

SOUTH DAKOTA ASSOCIATION OF TOWNS AND TOWNSHIPS

351 WISCONSIN SW STE 101, PO BOX 903 HURON, SD
• PHONE (605) 353-1439 • FAX (605) 352-5322
EMAIL: SDATAT@SDTOWNSHIPS.COM - WEB: WWW.SDTOWNSHIPS.COM

FALL 2021

SDATAT Annual Meeting and SDLTAP Road Show
Watertown Event Center & Ramkota Hotel
December 1st & 2nd

****Qualify for Early Bird Cash Drawings!! Register by November 9th****

SDATAT ANNUAL MEETING REGISTRATION FORM * DEC 1 & 2, 2021

Name _____ Position _____

Phone _____ Township/Sm Town _____ County _____

Address _____ City/State/Zip _____

Email _____ TOTAL Included \$ _____

X the meals you should be served. Add \$10.00 late fee after 11/9/2021

Both Wed. & Thurs.-\$50 Lunch Evening Banquet Breakfast Lunch

Wednesday Only - \$40 Lunch Evening Banquet

Thursday Only - \$30 Breakfast Lunch

Spouse Program- \$10 & PAY your regular registration fee. Name _____

Spouse check the meals we should plan for you: Lunch Evening Banquet Breakfast Lunch

Send Registration & payment to:

SDATAT Annual Meeting

PO Box 903

Huron, SD 57350

Hotel Reservations for DEC 1, 2021

**SDATAT will pay \$25 towards members (state rate \$75 plus tax)
Wednesday December 1st evening hotel stay**

Ramkota Hotel
1901 9th Ave SW
Watertown, SD 57201

**For Hotel Room Reservations Call: 605 886 8011
Ask for Towns and Townships block**

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All registrations received by November 9th

will be eligible for one of "5" Early Bird Cash Drawings.

Complements of

Tami Schwebach
& Schwebach Insurance





PRESIDENT'S COLUMN

By Dustin Leiseth

Well...I am relieved to announce that my township's long, grueling journey to full recovery from the 2019 Federal Disaster along with our working, and sometimes strained, relationship with FEMA has come to a welcome close. It only took 2 years and 5 months. Who could have known? I know now!

The hundreds of man hours dedicated to securing this federal funding and assistance, with minimal restitution to us as township officials, became a test, or should I say "testament", of my dedication to civic duty toward my township, mostly as a volunteer. I take the "Oath of Township Officers", SDCL 8-4-3, every year I am elected as Township Clerk and "swear to faithfully and impartially perform all the duties of my said office as Clerk to the best of my ability". I am proud to say I have done this and upheld the Constitution of our Nation and our State, as asked of me, through my years of service as Brantford Township Clerk.

You, as elected officials of local government, are a "BIG DEAL"! Some of us chose to serve, and for some the position chose us. Personally, the position chose me first, but then I embraced the position and have chosen to serve my township ever since.

To all the Towns & Township Officials, THANK YOU! I wish you all a Happy Fall and a Safe Harvest and hope to see you in December at our Annual Conference in Watertown, South Dakota.

Dustin

*To Schedule Fall Meetings
for your
County Township Association
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at the SDATAT Office
605 353 1439*

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*If readers have any comments, corrections, submissions or display ads for this publication, call: 605 353-1439 or FAX (605) 352-5322.

Annual Meeting Proposed Agenda

Wednesday –December 1st

- 8:00 - 9:00 am **REGISTRATION** (Lobby)
 9:00-10:15 **SDLTAP Road Show @ Greg Vavra**
 * Preservation of Township Roads
 9:00– noon **Spouse Program**
 10:45 –12:00 **SDLTAP Services Spotlight**
 * Project problems and resolutions
 1:15-2:15 Break Out for Entry Level Clerk/Treasurer
 *Effective Minute Taking, Duties, Bond-
 ing
 * Working with your Auditor
 * Treasurer Forms & SDATAT Website
 1:30-2:15 **Approaches and Access Roads** 2:15-
 3:00 Break Out for Advanced Clerk/Treasurer
 with SD Legislative Audit
 2:15-3:00 **Mgmt Culverts/ Small Structures**
 * Inspection, clean outs, installation specs,
 preservation
 3:45-4:30 **Compliance & Auditing Books**
 4:30-5:00 **Legal Insight**

Wednesday Evening

- 5:30 Social @ Cash Bar
 6:00 Banquet Supper
 Township Feud

Thursday, December 2nd

- 7:00 - 8:00 am **Hot Breakfast Buffet**
 8:30 - 8:15 am **Registration**
 8:15 - 8:30 **Opening Ceremony**
 Welcome - Watertown Mayor
 1st Reading of Proposed Resolutions
 8:45 - 9:30 **Managing the ROW**
 9:30-10:15 **Break Out Sessions**
 1. Tami Schwebach– Insurance Matters
 2. Rural Access Infrastructure Panel &
 Supervisor Discussion
 10:45-11:45 **Your Equalization Meeting**
 11:45-12:15 **Public Official Ethics**
 12:30 **AWARDS BANQUET**
 1:30 **SDATAT Annual Business Meeting**
Bond Alliance Meeting
 Door prize give away
 following the meeting



SPOUSE PROGRAM
 Registration fee plus \$10
 Join a group of
 fellow township spouses
 and enjoy fellowship,
 a holiday craft,
 visit the
 Terry Redlin museum...
 and more!
 Wednesday
 9am to noon

Township Feud

Wednesday Evening
 cheer on 10 township officers
 who will battle for big prizes
 Who knows... they may win a
 prize for you too!

Planning Ahead on Township Structures

By Andrew Peterson
SDLTAP Field Services Manager

Phone: 605-688-4185
Toll Free: 800-422-0129
Email: sdltap@sdstate.edu

When it comes to infrastructure on the local level one critical aspect that is often overlooked is the planning. Planning is crucial in many aspects of infrastructure especially when it comes to budgeting and funding projects. With the passage of HB 1259, "An Act to make an appropriation for rural access infrastructure improvement." it is important to understand what a township needs to do beyond the inventory process.

SDCL §§ 31-34.6 and 31-34.7 require townships to prepare small structure improvement plans that report the location, dimensions, condition, and load restrictions (if any) of each small structure. The plan must also describe the location, improvement type, cost, and funding sources of all improvement projects proposed over the next five years.

I know it may sound like a lot, but most townships have a good grasp on the structures that need to be replaced. It is important to prioritize which ones are more important and write it down. Further guidance on the structure improvement plans will become available late October.

Currently the provisions of SDCL 31-34.4 requires at least an 80/20 match. Will the township have the

funds available for the match without utilizing all its graveling or snow removal budget? Another provision requires townships to impose an annual property tax levy of fifty cents per thousand or have a tax levