying to leave that disgruntled citizen with a positive “customer service” experience.

Effective customer service skills are developed through experience and practice. I was told that when you answer the phone you are supposed to smile. People can tell when you are smiling and that sets the tone for a good conversation.

City Hall is normally the first place a new resident will go when moving in to your community. What happens there will be reflective of what their attitude will be about your city. If they receive good customer service they will be excited to be a part of your community.

We are a little over a month away for the SDML Annual Conference in Watertown. I am getting excited to be a part of it again this year! It is great to network with friends and colleagues from all across the state. I hope you are able to join me and get ready to learn a lot of great things on a number of subjects.

Have a great September!

Jeanne Duchscher
President

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**President's Report**

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Three area election workshops are scheduled this winter to assist election officers in conducting elections. The Secretary of State’s office, Associated School Boards of South Dakota and the South Dakota Municipal League will again co-sponsor workshops covering all aspects of elections – from notices to the final canvass – including question-and-answer sessions.

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

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

- Rapid City Ramkota Hotel November 18th
- Pierre Ramkota Hotel November 19th
- Sioux Falls Ramkota Hotel November 20th

The workshops will begin at 9:45 a.m. local time and conclude at approximately 3:30 p.m. Registration is $25.00 per person and will cover coffee, workshop materials and lunch.

Registration Form
2015 Municipal/School Election Workshops

Municipality: _______________________________

Name(Please Print) ___________________________ Title ___________________________ Email ___________________________

Please choose one workshop to attend: □ Rapid City  □ Pierre  □ Sioux Falls

Number attending _______ @ $25.00 each = $________________

*Make checks payable to SDML, Sorry no credit cards accepted.

Registration Deadline: November 2, 2015 (No refunds will be given after this date.)

Please send to: South Dakota Municipal League, 208 Island Drive, Fort Pierre, SD 57532
Gov. Daugaard recently awarded Recreational Trails Program (RTP) funding to several communities, state parks and the Black Hills National Forest totaling approximately $1.3 million.

“I am pleased to award these grants to project sponsors around the state who have demonstrated a commitment to improving our communities, parks and recreation areas,” said Gov. Daugaard. “Their efforts will benefit South Dakota’s future generations.”

The following communities were awarded grants for trail construction and upgrades:

- Aberdeen – Northwest Trail Resurfacing, Phase I, $62,967
- Crooks – Sunset Park Walking Path, Phase 2, $77,783
- Hot Springs – Freedom’s Trail Improvement Project, $9,000
- Sturgis – Fort Meade Trail, $250,000
- Worthing – Worthing Recreational Trail, Phase I, $161,217

Additional grants were awarded for trail improvement projects at Angostura Recreation Area Trail, George S. Mickelson Trail, Black Hills Snowmobile Trail System, the Black Hills National Forest for three Motorized Trailheads and four Trailhead Kiosks and the Fall River Ranger District for the Railroad Buttes Trailhead.

The five person citizen RTP Advisory Council reviewed the applications and made the recommendations to Gov. Daugaard. The federal assistance program provides up to 80 percent reimbursement for trail-related development and maintenance projects. The RTP is funded by the Federal Highway Administration and administered by the South Dakota Game, Fish and Parks (GFP). The funds come from the Federal Highway Trust Fund, and represent a portion of the motor fuel excise tax collected from non-highway recreational fuel use.

For more information on this program, contact Randy Kittle at 605-773-5490 or randy.kittle@state.sd.us.
By Kristina Peterson, Director of Underwriting, SDPAA

Property values are constantly changing due to depreciation, additions to buildings, remodeling projects and inflation. Members who purchase SDPAA property coverage receive property valuations from Safety Benefits Inc. (SBI), every four years. SBI assesses the covered locations and provides a Marshall & Swift analysis of the replacement cost of each building. SBI also provides a binder with the property assessments, past claim information and a property review of each building, with recommendations, if any, to complete and return to SBI.

Beginning January 2016, SDPAA will provide a Property Valuation Report with each Member’s renewal packet. This report will include the following for each property on their statement of values:

- Location Number
- Occupancy Description
- Building Address
- Current Valuation of the property (replacement cost, actual cash value)
- Current Building Value
- Building Replacement Cost Value established by SBI
- The year the property was last valuated by SBI
- Contents Value

The report is a snapshot of current valued property and the latest SBI valued amount for each property. Members will have a side-by-side comparison of their current value versus the replacement cost calculated by SBI, and are able to make any adjustments to their property values. Also in the report, Members are able to view and adjust their current contents value for each property, which should be reviewed each year as well. It is extremely important to have correct values for both buildings and contents in the event of a claim. For building values, Members may use SBI’s valuations as a starting value and adjust accordingly. SDPAA recommends the contents values should represent the highest value of contents located in the building at any one time during the year. This allows for movement of equipment, materials, and supplies in and out of buildings, while sustaining proper coverage. This report allows Members to conduct an annual evaluation to make sure property is covered at the appropriate value.

In addition to the Property Valuation Report, SDPAA Members may request to receive an Excel spreadsheet of their property coverages, including buildings and contents, inland marine, EDP hardware, EDP software, fine arts, miscellaneous equipment and tools and auto physical damage. This is a new feature SDPAA is able to provide to our Members to assist with sorting, calculating and allocating contributions to the appropriate departments.

For any questions regarding the Property Valuation Report, or to receive an Excel spreadsheet of your property listing, please contact SDPAA at sdpaa@sdmunicipalleague.org or 800.658.3633.
Deadwood Fund Grant Applications Available

The South Dakota State Historical Society announces that the applications for the next round of the Deadwood Fund grant program are due October 1 for work beginning January 1, 2016.

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

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

In 2014, $121,921 was distributed among 11 projects, which resulted in a total public-private investment of $447,799.

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

The first round of 2016 applications will be due February 1, 2016.

For more information on the South Dakota State Historical Society’s Deadwood Fund grant program, contact the State Historic Preservation Office at the Cultural Heritage Center, 900 Governors Drive, Pierre, SD 57501-2217; telephone 605-773-3458; e-mail shpo@state.sd.us.

Grant forms are available online at http://history.sd.gov/Preservation/FundingOpps/FundingOpportunities.aspx.

The South Dakota State Historical Society is a division of the Department of Education. The State Historical Society, an Affiliate of the Smithsonian Institution, is headquartered at the South Dakota Cultural Heritage Center in Pierre. The center houses the society’s world-class museum, the archives, and the historic preservation, publishing and administrative/development offices. Call 605-773-3458 or visit www.history.sd.gov for more information. The society also has an archaeology office in Rapid City; call 605-394-1936 for more information.
Verified Facebook Status for States, Localities: 
Here’s How to Get Yours

By Luke Stowe, Government Technology

Facebook verification is officially live for states, cities and counties — now it’s time to get verified.

The coveted blue verified badge on Facebook: Celebrities get it. Sports teams get it. Even federal agencies get it. Now state and local governments can get it too.

Jason Shueh reported on a pending code update at the social site that would extend the badge — commonly called the blue check mark (even though the check mark is actually white against a blue background) — to states and localities.

The move is recognition of the growing prominence of government social media. The verified pages will also increase confidence and reduce confusion about which are a government’s official pages — and which ones are unofficial civic-minded fan sites, or even parody pages.

Katie Harbath, Facebook’s global politics and government outreach manager, has been working to find an easy way for state and local government agencies to attain the social platform’s coveted verified status.

And she has done it — now, Facebook is opened up to allow states and localities to apply for verified status at http://bit.ly/fbgovverify. To complete the registration process, page administrators need to:

- Be logged into Facebook
- Select the page they wish to verify
- Enter the address of the official agency website
- Upload tax-exempt ID letters (in lieu of articles of incorporation)

Harbath is working on rolling out an improved form for government agencies. The new process will not require agencies to submit articles of incorporation but the needed supported documentation — which could include tax-exempt status letters or certificates — is still being finalized.

Twitter recently began offering verified status for public agencies too. To earn the badge, simply visit http://bit.ly/govverify to send a verification request. For agencies to be considered for verification on Twitter, the nonprotected account must already have started tweeting and have a complete profile, including a real name, biography, photo and organization URL.

As Facebook’s Public Content Operations team acclimates to government agencies becoming eligible for verification, some government agency pages may be rejected. Harbath encourages anyone who has problems with page verification to email her team at gov@fb.com.

Luke Stowe is the digital services coordinator for the city of Evanston, Ill. Luke is a frequent speaker and trainer on many topics, including social media and civic technology. He is a special correspondent for GovTech Social and serves as a government adviser to the Government Social Media Conference & Expo.


Visit the League’s website!

Visit the Events section frequently on the SDML website, www.sdmunicipalleague.org, to find out what meetings are coming up.
WE ARE PLEASED TO ANNOUNCE

CONNECT SD

Riverside Technologies, Inc. (RTI) is the primary equipment provider for the municipalities that received technical infrastructure improvements through the state sponsored South Dakota Broadband Initiative. Improvements included wired and wireless network equipment, servers, firewalls for edge security and end user devices such as computers, laptops and tablets. The SDBI project has now closed and RTI would like to help South Dakota municipalities sustain those technical improvements and maximize their potential.

Therefore, we are continuing to offer the same products and services to our state’s municipalities and related organizations through a new project called ConnectSD. RTI has a long standing history with public sector, and looks forward to delivering the same level of products and services to which they are accustomed through the ConnectSD project.

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Supreme Court Highlights: What You Need to Know, and How Your City Will Be Affected

By Lisa Soronen, State and Local Legal Center

Hotel Registry Searches Need Subpoenas
In City of Los Angeles v. Patel the Court held 5-4 that a Los Angeles ordinance requiring hotel and motel operators to make their guest registries available for police inspection without at least a subpoena violates the Fourth Amendment.

The purpose of hotel registry ordinances is to deter crime — drug dealing, prostitution, and human trafficking — on the theory that criminals will not commit crimes in hotels if they have to provide identifying information.

According to the Court, searches permitted by the City’s ordinance are done to ensure compliance with recordkeeping requirements. While such administrative searches do not require warrants, they do require “precompliance review before a neutral decisionmaker.” Absent at least a subpoena, “the ordinance creates an intolerable risk that searches authorized by it will exceed statutory limits, or be used as a pretext to harass hotel operators and their guests.”

In dissent, Justice Scalia cited the SLLC’s amicus brief, which notes that local governments in at least 41 states have adopted similar ordinances. Eight states also have hotel registry statutes: Indiana, Florida, Massachusetts, Maine, New Hampshire, New Jersey, Wisconsin, and the District of Columbia.

It is likely following this decision that other record inspections done by governments outside the hotel registry context will also require subpoenas.

No Dog Sniffs after Traffic Stops
In a 6-3 decision in Rodriguez v. United States the Court held that a dog sniff conducted after a completed traffic stop violates the Fourth Amendment.

In Illinois v. Caballes the Court upheld a suspicionless dog search conducted during a lawful traffic stop stating that a seizure for a traffic stop “become[s] unlawful if it is prolonged beyond the time reasonably required to complete th[e] mission” of issuing a ticket for the violation. Officers may lengthen stops to make sure vehicles are operating safely or for an officer’s safety. A dog sniff, however, is aimed at discovering illegal drugs not at officer or highway safety.

In dissent, Justice Alito suggests savvy police officers can skirt the Court’s ruling by learning “the prescribed sequence of events even if they cannot fathom the reason for that requirement.”

Objectively Unreasonable is the Standard for Pretrial Detainee Excessive Force Claims
In Kingsley v. Hendrickson the Court held 5-4 that to prove an excessive force claim a pretrial detainee must show that the officer’s force was objectively unreasonable, rejecting the subjectively unreasonable standard that is more deferential to law enforcement.

Pretrial detainee Michael Kingsley claimed officers used excessive force in transferring him between jail cells to remove a piece of paper covering a light fixture that Kingsley refused to remove.

The objective standard applies to excessive force claims brought by pretrial detainees because in a previous case involving prison conditions affecting pretrial detainees, the Court used the objective standard to evaluate a prison’s...
The question the Court decided was whether this case could be heard in federal court (as opposed to state court). The Court held yes unanimously. This case is significant for local governments because the Court’s most influential Justice expressed skepticism about whether Quill should remain the law of the land.

Content-Based Sign Codes Unconstitutional
In Reed v. Town of Gilbert the Supreme Court held unanimously that Gilbert’s Sign Code, which treats various categories of signs differently based on the information they convey, violates the First Amendment. The State and Local Legal Center (SLLC) filed an amicus brief in this case arguing that Reed’s argument, if adopted by the Court, will render sign codes unconstitutional nationwide.

While the SLLC argued in its amicus brief that the sign categories in this case are based on function, the Court concluded they are based on content. Content-based laws are only constitutional if they pass strict scrutiny — that is, if they are narrowly tailored to serve a compelling government interest. The various categories draw distinctions based on the message a speaker conveys. So under Gilbert’s sign code: “[i]f a sign informs its reader of the time and place a book club will discuss John Locke’s Two Treatises of Government, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke’s followers in an upcoming election,

practice of double bunking. And the objective standard applies to those who, like Kingsley, have been accused but not convicted of a crime, but who unlike Kingsley are free on bail.

A standard more deferential to law enforcement applies to post-conviction detainees, who are housed with pretrial detainees, making this ruling difficult for jails to comply with. Following this decision it will be easier for pretrial detainees to bring successful excessive force claims against corrections officers.

Tax on Internet Purchases
In Direct Marketing Association v. Brohl Justice Kennedy wrote a concurring opinion stating that the “legal system should find an appropriate case for this Court to reexamine Quill.”

In 1992 in Quill Corp. v. North Dakota the Court held that states cannot require retailers with no in-state physical presence to collect use tax.

To improve tax collection, Colorado began requiring remote sellers to inform Colorado purchasers annually of their purchases and send the same information to the Colorado Department of Revenue. The Direct Marketing Association sued Colorado in federal court claiming that the notice and reporting requirements are unconstitutional under Quill.

The question the Court decided was whether this case could be heard in federal court (as opposed to state court). The Court held yes unanimously. This case is significant for local governments because the Court’s most influential Justice expressed skepticism about whether Quill should remain the law of the land.

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and both signs will be treated differently from a sign expressing an ideological view rooted in Locke’s theory of government.”

Gilbert’s Sign Code failed strict scrutiny because its two asserted compelling interests — preserving aesthetic and traffic safety — were “hopelessly underinclusive.” Temporary directional signs are “no greater an eyesore” and pose no greater threat to public safety than ideological or political signs.

Many, if not most communities, like Gilbert, regulate some categories of signs in a way the Supreme Court has defined as content-based in this opinion. Communities will need to change these ordinances. Justice Alito, in a concurring opinion, offers a list of rules that he and two other Justices believes would not be content-based. Justice Kagan, in a separate concurring opinion joined by two other Justices, is less optimist about the impact of this ruling on local government:

As the years go by, courts will discover that thousands of towns have ordinances [that contain subject matter exemptions like historical markers] many of them “entirely reasonable.” And as the challenges to them mount, courts will have to invalidate one after the other. (This Court may soon find itself a veritable Supreme Board of Sign Review.) And courts will strike down those democratically enacted local laws even though no one — certainly not the majority — has ever explained why the vindication of First Amendment values requires that result.

**Significant Government Speech Case**

In *Walker v. Sons of Confederate Veterans* the Supreme Court held 5-4 that Texas may deny a proposed specialty license plate design featuring the Confederate flag because specialty license plate designs are government speech. *Walker* is of particular significance to state and local government because the Court did not narrow the 2009 landmark government speech case *Pleasant Grove City, Utah v. Summum*.

The Sons of Confederate Veterans (SCV) proposed a specialty license plate which featured a faint Confederate flag in the background and the organization’s logo, a square Confederate flag. After receiving public comment on the proposed plate the Texas Department of Motor Vehicles Board unanimously voted against issuing it noting that many members of the general public found the design offensive. SCV sued Texas claiming that specialty plates are private speech and that the Board engaged in unconstitutional viewpoint discrimination by refusing to approve its design.

The Court disagreed concluding that specialty license plates are government speech. It relied heavily on *Summum*, where the Court held that monuments in a public park are government speech and that a city may accept some privately donated monuments and reject others. First, just as governments have a long history of using monuments to speak to the public, states have a long history of using license plates to communicate messages. Second, just as observers of monuments associate the monument’s message with the land owner, observers identify license plate designs with the state because the name of the state appears on the plate, the state requires license plates, etc. Third, per state law, Texas maintains control over messages conveyed on specialty plates and has rejected at least a dozen designs, just as the city in *Summum* maintained control monument selection.

The result in *Walker* wasn’t a foregone conclusion. In a vigorous dissent, Justice Alito questions much of the majority’s analysis. He points out that only within the last 20 years has Texas allowed private groups to put messages on license plates and argues that Texas allows messages on license plates in order to make money, not to convey messages it supports.

But Justice Breyer, ever the pragmatist, insists that “government would not work” unless the government may determine “the content of what is says.”

“How could a city government create a successful recycling program if officials, when writing householders asking them to recycle cans and bottles, had to include in the letter a long plea from the local trash disposal enterprise demanding the contrary? How could a state government effectively develop programs designed to encourage and provide vaccinations, if officials also had to voice the perspective of those who oppose this type of immunization?”

**Court Rules Against Employer in Religious Accommodation Case**

In *EEOC v. Abercrombie & Fitch Stores* the Supreme Court held 8-1 that to bring a religious accommodation claim an applicant or employee need only show that his or her need for a religious accommodation was a motivating factor in an employment decision. The State and Local Legal Center (SLLC) filed an *amicus* brief, which NLC joined, arguing that to bring a failure to accommodate claim the applicant/employee should have to notify the employer of the need for a religious accommodation.

Abercrombie & Fitch’s “Look Policy,” prohibits employees from wearing “caps” because they are too informal for the store’s desired image. Samantha Elauf wore a head scarf to an interview at Abercrombie but didn’t ask for a religious accommodation. The assistant store manager who interviewed Elauf told the district manager she believed Elauf wore the headscarf for religious reasons. The district manager decided Elauf should not be hired as headwear worn for any reason violates Abercrombie’s “Look Policy.”
The Equal Employment Opportunity Commission (EEOC) sued Abercrombie alleging it violated Title VII by failing to accommodate Elauf’s religious beliefs. The Tenth Circuit held in favor of Abercrombie, finding that an applicant/employee must inform the employer about the need for a religious accommodation.

The Court concluded that to bring a religious accommodation claim an applicant/employee need not show that the employer had “actual knowledge” of the need for an accommodation. Instead the employee/applicant only must show that his or her need for an accommodation was a motivating factor in the employer’s decision. Title VII prohibits employers from taking an adverse employment action “because of” religion. While “because of” usually means but-for causation, Title VII has a more relaxed standard that prohibits even making religion a motivating factor in an employment decision. Simply put, the Court would not add an “actual knowledge” requirement to Title VII.

According to the Court, while a knowledge requirement could not be added to the motive requirement, arguably the motive requirement cannot be met unless the employer at least suspects the practice in question is religious. Here Abercrombie at least suspected Elauf wore a head scarf for religious reasons so the Court did not decide whether the motive requirement could be met without knowledge. Justice Alito, in a concurring opinion, stated that the Court should have decided this question—in the negative.

A Look Ahead: 
**Luis v. United States Will Decide How Far Asset Forfeitures May Go**

Even though her crimes aren’t violent and horrific like many criminal defendants who end up in the Supreme Court, it is hard to feel sorry for Sila Luis. But her point is that she has rights, regardless.

She was indicted on charges related to $45 million in Medicare fraud. Unsurprisingly, her personal assets amounted to much less than $45 million. The federal government sought to freeze the use of her assets not traceable to the fraud. She wanted to use them to hire an attorney.

The question in *Luis v. United States* is whether not allowing a criminal defendant to use assets not traceable to a criminal offense to hire counsel of choice violates the Sixth Amendment’s right to counsel.

This case is relevant to state and local government for a few reasons. First, while the asset forfeiture in this case likely went to reimburse the federal government for the
Medicaid fraud, generally, state and local law enforcement receive asset forfeitures. Second, some state asset forfeiture laws, like the federal statute in this case, allow untainted assets to be substituted. Third, in some instances state and local governments, like the federal government in this case, are the victim of a fraud and seek to recoup as much of their losses as possible.

This case comes on the heels of last year’s Kaley v. United States, where the Supreme Court held 6-3 that defendants may not use frozen assets which are the fruits of criminal activities to pay for an attorney. Luis argues that it is “inconceivable” that she may not use “her own legitimately-earned assets to retain counsel.” The federal government responded that per her reasoning criminal defendants “could effectively deprive her victims of any opportunity for compensation simply by dissipating her ill-gotten gains.”

The district court, affirmed by the Eleventh Circuit, agreed with the United States using this example:

“[S]uppose . . . a bank robber [steals $100,000 and has] spent the $100,000 that he stole. It just so happens, however, that he has another $100,000 that he obtained legitimately. Should his decision to spend the $100,000 he stole mean that he is free to hire counsel with the other $100,000 when Congress has authorized restraint of those substitute assets? The reasonable answer is no. The bank has the right to have those substitute, untainted assets kept available for return as well.”

**Same-Sex Couples Now Have A Constitutional Right to Marry**

Obergefell v. Hodges will be celebrated and condemned internationally.

In a 5-4 decision written by Justice Kennedy, the Supreme Court held that same-sex couples have a constitutional right to marry. All state laws and court decisions banning same-sex marriage are now invalid. The National League of Cities signed onto an amicus brief in this case supporting the couples.

Justice Kennedy’s opinion can be described as a celebration of marriage itself. “No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice and family.”

More specifically, the majority opinion offers four principles that demonstrate why the fundamental right to marry applies with equal force to same-sex couples. First,
the right to choose who you marry is “inherent in the concept of individual autonomy.” Second, because the right to marry is “unlike any other in its importance,” it should not be denied to any two-person union. Third, marriage between same-sex couples safeguards children and families just as it does for opposite-sex couples. Finally, marriage is a keystone of American social order from which no one should be excluded.

The Court relied on the Constitution’s Fourteenth Amendment Due Process Clause and the Equal Protection Clause in its opinion. In previous marriage cases like Loving v. Virginia, invalidating bans on interracial marriage, the Court relied on both Clauses. The Court did not state what standard of review it applied to decide this case.

The Court rejected the argument that sufficient debate had not occurred over this issue, noting that “individuals need not await legislative action before asserting a fundamental right.”

After acknowledging that many may take the view that same-sex marriage should not be condoned on religious grounds, the Court stated that the First Amendment protects this view and the views of religious organizations.

Justice Kennedy’s final words in his majority opinion effectively summarize his opinion:

“[T]he hope of the same-sex couples in this case is not to be condemned to live in loneliness, excluded from one of civilization’s oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right.”

Chief Justice Roberts and Justices Scalia, Thomas, and Alito dissented.

**Federal Government Wins Health Care Case: ACA Subsidies Continue**

The third time’s a charm for the Affordable Care Act (ACA). King v. Burwell is the first complete victory for the law.

In 6-3 decision, the Supreme Court ruled that health insurance tax credits are available on the 34 Federal Exchanges. The Court’s opinion focused largely on the consequences of ruling to the contrary: the destruction of health insurance markets.

Chief Justice Roberts, writing for the majority, began his opinion by pointing out that the Affordable Care Act relies on three reforms: making sure health insurance is available to everyone regardless of their health and not charging higher premiums depending on health; requiring everyone to be insured; and offering tax credits to those with low incomes so they can afford insurance. If only the first reforms were to be implemented, a well-documented economic “death spiral” would occur, wherein health insurance premiums skyrocket because only the sick buy insurance.

The ACA allows the states and the federal government to sell insurance on health care exchanges. The ACA states that tax credits are available when insurance is purchased through “an exchange established by the state.”

So the technical legal question in this case was whether a Federal Exchange is “an exchange established by the state” that may offer tax credits.

The Supreme Court said yes. The Court first concluded that the above language is ambiguous. But by looking at it in the context of the entire statute, the meaning of the language became clearer. Specifically, if tax credits weren’t available on Federal Exchanges “it would destabilize the individual insurance market in any state with a Federal Exchange, and likely create the very ‘death spirals’ that Congress designed the Act to avoid.”

The Chief Justice’s analysis is simple and pragmatic:

“Congress passed the Affordable Care Act to improve health insurance markets, not to destroy them. If at all possible, we
must interpret the Act in a way that is consistent with the former, and avoids the latter. [The statutory language at issue] can fairly be read consistent with what we see as Congress’s plan, and that is the reading we adopt.”

As a result of this decision, the status quo remains: if an individual otherwise eligible for a tax credit buys health insurance on a State Exchange or a Federal Exchange, the tax credit will be available.


**Fair Housing Act Disparate Impact Claims Recognized**

If you were surprised by the Supreme Court’s ruling in the Affordable Care Act Case, you may have even been more surprised by the Court’s ruling in the Fair Housing Act case.

In *Texas Department of Housing and Community Affairs v. Inclusive Communities Project* the Supreme Court held 5-4 that disparate-impact claims may be brought under the Fair Housing Act (FHA). All Federal Circuit Courts of Appeals had decided this issue, ruling that such claims were possible. The Supreme Court was expected to come to the opposite conclusion (or else why would they have taken this case?). Having taken up this question twice before, only to have the cases settle, the Court has finally resolved it.

While state and local governments are more likely to be sued under the FHA, they do occasionally sue others for violating it. Justice Kennedy pointed out at the end of his majority opinion that the City of San Francisco filed an *amicus* brief supporting disparate-impact liability under the FHA, despite being a “potential defendant.”

In a disparate-impact case, a plaintiff is claiming that a particular practice isn’t intentionally discriminatory but instead has a disproportionately adverse impact on a particular group.

The Inclusive Communities Project (ICP) sued the Texas Department of Housing and Community Affairs, claiming that its selection criteria for federal low-income tax credits in Dallas had a disparate impact on minorities, in violation of the FHA. Specifically, ICP claimed the Department was giving too many tax credits to low-income housing in predominately black inner-city areas compared to predominately white suburban neighborhoods. While 92% of low-income housing tax credits in Dallas were located in census tracts with less than 50% white residents, federal law favors distribution of such tax credits in low-income areas.
The Court held that disparate impact claims are cognizable under the FHA. In prior cases, the Court held that disparate impacts claims are possible under Title VII (prohibiting race, etc. discrimination in employment) and the Age Discrimination in Employment Act relying on the statutes’ “otherwise adversely affect” language. The FHA uses similar language — “otherwise make unavailable” — in prohibiting race, etc. discrimination in housing. And Congress seems to have acknowledged that disparate impact claims are possible under the FHA. Congress amended the FHA in 1988 to include “three exemptions from liability that assume the existence of disparate-impact claims.” (By 1988, nine Courts of Appeals had held ruled in favor of such claims.) Finally, the Court reasoned that recognizing disparate-impact claims is “consistent with the FHA’s central purpose” — to eradicate housing discrimination.

Justice Kennedy opined that when the lower court takes this case up again it “may be seen simply as an attempt to second-guess which of two reasonable approaches a housing authority should follow in the sound exercise of its discretion in allocating tax credits for low income housing.” To make sure disparate-impact lawsuits aren’t successful in this instance, he suggests the following: first, governments and developers should be able to maintain a housing policy that they can prove is necessary to achieve a valid interest; second, disparate-impact claims that, like this one, rely on a statistical disparity will fail if the plaintiff can’t prove that the defendant’s policy caused the disparity; and third, remedies must be consistent with the constitution and not include quotas.

Why You Should Care About SCOTUS’s Recent Case Involving Raisins

In Horne v. Department of Agriculture the Supreme Court held 8-1 that the federal government violated the Fifth Amendment Takings Clause by physically setting aside a percentage of a grower’s raisin crop each year without pay. At least six other agriculture set aside programs are in trouble as a result of this case. But what about its impact on state and local government?

Horne is a complicated case with four issues. The holding most relevant to state and local government is that taking an interest in personal property (here, raisins) rather than land is a per se taking just like the appropriation of land, stating that the text, history and precedents interpreting the Takings Clause don’t suggest a different rule. The Court next concluded the government could not avoid paying just compensation because the growers in this case had a contingent interest in the value of the set aside raisins. “The fact that the growers retain a contingent interest of indeterminate value does not mean there has been no physical taking, particularly since the value of the interest depends on the discretion of the taker, and may be worthless, as it was for one of the two years at issue here.” To the question of whether the government’s mandate to turn over raisins as a condition of participating in commerce is a per se taking, the Court said yes in this case. It is not enough that the growers voluntarily chose to sell raisins rather than wine.

Only five Justices agreed that the Hornes’ just compensation should be the fair market value of the set aside raisins (and that the fine for disobeying the order should be dropped). Three Justices would have sent the case back to the lower court to determine whether, through the price supports for the raisins the Hornes did not have to set aside, they received just compensation.

Only time will tell whether people will try to bring takings claims against state and local governments, citing Horne for government seizures of personal property more common than raisins — and whether those claims will be successful.

Lisa Soronen is the Executive Director of the State and Local Legal Center and a regular contributor to CitiesSpeak.

Reprinted from CitiesSpeak.org, the official blog of the National League of Cities.
First Report of Injury

The First Report of Injury is our first “look” into a claim. As routine as it may be, it is a very important form which gives our office initial insight as to the compensability of a claim and the extent of the injury.

The following are some items that are helpful to our office:

- Ensure telephone numbers are legible;
- Add the NCCI class code below the area “wage per hour;”
- Add the supervisor’s name and telephone number if it is different than the general office number;
- The area “Description of Injury” also means “What happened?” so please don’t indicate “broken arm.” Instead, write “Fell from ladder and broke arm.”
- The employer must complete (with signature and date) the employer section. If this is blank, there is no indication that you are aware that the incident took place.

And as always…Submit them timely!

The sooner the better – Please! The sooner we can interact with employees and providers, the sooner we can investigate and begin resolution of the claim. If the employee is not available to sign the First Report of Injury, submit it anyway!

Claims Associates, Inc.
Mail: PO Box 1898, Sioux Falls SD 57101
Fax: 605-333-9835
Email: claims@claimsassoc.com
Call a nurse: 877-899-9112

In addition to the form, we are thankful that you send the signed medical authorization. Other documents that may be sent with the First Report of Injury could include:

- Volunteer Roster/Meeting minutes
- Photos of equipment or area of accident

Most importantly to the process, please CALL us if you have ANY questions or concerns about a claim or the claims process. We thank you for the opportunity to serve as your claims administrators.

Jennifer Andrisen Selzler SCLA AIC CSRP SDWCS
Claims Associates, Inc

Wage Calculations

In Spring 2014, the South Dakota Department of Labor and Regulation (SD DOLR) received a Petition for Declaratory Ruling regarding bonuses being included as part of an employee's “earnings” when calculating Average Weekly Wage (AWW) for workers’ compensation indemnity benefits.

The SD DOLR has held that non-discretionary or earned bonuses that are based on an employee’s performance are included in the AWW calculation. The Department has also ruled that discretionary bonuses that are not tied to performance are generally not included as “earnings” when calculating AWW and compensation rate. Examples of discretionary bonuses include Christmas bonuses and quarterly or year-end bonuses that are paid to all employees and are not based on individual performance or merit.

It has been our experience that most members do not typically issue non-performance based bonuses, or if they do, the amounts are not very large. The outcome of ruling may have more bearing on private employers and employees.

Update: As of July 2015, the declaratory ruling was vacated and is under review of the South Dakota Supreme Court. Because there was no actionable dispute (an employer/insurer hadn’t denied benefits and an employee hadn’t filed a petition for hearing), it is questionable whether the Department of Labor and Regulation had the authority to take such action.

Landscaping

Exposed Aggregate Bench, Flower Pot, and Retaining Wall Block

BOOM CONCRETE, INC.
Newell, SD 57760
605-456-2600
www.boomcon.com
concrete@boomcon.com

SOUTH DAKOTA MUNICIPALITIES
SDML
Directory Changes

Bristol Delete: PO Box 312
PR Joshua Atherton
FO Merrie Atherton
T Fran Morehouse
Add: 204 1st Ave E
PR Fran Morehouse
FO SaDell Neuhardt
T Daryl Peckham

Brookings: Delete: PS Pete Colson

Centerville Delete: CM Tony Anderson
Add: FO Donna Houck
CM Adam Carlson
CM Sandy Schryer

Ipswich Delete: CM Jon Gilbert
Add: CM Susie Trefitz

Jefferson Delete: PC Bill McKelvey
PD (Remove position)
PS Bill McKelvey
STS Bill McKelvey
Add: PC Randy Crum
PS Logan Rubida
STS Randy Crum

Kadoka Delete: LSM Tina Williams
Add: LSM Jackie Stilwell

Kennebec Delete: FO Bethany Urban

Kimball Delete: ATT Susan Steele
605-942-7725
Add: ATT Theresa Maule-Rossow
605-234-5400

North Delete: donna.houck@southsiouxcity-sd.gov
Sioux City FO Donna Houck

Watertown Add: EN Shane Waterman

Westport Delete: PR Wyatt Wilson
CM Todd Hertel
CM Larry Huettl
Add: PR Jan Ellefson
CM John Bain
CM Mike Wilson

Willow Delete: FO Emily Serna
Lake Add: FO Heidi Madsen

Email Directory changes to paula@sdmunicipalleague.org.
Visit www.sdmunicipalleague.org for a cumulative listing
of changes to the 2015-2016 Directory of Municipal Officials.
By Senator Mike Rounds

A strong education system is vital to making certain our young people have the opportunity for a prosperous future. To accomplish that goal, I believe the federal government’s role in education should be limited and well-defined. I’m pleased the Senate came together recently to pass the Every Child Achieves Act, or ECAA, a comprehensive, bipartisan overhaul of our education system that will improve the quality of education across the nation.

The ECAA passed the Senate 81-17 and has been endorsed by teachers, superintendents, local school boards, state legislatures and governors. The ECAA restores decision-making on education and accountability standards to those who know students best – parents, teachers and local school boards – and provides flexibility to our education system. I believe in local control of education. While standards are important, a ‘one-size-fits-all’ directive from the federal government has proven to be the wrong approach and has led teachers to “teach to the test.” Returning education decisions to its rightful place – in the hands of local governments – is a needed replacement to the No Child Left Behind law, which expired in 2007. Since that time, 42 states have been operating under waivers from No Child Left Behind – proof of just how much reforms have been needed.

I’m pleased that the Every Child Achieves Act included a deficit-neutral amendment I offered to address low graduation rates at tribal schools. My amendment seeks to improve the quality of education in Indian Country, especially in rural and high poverty areas. In some parts of the country, tribal schools have graduation rates as low as 40 percent, which is half the national average. This is unacceptable. Native American students – just like all students across the country – deserve a strong education system to prepare them for a successful future.

My amendment also lays a foundation to fix the systemic education problems facing students in Indian Country by directing the Department of the Interior and the Department of Education to conduct a study in rural and poverty areas of Indian Country. The study will identify federal barriers that restrict tribes from implementing common-sense regional policies instead of one-size-fits-all policies directed from Washington. It will also identify recruitment and retention options for teachers and school administrators, and look at the limits in funding sources these schools are facing. Lastly, the study will provide strategies on how to increase high school graduation rates at tribal schools.

Our students are our country’s greatest asset, and every student deserves a quality education. The Every Child Achieves Act improves our education system by empowering states, teachers and school boards to make their own curriculum decisions. This will lead to higher standards, better teaching, better learning and more accountability. I’m pleased my colleagues came together to pass the ECAA in the Senate and will continue to seek ways to strengthen education.

SOUTH DAKOTA BASIC CODE
Affordable Codification for Small and Mid-Sized South Dakota Municipalities

A comprehensive model code of ordinances for municipalities featuring:

- Subject matter encountered by municipalities
- Annual state law updates
- A comprehensive index and a title devoted to your unique local ordinances
- Published by American Legal and the South Dakota Municipal League
- For more information call or e-mail deRicci Getty at 1-800-445-5588 or dgetty@amlegal.com
**GFOA’s 20th Annual Governmental GAAP Update**

Learn everything you need to know about the most recent developments in accounting and financial reporting for state and local governments, including the latest GASB statements, exposure drafts, and implementation guidance, during GFOA’s 20th Annual Governmental GAAP Update live-streaming event on November 5, with an encore presentation on December 3, 12-4 pm (Central).

Participants will receive 4 CPE credits, participate in interactive exercises to test their knowledge of the material being presented and receive immediate feedback to questions during the program from GFOA’s Technical Services Center staff.

**Presenters**
- Stephen J. Gauthier, Director of GFOA’s Technical Services Center and author of *Governmental Accounting, Auditing, and Financial Reporting* (GAAFR or “Blue Book”) and numerous other GFOA publications.
- Steven A. Solomon, Deputy Director of the GFOA’s Technical Services Center and regular speaker and writer on accounting, auditing, and financial reporting topics for the GFOA.

**Register early and save!**
Sign up by October 2 and take advantage of an early registration fee for the November presentation (or register by November 6 to save on the registration fee for the December encore presentation).

Save with group discounts. Make a day of it and build an event around this training as an affordable way to train staff.

Download the brochure, which includes a registration form at http://www.gfoa.org/sites/default/files/GAAP15Brochure_0.pdf.

Register online at https://estore.gfoa.org/IMIS15/Gfoamember/. (Please note that group discounts cannot be applied to online registrations.)

**Questions?**
If you have any questions, contact the GFOA at 312-977-9700 or visit www.gfoa.org.
Making the Most of the SDML Conference

Before you go
Bring a good idea from home to share and a supply of business cards. If your city has promotional stickers or pins, bring a supply to share to make your hometown visible and help you make connections.

Make a plan
When you arrive, review the full program of sessions. Map out the sessions you will attend. If others from your community are attending, decide together who will go to what. Your municipality will gain the most when attendees divide and conquer. ALL MEETINGS ARE OPEN TO ALL ATTENDEES.

Orientation
If you are a first time attendee, plan on going to the “Orientation for New Attendees” session on Wednesday morning so you can learn more about the conference and the League, as well as meet other first-timers.

Attend the sessions
All sessions listed on the conference program are open to ALL conference attendees – you do not have to be a member of the affiliate group to attend their meeting.

For the Elected Officials
While you are welcome to attend any of the meetings you see in the program, the elected officials are especially invited to join the SD Association of Code Enforcement to hear about Cadillac Code Enforcement on a Clunker Budget to learn tips on how to maximize code enforcement resources, get the most bang for your buck, and attack problems in new and innovative ways. Elected Officials on Thursday have their own session dealing with budgeting and fiscal responsibility and data security.

Take notes
Good session notes – complete with notations of who you want to share the information with after the conference and ideas the information generates – will be invaluable when you prepare a summary. Plan to share it with other municipal officials, citizens and appropriate staff.

Daily review
Each evening as you wind down from the day of sensory overload, review your session notes and jot down the top three discoveries. What were the most important, pertinent, useful or amazing discoveries that day? How are they significant to your municipality? Write them down. And – on a specific day in your calendar – note an idea you want to pursue.

Network
Make it a habit to introduce yourself to others around you at session and events. Have plenty of business cards to share. You can start conversations by asking questions. What part of the conference have they enjoyed most so far? How long has he/she held his/her position? What are the biggest issues the community faces? You may have common concerns to explore, or solutions that your community has developed.

Visit the exhibits
Exhibitors have a lot of experience with municipalities and are experts in their field. They can be great sources of information and solutions for municipal concerns. Exhibits are open 8 a.m. to 4 p.m. on Wednesday and 8 a.m. to 11 a.m. on Thursday.

Policy Committees
If you serve on a Policy Committee, those meet on Wednesday afternoon. If you are not on a policy committee, this is an excellent opportunity to sit in on one that is of interest to you. Policy Committees shape the Statement of Policy that guides the League’s legislative agenda for the coming session.

Vote
Make sure your municipality has a voting delegate at the business meeting on Friday morning so your voice is counted.

All SDML Annual Conference information can be found at www.sdmunicipalleague.org.
in the election of League board members and the adoption of
the Policy Statement.

Cost/Benefit
Know what it costs your municipality to send you to the
conference and be prepared to talk about the benefits your
local government receives as a result. Municipal government
is a lot like parenthood. It is impossible to know all about it
until you are in the thick of it. There is a lot of on-the-job
learning – and the SDML Conference is the single best forum
for learning about municipal governance in South Dakota.

Relax
Relax and enjoy the sights and delights of Watertown. Take
time to renew yourself every evening to be refreshed the next
day. Return home with your notes, contacts, resources, ideas,
and dreams – and the commitment to make a difference with
what you have learned!

2015 Topics at a Glance
Watertown is the place to be October 6-9 as SDML
members gather for the Annual Conference.

Janet Ady, President and CEO of Ady Advantage, will be
headlining our general sessions with her “Secrets of
Success for Economic Development.” Rural communities
are distinct from their big-city counterparts when it comes
to economic development. Janet wrote the book on the
topic – The Rural E.D. Toolbox – and will share with you
practical tips and tools to use in crafting your economic
development strategies. In this engaging presentation, you
will learn:
- What are the three megatrends in economic
development, and what do they mean for municipalities?
- How can we get beyond “a great place to live, work
and play” and really create a strong message about
how our community is distinct?
- What economic development strategy has traditionally
resulted in 80% or more of investments and jobs, and
how can I adopt this strategy to our community?
- What can I learn from other rural communities who
have successfully grown their economies?

Other Sessions Include:
- Cadillac Code Enforcement on a Clunker Budget
- Identity Theft, Fraud, and Security Issues
- Dealing with Threats and Hostile People
- The Value of Afterschool Programs
- How to Conduct a Walk Audit of Your Community
- What You Need to Know about Wage and Hour
- Unmanned Aerial Systems (UAS)
- Surviving the Public Arena
- Advanced Metering Infrastructure Benefits for Electrics
- Emotional Intelligence Training
- Storm Water Management Programs
- Website Development

First-Time Attendees
City employees and elected officials who have not
previously attended an annual conference are invited
to attend the Orientation for New Attendees meeting
in Watertown on Wednesday, October 7, 2015 at 9:00
a.m. This is an opportunity to learn more about the
South Dakota Municipal League (SDML), get a
chance to meet the Municipal League staff and Board
Members and get a better understanding of what the
League does for the municipalities in South Dakota.

This meeting will be hosted by SDML President
Jeanne Duchscher, who is also the Finance Officer in
Parker, and other members of the SDML Board of
Directors and Staff. They will review the conference
agenda, share some of the success stories of the SDML
and explain the purpose of the policy committees.

SDML Past President Becky Brunsing, who is also the
Finance Officer in Wagner will share with you her
perspective on what the League means to her, her
community and the State of South Dakota as a whole.
Other Board members and League staff will be
introduced and have an opportunity to share some of
their thoughts.

Past First Timer meeting attendees have spoken very
highly of attending this gathering and learning more
about the SDML.

If this is your first conference, you are encouraged to
attend this meeting. See you in Watertown!

SDML Committees

2015 Nominating Committee
Dennis Olson, Assistant City Administrator/
Finance Officer, Brandon, Chair
Al Cerny, City Administrator/
Finance Officer, Gregory
Mike Grosek, Mayor, Webster

2015 Auditing Committee
Karl Alberts, Finance Officer, Aberdeen, Chair
Pauline Sumption, Finance Officer, Rapid City
Becky Brunsing, Finance Officer, Wagner
Michelle De Neui, Assistant Finance Officer, Spearfish
Our Precast Concrete Products have withstood the test of time, providing quality, dependable services for over 90 years to cities and counties in South Dakota.

SALES REPRESENTATIVES

Steven Myer, PE
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Cell: 605-933-0112
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Cell: 406-461-5949
banderson@cretex.com

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2015 SDML GOLF SCRAMBLE

Sponsored By:
South Dakota Municipal League

and the
City of Watertown

DATE/TIME
Tuesday, October 6, 2015
Sign in at 1:00 p.m. • Tee off at 2:00 p.m.

LOCATION
Cattail Crossing Golf Course
351 S Lake Drive • Watertown, SD 57201
*1 ½ miles north on Hwy 212 on 42nd Street West

FORMAT
Competition will be 9 holes, 4 person scramble, shotgun start.
*Teams will be paired up after signing in at golf course and not before.*

ELIGIBILITY
Any individual attending the SDML Conference and their guests.

FEES
$18.00/person (includes green fee and cart). To avoid delays, everyone will be required to ride carts.

Novice and Advanced Players Welcome! Prizes will be Awarded!

2015 SDML Golf Scramble Registration Form

Name: ___________________________ Email: ___________________________

Municipality/Organization: ___________________________

Nine hole handicap or average: ___________________________ Nine hole score: ___________________________

Return by September 15, 2015 to:
South Dakota Municipal League
208 Island Drive
Ft. Pierre, SD 57532

Please enclose your $18.00/person fee with the registration form.
*Only Personal Checks or Cash will be accepted.*
TUESDAY AFTERNOON: SPORTING CLAYS EVENT

For those who want to shoot something other than a golf ball, the City of Watertown has arranged for In The Woods Sporting Clays to be available!

DATE/TIME
Tuesday, October 6, 2015
Sign in at 1:30 p.m. • Shooting starts at 2:00 p.m.

LOCATION
In The Woods Sporting Clays, 16443 449th Avenue, Florence, SD
Just minutes from Watertown! Transportation on your own.

FORMAT
6 stages, 50 shots. Takes 1 – 1 ½ hours to complete course.
Bring your own gun and shells, or reserve shells to buy on-site ($7.00/box).

FEES
$20.00/person. Paid on site – cash or check only.
$7.00/box of shells if purchased on-site – must reserve shells below.

Registration for Sporting Clays Event

Name: ___________________________ Email: ___________________________
Municipality/Organization: ___________________________________________

Will you purchase shells on site - $7.00/box? □Yes or □No
If yes, how many boxes? ____________ Gauge of Shotgun: ______________

Return by September 15, 2015 to: South Dakota Municipal League
208 Island Drive
Ft. Pierre, SD 57532
FAX: 605-224-8655

DO NOT send payment.
Payment will be made on-site to In The Woods Sporting Clays – cash or check only.
Hosted By SDML Sponsored Risk Sharing Pools:
- SDML Workers’ Compensation Fund
- South Dakota Public Assurance Alliance
- Health Pool of South Dakota

Registration Due to the SDML Office By September 10th
1 Entry Form Per Participant - make additional copies as needed. (Please Print)

Name________________________________________ City_______________________________________

Adult T-Shirt Size:   ___S   ___M    ___L   ___XL   ___XXL

RELEASE AND WAIVER OF LIABILITY, ASSUMPTION OF THE RISK AND INDEMNITY AGREEMENT AND CONSENT TO MEDICAL TREATMENT

By my signature below, I acknowledge that I am aware of, appreciate the character of, and voluntarily assume the risks involved in participating in the 2015 12th Annual Walk/Run at the 2015 South Dakota Municipal League Annual Conference in Watertown.

By my signature below, on behalf of myself, my heirs, next of kin, successors in interest, assigns, personal representatives, and agents, I hereby:

1. Waive any claim or cause of action against and release from liability the South Dakota Municipal League, SDPAA, SDML WC Fund and the HPSD, its officers, employees, and agents for any liability for injuries to my person or property resulting from my participation in the activity listed above;

2. Agree to indemnify and hold harmless the South Dakota Municipal League, SDPAA, SDML WC Fund and the HPSD, its officers, employees, and agents for any claims, causes of action, or liability to any other person arising from my participation in the activity listed above; and

3. Consent to receive any medical treatment deemed advisable during my participation in the activity listed above.

I HAVE READ THIS RELEASE AND WAIVER OF LIABILITY, ASSUMPTION OF THE RISK AND INDEMNITY AGREEMENT AND CONSENT TO MEDICAL TREATMENT, FULLY UNDERSTAND ITS TERMS, UNDERSTAND THAT I HAVE GIVEN UP SUBSTANTIAL RIGHTS BY SIGNING IT, AND HAVE SIGNED IT FREELY AND VOLUNTARILY WITHOUT ANY INDUCEMENT, ASSURANCE, OR GUARANTEE BEING MADE TO ME AND INTEND MY SIGNATURE TO BE A COMPLETE AND UNCONDITIONAL RELEASE OF ALL LIABILITY TO THE GREATEST EXTENT ALLOWED BY LAW.

Name________________________________________ Date of Birth_______________________________

Signature________________________________________ Address____________________________________

________________________________________ Signature of Guardian if under the age of 18

Thursday, October 8th
- Route begins and ends near Bramble Park Zoo.
- Meet in the Ramkota Hotel lobby at 6:30 am for a ride.
- Starts at 7:00 am.

Fun Walk/Run
Just for the Health of It!
Free To All Registered Delegates and Guests

Hosted By SDML Sponsored Risk Sharing Pools:
2015 ANNUAL CONFERENCE REGISTRATION FORM
Watertown ~ October 6-9, 2015

Municipality Represented:_________________________________________________________

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

<table>
<thead>
<tr>
<th>Name</th>
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TOTAL AMOUNT ENCLOSED $___________________

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

Payment Must Accompany Registration
(Sorry No Credit Cards Accepted)

<table>
<thead>
<tr>
<th>CONFERENCE REGISTRATION FEES</th>
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<tr>
<td>SDML Members*</td>
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<td>SDML Members*</td>
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<td>Non-member/Government/Non-Profit</td>
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<td>Company Representative**</td>
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<td>Spouse/Guest</td>
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<td>Single Day Attendee</td>
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*Members are officials and employees of a municipality that pay annual dues to the SD Municipal League.
**Company representatives are individuals representing a company or business that are not participating in the exhibitor program.

SDML Office Use Only: Date:_________________ Check #:_________________ Amount: $_________________
Preliminary Agenda Subject to Change

Tuesday, October 6, 2015

2:00 p.m.  SDML Golf Tournament (Complete details and registration form on page 27.)
Cattail Crossing Golf Course, Watertown
Hosted by: City of Watertown
South Dakota Municipal League

2:00 p.m.  Sporting Clays Event (Complete details and registration form on page 28.)
In The Wood Sporting Clays, Florence

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

Wednesday, October 7, 2015

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

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

9:00 a.m.  Orientation for New Attendees

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

9:00 a.m.  SD Municipal Electric Association
Presiding: Todd Chambers, SDMEA President, Watertown Municipal Utilities
1. Advanced Metering Infrastructure (AMI) Benefits for Municipal Electric Utilities
   Tom Thorson, Territory Sales Director, Eaton Cooper Power Systems
2. MRES and Heartland Update
3. Distributed Generation Impact on Retail Rates and Cost Recovery
   Dave Berg, Principal Engineer, Dave Berg Consulting, LLC
4. Business Meeting and Election

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

11:00 a.m.  Do you feel lucky?
Come roll the dice with the SDML Workers’ Compensation Fund, play the new “Work Comp Land” game!
Brad Wilson, Administrator, SDML Workers’ Compensation Fund and President, Insurance Benefits, Inc.
Ladene Bachtell, Insurance Benefits, Inc.
Gary Drewes, Insurance Benefits, Inc.

Property and Liability Basics – Are you Smarter than a 5th Grader (SDPAA version)
Ron Burmood, Director of Member Services, SDPAA
Jerry Krambeck, Member Services Representative, SDPAA
Noon  Safety Awards Luncheon  
*Presiding: Doug Kirkus, Safety Benefits, Inc.*  
*Hosted by: SDML Workers’ Compensation Fund  
South Dakota Public Assurance Alliance*

1:00 p.m.  Elected Officials Workshop  
Join the SD Association of Code Enforcement to hear about Cadillac Code Enforcement on a Clunker Budget to learn tips on how to maximize code enforcement resources, get the most bang for your buck, and attack problems in new and innovative ways.

1:00 p.m.  SD Airport Management Association  
*Presiding: Cody Roggatz, SDAMA President, Aberdeen*  
1. Review of Projects around the State  
   - Jon Becker, Aeronotics Planning Engineer, SD DOT Office of Aeronautics  
   - Colton Stahl, Airport Construction Engineer, SD DOT Office of Aeronautics  
2. Unmanned Aerial Systems (UAS)  
   - Steven Hoogerhyde, FAASTeam Program Manager, Federal Aviation Administration  
3. Airfield Crops  
   - Todd Syhre, Airport Manager, Watertown Regional Airport  
4. FAA Non-Federal Reimbursable Agreements  
   - Cody Roggatz, Transportation Director, Aberdeen Regional Airport  
   - Bob Babcock, Principal Engineer, Helms and Associates  
5. Business Meeting and Election

1:00 p.m.  SD Association of Code Enforcement  
*Presiding: Scott Simianer, SoDACE President, Custer*  
1. Business Meeting  
2. Cadillac Code Enforcement on a Clunker Budget  
   - Teresa Adrian, 1st Vice President, American Association of Code Enforcement  
   - Sheri Johnston, Ambassador/Educode Liaison, American Association of Code Enforcement

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

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

4:00 p.m.  SDML Policy Committee Meetings  
- **General Government**  
  *Presiding: Mike Wendland, Mayor, Baltic*  
- **Public Health, Safety, and Welfare**  
  *Presiding: Tom Paisley, Building Official, Spearfish, Chair*  
- **Public Works**  
  *Presiding: Mark Cotter, Public Works Director, Sioux Falls, Chair*  
- **Taxation and Revenue**  
  *Presiding: Pauline Sumption, Finance Officer, Rapid City, Chair*

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

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

5:30 p.m.  Exhibit Area Social

6:30 p.m.  A Taste of Watertown Dinner  
**SDML’s Got Talent**  
Participants will have an opportunity to perform for Conference attendees and be judged by a panel of outspoken judges. Pre-registration required. (Complete details and registration form on page 36.)  
**Party of Five Band**  
Five guys in their late 40’s playing great POP Rock standards of the past!  
*Hosted by: D.A Davidson & Co.*

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**Watertown Phosphorus Removal Facility Tour**  
This facility removes excess nutrients (fertilizers), from Lake Kampeska in order to prevent excess algae growth.  
**Tour times:**  
- Wednesday, October 7  
  1:00 p.m., 2:15 p.m., and 3:30 p.m.  
- Thursday, October 8  
  9:00 a.m. and 10:15 a.m.  
Sign up for a tour on-site at the Conference Registration Desk.  
Transportation provided.
Thursday, October 8, 2015

7:00 a.m.  SDML 12th Annual Walk/Run Pre-registration required. (Complete details and registration form on page 29.)
Starts near Bramble Park Zoo, meet in Ramkota Hotel lobby at 6:30 a.m. for a ride.
Hosted by: Health Pool of SD
    SDML Workers’ Compensation Fund
    South Dakota Public Assurance Alliance

7:45 a.m.  Breakfast

7:45 a.m.  Past Presidents’ Breakfast

8:00 a.m.  Registration

8:00 a.m.  Exhibits Open

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

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

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

9:00 a.m.  SD Building Officials’ Association
Presiding: Mike McMahon, SDBOA President, Harrisburg
1. Business Meeting
2. ADA Accessible Routes To and From Public Buildings and Spaces
   Dana Foreman, Rapid City Municipal Group Manager, KLJ Engineering

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

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

9:00 a.m.  SD Municipal Street Maintenance Association
Presiding: Ron Hoftiezer, SDMSMA President, Miller
1. Business Meeting and Election
2. Storm Water Program for Municipal Separate Storm Sewer Systems (MS4)
   William Marcouiller, Engineer I, SD Dept. of Environment and Natural Resources
3. Funding and Implementation of Storm Water Management Programs
   Terri Johnson, Engineer, City of Mitchell
   Robin Bobzien, Engineer, City of Aberdeen
   Andy Berg, Principal Engineer, City of Sioux Falls

Noon  Excellence in SD Municipal Government Award Luncheon
Featured Speaker: Governor Dennis Daugaard (Invited)
Presentation of the 2015 Excellence in SD Municipal Government Award
SDML Hall of Fame Induction – Honoring 20 years and more of municipal service.
(Complete details and nomination form on page 35.)
Hosted by: BankWest Trust Department
    The First National Bank in Sioux Falls – Trust Department
1:30 p.m.  SD Chapter, American Public Works Association  
1. TBA  
2. Round Table Discussion  
3. Business Meeting

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

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

Rural communities are distinct from their big-city counterparts when it comes to economic development. Janet Ady wrote the book on the topic – The Rural E.D. Toolbox – and will share with you practical tips and tools to use in crafting your economic development strategies. In this engaging presentation, you will learn:

- What are the three megatrends in economic development, and what do they mean for municipalities?
- How can we get beyond “a great place to live, work and play” and really create a strong message about how our community is distinct?
- What one economic development strategy has traditionally resulted in 80% or more of investments and jobs, and how can I adopt this strategy to our community?
- What can I learn from other rural communities who have successfully grown their economies?

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

6:30 p.m.  Dinner  
   Hosted by: Dougherty & Company, LLC  
   Entertainment: The Saucy Cabaret

This is a powerhouse New Vaudeville style variety show that cooks up a tasty smorgasbord of comedy, laughter, music and mischief. A fast-paced mile-a-minute laugh riot that doesn’t let up for even a second. It has music, mime, crazy magic, stand-up comedy and some of the funniest improvisational and sketch comedy ever!  
   Hosted by: Midcontinent Communications

Friday, October 9, 2015

7:00 a.m.  Yoga with Amy (Bring your own mat or towel.)  
8:00 a.m.  Registration  
8:00 a.m.  Breakfast

8:30 a.m.  General Sessions  
1. The Value of Afterschool Programs to a Community  
   Our experts will discuss the benefits for your community of an active after school program.  
   Gloria Hanson, Mayor, City of Fort Pierre, Moderator  
   Panel:  
   Louis Canfield, Afterschool Program Coordinator, Watertown Boys & Girls Club  
   LeAnn Thompson, Parent, Watertown Afterschool Program  
   Todd Brist, Principal, Watertown Middle School  
   Fred Lamphere, Sheriff, Butte County  
   Mike Levens, Mayor, City of Aberdeen

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

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

10:30 a.m.  SDML Annual Business Meeting and Election  
1. Auditing Committee Report  
2. Executive Director’s Report  
3. Resolutions Committee Report  
4. Discussion and Adoption of 2016 Statement of Policy  
5. President’s Report  
6. Nominating Committee Report  
7. Annual Election of Officers  
8. Other Business  
9. Prize Drawing – Must be Present to Win!
The South Dakota Municipal League Hall of Fame was created to honor those elected and appointed officials and employees who have served municipalities in South Dakota for 20 or more years.

Applicants, living or deceased, must have completed 20 years of municipal service as of September 30, 2015. Inductees will be recognized at the October 8th luncheon during the Annual Conference in Watertown and in the November issue of South Dakota Municipalities.

Years of service do not have to be consecutive or with the same municipality. Recognition will be one time per individual.

This recognition will be ongoing, if 20 years of service is completed after September 30, 2015 the official or employee is eligible to be inducted into the 2016 Hall of Fame.

If you or someone you know is eligible, please complete and return this form by September 15, 2015 to be recognized at the SDML Annual Conference in October and in the November issue of South Dakota Municipalities.

Please provide a photo and a one paragraph description (100 words max, please email if possible) of the Inductee’s biography or major accomplishments while serving the municipality to be used in the November magazine. Digital photos must be at least 300 dpi.

Return to: SDML, 208 Island Drive, Ft. Pierre, SD 57532
Fax: 605-224-8655 Email: carrie@sdmunicipalleague.org
SDML’s Got Talent!

WHAT
• A talent competition that any individual attending the SDML Annual Conference may enter.
• Participants will have an opportunity to perform for Conference attendees and be judged by a panel of outspoken (to say the least!) judges.
• All acts welcome, bring your own props.

WHEN
7:30 p.m. Wednesday, October 8, 2015

WHERE
SDML Annual Conference, Watertown Event Center

Prizes will be awarded!

Amateur and Experienced Talent Welcome!

SDML’s Got Talent! Entry Form

Name: __________________________ Email: __________________________

Municipality/Organization: __________________________________________

If group performance, provide name and city of all performers: __________________________

_______________________________________________________________

Title of Act: __________________________ Length of act: ________ minutes.

Type of Performance (Singing, Playing Instrument, Comedy, Variety Act, etc.):

_______________________________________________________________

Audio/Visual Requirements: ________________________________________

Return by September 15, 2015 to: South Dakota Municipal League
208 Island Drive
Ft. Pierre, SD 57532
Fax: 605-224-8655
South Dakota Municipal League
Proposed Statement of Policy

The following are the policies as suggested by the four Policy Committees, which met August 12 and 13 in Ft. Pierre. During the Annual Conference, to be held October 6-9 in Watertown, there will be several important steps taken before any of these policies become the official Statement of Policy of the Municipal League. First, the Policy Committees will meet again on Wednesday afternoon, October 7 to review these changes, and to consider any new information or suggestions from members. The Policies will then be submitted to the Resolutions Committee, which will meet on Thursday morning, October 8, and will recommend the final set of policies for a vote of the membership at the Annual Business Meeting on Friday, October 9.

The Statement of Policy guides the League Staff and lobbyists during the legislative session and functions as a reference for the League’s position on various issues affecting local government.

General Government Committee

POLICIES

MUNICIPAL EMPLOYEES

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

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

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

GOVERNMENT ETHICS AND OPERATIONS

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

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

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

7. The SDML supports clarifying the voting requirements for non-ordinance items in the aldermanic form of government to a majority of the quorum present at the meeting. (GG – 2010; 2015)

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

9. The SDML supports amending SDCL 9-13-16.1 to include an alderman moving out of the ward from which the alderman was elected to the list of events creating a vacancy. (GG – 2014)

10. The SDML supports amending SDCL 3-4-1 (5) to clarify that the person in charge of the election may make last minute, emergency appointments to fill precinct election boards. (GG – 2014)

A. The SDML supports refining the definition of residence for purposes of incorporating a municipality. (GG – 2015)

B. The SDML supports working cooperatively with other state entities to clarify residence for voter registration. (GG – 2015)

C. The SDML supports making provisions for the time to qualify for office consistent. (GG – 2015)

D. The SDML supports making provisions for supplementing municipal budgets consistent with provisions found in county law. (GG – 2015)
Proposed Statement of Policy

11. The SDML supports increasing the audit “trigger” to $750,000. (GG – 2014)
12. The SDML supports increasing the Internal Control Review range to between $100,000 and $750,000. (GG – 2014)
13. The SDML supports changing the makeup of the local board of equalization to more appropriately reflect the distribution of property tax revenues. (GG – 2008)
15. The SDML supports amending statutes regarding designation of official newspapers to require the newspaper submit the circulation density by local government jurisdiction. (GG – 2011; 2013)
16. The SDML supports legislation to allow a local option for resolutions to be published by title and abbreviated explanation only. (GG – 2006)
18. The SDML supports reviewing open meeting laws in conjunction with any Open Government Task Force so long as the SDML is adequately represented. (GG – 2009; 2012)
19. The SDML opposes state regulation of the Health Pool of South Dakota, the South Dakota Public Assurance Alliance, or the SDML Workers’ Compensation Fund. (GG – 2003)
20. The SDML supports legislation to raise the threshold for requiring a performance bond to $50,000. (GG – 2006)
21. The SDML supports legislation amending SDCL 34A-6-29 to make the collection of delinquent garbage collection fees consistent with the collection of other delinquent municipal utility fees. (GG – 2006)
22. The SDML supports legislation to allow funds to be deposited directly to municipalities from the state, rather than going first through the counties. (GG – 2006)
23. The SDML will not oppose the addition of a penalty for the late submission of an annual report as long as the deadline for submission can be moved back to May 31 of each year and there is a provision for the Department of Legislative Audit to allow for an extension as circumstances merit. (GG – 2006)
24. The SDML supports changing the vote to create a hospital district to a simple majority. (GG – 2007)
25. The SDML supports equal treatment of all government facilities which serve as the official office of elected officials or any buildings where governing bodies officially meet on a regular basis. (GG – 2012)
26. The SDML supports clarifying municipal statutes to provide procedures consistent with state laws on

GEOTEK ENGINEERING & TESTING SERVICES, INC.

909 East 50th Street North
Sioux Falls, South Dakota 57104
P: 605-335-5512 F: 605-335-0773
1-800-354-5512
www.geotekeng.com

Geotechnical Engineering - Construction Materials/NDT
Environmental - Indoor Air Quality/Industrial Hygiene

SOUTH DAKOTA MUNICIPALITIES
Proposed Statement of Policy

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

28. The SDML supports legislation making non-sufficient fund/returned check fees consistent for all entities. (GG – 2014)

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

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

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

32. The SDML supports allowing the direct shipment of wine to consumers, so long as local sales taxes are paid, and adequate controls exist to prevent access by minors. (GG – 2014)

33. The SDML supports the valuation of platted land based on use, rather than zoning designation, and urges cities and counties to work cooperatively to develop legislation. (GG – 2014)

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

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

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

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

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

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

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

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

COMMUNITY AND ECONOMIC DEVELOPMENT

CORE BELIEFS

Municipal Employees

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

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

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

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

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

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

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

CB8. The SDML opposes repeal of Article III, Section 26 of the South Dakota Constitution relating to municipal powers denied to private organizations. The SDML opposes any further changes in SDCL 3-18-3 providing for the voting procedure for determination of bargaining unit representation. The SDML supports SDCL 3-18-10 which prohibits strikes by public employees. (GG – 2000; CB11)

CB9. The SDML supports local consideration of “equal pay for equal work” but opposes the development of comparable worth pay systems through DOL rulemaking that advances the notion that government should dictate an organization’s compensation program. (GG – 2000; CB12; 2013)

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

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

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

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

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

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

Community and Economic Development

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

CB17. The SDML opposes bills similar to the “Bradley Bill” because of the potential environmental, social and economic impacts on the people and governments of South Dakota. (GG – 2000; 20)

CB18. The SDML encourages the Governor and the Legislature and the Ellsworth Authority to assist in the efforts to retain Ellsworth Air Force Base as a viable military facility. (GG – 2003; 15)

Government Ethics and Operations

CB19. The SDML endorses the Core Beliefs espoused by the National League of Cities.1 (GG – 2000; CB18)

CB20. The SDML encourages municipalities to initiate policies to oppose racial profiling in any municipal activity. (GG – 2000; CB19)


CB22. The SDML supports efforts to review and update state statutes related to municipal government provided the South Dakota Municipal League has appropriate representation in that process. (GG – 2000)

Local Control and Home Rule

CB23. The SDML encourages federal, state, and local government leaders to continue to work with American Indian tribes to resolve taxation, regulatory, environmental and infrastructure issues, and law enforcement concerns. Such efforts should address concerns resulting from the federal government placing land into trust on behalf of American Indian tribes without such tribes having entered into a binding agreement with state and local entities on the collection of taxes, law enforcement, infrastructure and environmental concerns, and regulations. (GG – 2000; CB20)

CB24. The SDML encourages consolidation of the Boards of Equalization with the cooperation of all entities of local government in order to relieve taxpayers of unnecessary burdens and encourages legislation to require counties to consolidate Boards of Equalization when requested by a municipality. (GG – 2000; CB21)

CB25. The SDML opposes any legislation expanding the power and authority of special districts, sub-districts, cooperatives, and sanitary districts to render services without allowing municipalities the same options. (GG – 2000; CB22)

CB26. The SDML proactively opposes the mandatory OSHA requirements being applied to municipalities. (GG – 2000; 2)
Proposed Statement of Policy

CB27. The SDML opposes any legislation which would inhibit municipalities from providing services requested by citizens in whatever form the citizens approve. (GG – 2006)

1 Core Beliefs of the National League of Cities

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

Public Health, Safety, and Welfare Committee

POLICIES

PUBLIC HEALTH AND SAFETY

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

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

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

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

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

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

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

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

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

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

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

12. The SDML supports legislation enacting the International Property Maintenance Code on a statewide basis, with the option of local administration. (PHSW – 2013; 2014)

LOCAL CONTROL AND HOME RULE

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

14. The SDML opposes state legislation limiting municipalities from adopting whichever portions
Proposed Statement of Policy


CORE BELIEFS

Public Health and Safety

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

CB2. The SDML recognizes the costs associated with maintaining and training regional emergency response teams in South Dakota and supports continued funding from the State of South Dakota. (PHSW – 2006; 2007; 2010) (Amended and moved from General Policy)

CB3. The SDML supports legislation that requires that users of private telephone switches or services be provided capabilities of the same level of 911 services as is available to other residents of the jurisdiction. (PHSW – 2000; 1) (Moved from General Policy)

CB4. The SDML supports legislation that continues to maintain compliance with the Juvenile Justice and Delinquency Act of 1974 and supports legislation for funding compliance. (PHSW – 2000; 2007; 3) (Moved from General Policy)

Municipal Finance

CB5. The SDML encourages local governments to install 911 and maintain systems using the Funding Surcharge allowed by SDCL 34-45 (Emergency Reporting Telephone) and encourages legislation to increase this surcharge to fully fund the system. (PHSW – 2000; 2007; 2010; CB3)

Local Control and Home Rule

CB6. The SDML opposes any state environmental laws and regulations that are more stringent than existing federal environmental laws, standards and regulations. (PHSW – 2000; CB4)

Community and Economic Development

CB7. The SDML supports ensuring K-12 education is at the highest academically competitive levels as well as the teaching of basic life skills and responsibilities. (PHSW – 2003)

CB8. The SDML supports the use of public and private colleges and universities in producing labor studies and other studies on local needs and resources, and
in the development of a statewide master plan for economic development. (PHSW – 2003)


CB10. The SDML supports the creation of a long-range technology master plan for South Dakota. (PHSW – 2003)

CB11. The SDML urges investment in research and development and intellectual property using research triangles and incubator programs to promote these endeavors. (PHSW – 2003)

CB12. The SDML recognizes that the mismanagement of the Black Hills National Forest is a health, safety and economic development issue for residents of South Dakota. The SDML supports policies that prioritize quality of life and economic development in the Black Hills National Forest. (PHSW – 2003)

CB13. The SDML urges the SD Department of Environment and Natural Resources to recognize that environmental regulations cost municipalities an immense amount of money, which could otherwise be spent on economic development and quality of life improvements. The SDML urges DENR to keep environmental regulation as reasonable and affordable as possible for municipalities in South Dakota. (PHSW – 2003)

CB14. The SDML recognizes the importance of maintaining the National Science Lab, and strongly supports its development at the former Homestake mine. (PHSW – 2005; 14) (Moved from General Policy)

CB15. The SDML encourages the development of a state-wide economic development policy in South Dakota—recognizing that quality of life in communities is a major factor. (PHSW – 2002) (Moved from General Policy)
Proposed Statement of Policy

Public Works Committee

POLICIES

LOCAL CONTROL AND HOME RULE

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

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

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

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

PUBLIC HEALTH AND SAFETY

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

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

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

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

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

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

11. The SDML supports planning and zoning legislation that will encourage continuity between city and county planning and zoning procedures and reduce ambiguities within the adoption process, enabling municipalities to more effectively adopt and administer their comprehensive plan, zoning regulations, and subdivision regulations. (PW – 2000; 10)

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

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

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

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

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

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

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

MUNICIPAL UTILITIES

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

20. The SDML opposes the practice of the federal government threatening the loss of funding to ensure compliance with federal guidelines. The SDML requests the Department of Environment and Natural Resources to allow flexibility to water systems to meet water certification requirements and urges the Department of Environment and Natural Resources to continue monetary assistance and free training for water certification. (PW – 2000; 2008; 16)

21. The SDML opposes any legislative and regulatory barriers to the creation of municipal electric utilities and supports the fundamental principle of public power and the right of municipalities to provide any utility service desired by their citizens. (PW – 2004)

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

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

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

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

MUNICIPAL FINANCE

26. The SDML urges the Board of Water and Natural Resources to remove the percentages set by SDCL 34A-6-85 for the Solid Waste Management Grant Program, thereby allowing all applications equal
Proposed Statement of Policy

opportunity to be considered for funding based on the merit of the project. (PW – 2000; 18)

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

CORE BELIEFS

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

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

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

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

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

CB6. The SDML opposes any state mandated prohibition against the cities’ right to construct with their own crews. (PW – 2003)

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

CB8. The SDML supports enhanced state and federal funding for water supply systems. (PW – 2014)

Municipal Utilities
CB9. The SDML supports the rights of municipalities to establish electric utility systems to provide service within their corporate limits and adjacent urban growth areas. (PW – 2006)

CB10. The SDML opposes any legislation limiting or eliminating a municipal electric utility’s right to serve customers facilitated by annexation and/or condemnation. (PW – 2006)

CB11. The SDML encourages the state and federal government to maintain said dams in a safe and usable condition. (PW – 2010) (Partially moved from General Policy)

CB12. The SDML supports the continued training and certification of landfill operators. (PW – 2000; 2004; 2010; 17) (Moved from General Policy)

CB13. The SDML opposes any changes to the Power Marketing Administrations and specifically the Western Area Power Administration which deviate from the principles of beneficiary pays and cost-based rates. (PW – 2012)

Taxation and Revenue Committee

POLICIES

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

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

3. The SDML supports making REDI funds available for infrastructure and infrastructure master planning. There is plenty of raw land, but it needs
Proposed **Statement of Policy**

infrastructure before it can be sold to prospects or developed in a timely manner. (T&R – 2003)

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

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

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

**MUNICIPAL FINANCE**

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

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

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


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

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

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

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

**Sales Tax**

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

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

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

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

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

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

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

19. The SDML supports allowing broad, local-option authority to municipalities that would enable the return of any potential tax revenue increases to
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<td>entities or persons deemed appropriate by the municipality. (T&amp;R – 2002; 20)</td>
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<td><strong>20.</strong> The SDML supports a requirement that all prior debt obligations be covered regardless of any potential initiative, referendum, or legislative action. (T&amp;R – 2002; 22)</td>
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<tr>
<td><strong>21.</strong> The SDML is opposed to de minimus exceptions. (The exceptions do not serve to level the playing field and the collection allowance will reimburse sellers for the costs of collecting the taxes.) (T&amp;R – 2002; 23)</td>
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<tr>
<td><strong>22.</strong> The SDML opposes any municipal funding of a sales tax collection allowance for all sellers, whether in or out of state. (T&amp;R – 2002; 2004; 2012; 2013)</td>
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<td><strong>23.</strong> The SDML supports continued local control over local rates and opposes weighted averaging or a state-imposed single rate. (T&amp;R – 2002; 25)</td>
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<td><strong>24.</strong> The SDML supports retaining the ability of municipalities to impose, adjust, and determine local rates, protect current revenues, prevent loss of revenue, and to account for any future growth. (T&amp;R – 2002; 26)</td>
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<tr>
<td><strong>25.</strong> The SDML opposes any moratorium on taxation of Internet services. (T&amp;R – 2002; 2010; 27)</td>
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<td><strong>State/Federal Funding</strong></td>
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<td><strong>26.</strong> The SDML supports federal funding of the “state-side” share of the Land and Water Conservation Fund, on the condition that the state continues its practice of sharing those funds with municipalities. (T&amp;R – 2000; 30)</td>
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<td><strong>27.</strong> The SDML supports repeal of state taxation on alternative fuels used by local governments, and supports federal tax incentives for government purchases of alternative fuel vehicles. (T&amp;R – 2007)</td>
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<tr>
<td><strong>28.</strong> The SDML supports exempting municipal government projects from the contractors excise tax. (T&amp;R – 2004; 2015)</td>
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Proposed Statement of Policy

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

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

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

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

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

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

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

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

User Fees
36. The SDML supports the concept of user fees for public service calls, including but not limited to police law enforcement and fire protection for all tax-exempt properties. (T&R – 2000; 2008; 2010; 33; 2015)
Proposed Statement of Policy

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

PUBLIC HEALTH AND SAFETY

38. The SDML supports amending SDCL 34-45-1 to increase the maximum monthly extending or repealing the sunset on the increased 911 surcharge. (T&R – 2000; 35; 2015)

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

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

MUNICIPAL UTILITIES

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

LOCAL CONTROL AND HOME RULE

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

CORE BELIEFS

Municipal Finance

State/Federal Funding

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

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

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

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

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

CB6. The SDML recognizes that the US Army Corps of Engineers is responsible for the operation and maintenance of dams on the Missouri River, which due to design deficiencies, have caused stream bank erosion, channel sedimentation, and river bed degradation. Therefore, the cost to operate and maintain the Missouri River system as envisioned in the Flood Control Act of 1944 (Pick-Sloan) should be borne by the Federal Government. (T&R – 2000; CB7)

CB7. The SDML supports legislation for state general funds for training programs at the local level required by the state for firefighters and EMS workers and especially including funds to reimburse volunteers for expenses incurred in training. (T&R – 2000; CB8)

CB8. The SDML requests that the state financially underwrite the full costs of all police law enforcement training that is required by the state. Funds levied for training should be used only for training. Adequate funding of the law enforcement academy is essential to the provision of law enforcement officer training. (T&R – 2000; CB9; 2015)

CB9. The SDML supports the provisions of SDCL 6-15-1 and 6-15-2, relating to unfunded mandates, and believes that any new federal or state program, fee,
Proposed Statement of Policy

legislation, rule, or regulation imposed upon municipalities must be federally or state funded. (T&R – 2000; CB10)

CB10. The SDML supports repeal of state taxation on fuels used by local governments. (T&R – 2003; 31)

CB11. The SDML believes that whenever possible and proper, additional local government costs should not be funded through increased real estate taxes, but through appropriate user fees or user tax systems or any other non-ad valorem revenue sources. (T&R – 2000; 33)

CB12. The SDML supports continued state and federal financing at sustained levels to local governments for projects rehabilitating and preserving water quality in South Dakota streams, rivers, lakes and aquifers. (T&R – 2000; 29) (Moved from General Policy)

CB13. The SDML supports developing an open, stronger, more cooperative working relationship with the SD Department of Revenue. (T&R – 2010; 2012) (Moved from General Policy)

Local Control and Home Rule

CB14. The SDML opposes any measure that restricts local control over taxation and spending, and urges the defeat of any such measure. Further, the SDML encourages municipalities to work individually and with other local governments to inform citizens of the negative impact of tax and spending limitation measures. (T&R – 2000; CB11)

CB15. The SDML opposes any attempt to impose a tax or regulation on self-insured local government pools or individual self-insured local government entities. (T&R – 2000; CB12)

Community and Economic Development

CB16. The SDML encourages the Legislature and the Governor to review all laws as they pertain to economic development, and to work with municipalities to develop opportunities and remove impediments to development of our communities. (T&R – 2002; 1)
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OCTOBER Community Events

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

August 7 - October 25
Heartland Country Corn Maze
Harrisburg

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

September 30 - October 4
South Dakota Film Festival
Aberdeen

October 1
Legends in Light
Crazy Horse

An Evening with Neil deGrasse Tyson
Rapid City

October 2
Elton John and His Band
Sioux Falls

October 2 - 3
Oktoberfest
Deadwood

Bierbörse
Rapid City

October 3
Deerfield Lake Walk
Hill City

Dakota State University Trojan Days
Madison

Prairie Village Hobo Marlin Pumpkin Train
Madison

FestiFall/CandleLight Walk
Canton

Aberdeen Central High School Hall of Fame Banquet
Aberdeen

October 3 - 4
Watertown Quilt Festival
Watertown

October 3 - 13
Korczak Ziolkowski Remembrance Day
Crazy Horse

October 4
The Beach Boys
Deadwood

October 8 - 10
Wild West Songwriters Festival
Deadwood

Karing Kapers Musical
Watertown

October 9 - 10
Pumpkin Fest & Night Parade
Webster

Spirits of the Forest
Sioux Falls

October 10
Oktoberfest
Aberdeen

Made in South Dakota
Rapid City
Strawbale Winery Harvest Festival
Renner

A Haunted Fort
Lake City

October 12
Native American Day
Crazy Horse Memorial

October 15
Pheasants Forever Fall Shoot Out
Aberdeen

October 16
In the Led
Deadwood

October 17
MADC Vendor-Blender
Menno

October 17 - 18
Southern Hills Community Theatre
Dinner Theatre Play:
Shop “Till You Drop…Dead”
Hot Springs

October 17 - January 3
2015 Pheasant Hunting Season
Pierre

October 22
C&NW Historic Railroad Depot
Box Lunch Day
Redfield

Throwback Thursday Movies:
Night of the Living Dead
Hot Springs

October 23 - 24
Aberdeen Haunted Forest
Aberdeen

Halloween Hike
Custer

October 23 - 25
Autumn Festival, An Arts & Crafts Affair
Sioux Falls

ZooBoo
Sioux Falls

October 24
ZOO BOO
Watertown

October 25
Trick or Treat Trails
Pierre

October 30 - 31
Haunted Heartland Country Corn Maze
Harrisburg

Deadweird
Deadwood

October 31
Scare in the Square
Rapid City

Forest Drive Fright Night
Aberdeen

For details visit
CLASSIFIEDS

CLASSIFIED ADS POLICY: Member municipalities receive free insertions and free postings on the League website. Non-member advertisers are billed $50 per insertion. All ads are subject to editing if necessary. The next deadline is September 15 for the October 2015 issue. Email ads to carrie@sdmunicipalleague.org or fax to 605-224-8655. Visit www.sdmunicipalleague.org for more classifieds.

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

CHIEF OF POLICE: The City of Estelline, SD is accepting applications for a full-time Chief of Police, salary DOE. Prefer applicants to be certified in law enforcement with 3 years of certified law enforcement experience or equivalent. A job description and application may be obtained from the City of Estelline, PO Box 278, Estelline, SD 57234 605-873-2388. Position open until filled. The City of Estelline is an Equal Opportunity Employer.

HEALTHCARE ADMINISTRATOR: The City of White is looking to hire a full-time Healthcare Administrator to manage the operations for their newly purchased nursing home facility formally called the White Senior Living. Bachelors in Health Services Administration, Public Management, Public Administration, Nursing, or other Health Care related field is required. 5 years of experience is preferred or related work experience including 2 years in a supervisory or administrative capacity, or an equivalent combination of training, education or experience which demonstrates the ability to perform the duties of the position. State Benefits. Great
Pay. Housing Allowance. Opportunity to develop your own facility! To apply please send your resume and a cover letter to City of White, PO Box 682, White SD 57276 or e-mail whitesd@heartlandpower.org. Please note the City of White has not set a re-open date for the facility as this time. EOE.

MAINTENANCE WORKER: The City of Hoven, SD. Work areas include but are not limited to water, sewer, streets, snow removal, landfill, swimming pool and airport. The following certifications/licenses must be possessed or be able to obtain: Commercial Applicators License, Class I Water Distribution, Class I Wastewater Treatment and Collection. Knowledge with all types of equipment is desired. Wage DOE. Please contact the City of Hoven, PO Box 157, Hoven SD 57450. You may also call 605-948-2257. The position will remain open until filled.

PARKS, RECREATION AND FORESTRY DIRECTOR: Brookings, SD (pop. 22,056). Want to work for one of the most progressive, highly respected park and recreation departments in the state? Want to lead a team of professionals that helps define the quality of life in a community? The City of Brookings is seeking a progressive, proactive and innovative municipal executive to direct/implement year-round, city wide parks, recreation and forestry programs/services for the City of Brookings. Responsibilities include: supervision of personnel, policy/procedure development and implementation, budgeting and programming/planning of recreation activities and parks. BS in Parks, Recreation, or a related field, including course work in organization and administration required. Master’s degree preferred. Five (5) years of progressive leadership experience in parks and recreation programs, with some exposure to forestry, horticulture, and turf management or other related fields in an administrative supervisory capacity, with municipal or public sector experience required. Visit www.cityofbrookings.org for detailed job description/position profile. Salary range is $68,560 to $92,557 DOQ. Excellent benefit package. Position is open until filled. First review of resumes - 09/14/15. Submit letter of interest, detailed resume and current salary information to: Attn: Donna Langland, HR Director, City of Brookings, PO Box 270, Brookings, SD 57006-0270, Phone 605.697.8668/Fax 605.697.8661 dlangland@cityofbrookings.org. AA/EOE.

POLICE OFFICER: The Alcester Police Department is accepting applications for 1 full time police officer. Law enforcement certified applicants are preferred, but not required. Will patrol assigned area to enforce state laws and ordinances, regulate traffic, control crowds, prevent crime, and arrest violators. The hours, shifts and days will vary. Salary for this position is based on experience and qualifications. Applicants must be able to follow written guidelines and procedures and be able to read, write, and spell correctly and have good verbal communication skills. Submit a Law Enforcement Training and Standards application with resume to Alcester Police Department, 106 West 2nd St., Alcester SD 57001.

WATER AND SEWER SUPERINTENDENT: The City of Lennox, population 2111, is accepting qualified applications for the Water and Sewer Superintendent position. The Superintendent is responsible for operation of the City’s wells and reservoir, water distribution system, and sewer collection system. The Superintendent reports to
the Public Works Director. The requirements for the position include a high school graduation or GED, Class II Water Treatment, Class II Water Distribution, Class I Wastewater Treatment, and Class II Wastewater Collection certificates from the State of South Dakota. Salary will depend on experience and qualifications. The position includes an excellent benefit package including SD Retirement System, health insurance, life insurance, AFLAC, Delta Dental and paid sick leave and vacation. A completed application, resume and cover letter are required. Job description and application are available at the Finance Office, 107 S Main St., Lennox, SD 57039 and on the City’s website www.cityoflennoxsd.com. The position will be open until filled. The City of Lennox is an equal opportunity employer.

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

SURPLUS PROPERTY: Notice is hereby given that the City of Ipswich is offering for sale by sealed bid the following surplus property: 1991 Ford Ambulance with Stryker Scissor Cot. Bids will be accepted in a sealed envelope and must be clearly marked “Ambulance.” Mail or deliver bids to the Ipswich City Office, 122 4th Street; PO Box 586, Ipswich, SD 57451. Bids will be accepted until 5:00 p.m. on Monday, September 21, 2015. Bids will be opened and read publicly during the regular council meeting on Monday, September 21, 2015 at 7:00 p.m. The City of Ipswich reserves the right to reject any or all bids. For more information, please call 605-426-6961.

FOR SALE: The City of Centerville is taking sealed bids on a 2000 LeeBoy 8500 Low Deck, Track Paver with 2,936 hours. The Paver was used by the Centerville Public Works Department. Sealed bids may be submitted to the City Finance Office, City Hall, PO Box C, 741 Main St., Centerville, SD 57014 no later than 5:00 p.m. Friday, September 25, 2015. Bids must be received in a sealed envelope marked “2000 Paver.” Bids will be opened during the regular City Council meeting Monday, October 5, 2015. For more information, contact Chris Anderson, Operations Manager, 605-563-2302. The City reserves the right to reject any and all bids.


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


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

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

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

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

For general purposes _____________________________
For interest and debt service fund ________________________
(SDCL 9-21-20 and SDCL 10-12-7; See Hdbk., sec. 12.066)

Boundary changes – Municipalities must notify the Department of Revenue of any resolution or amendment

September

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

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

**October**

*On or before October 1* – The tax levies for the ensuing year must be certified to the county auditor. (SDCL 10-12-7; See Hdbk. Sec. 12.066)

*In October* – The State Department of Revenue mails out liquor license application forms to all licensees to be completed and submitted to the local authorities for initial action at the first regular meeting of the governing body in November. (NOTE: This is an administrative determination so no statutory citation is possible.)

*Second Monday of October* – Native Americans’ Day – State holiday (SDCL 1-5-1)

*By October 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))

*No later than November 1* – The special assessment roll for all assessments payable under the Plan One option must be delivered to the county auditor. (SDCL 9-43-105; See Hdbk., sec. 12.160)

*No later than November 1* – Delinquent special assessment installments which are payable under the Plan Two option must be certified to the county auditor. (SDCL 9-43-106; See Hdbk., sec. 12.160)

*No later than second Tuesday in November* – Governing boards wishing to consolidate boards of equalization must approve a resolution outlining consolidated board membership no later than the second Tuesday in November. (SDCL 10-11-66; See Hdbk., sec. 12.120)

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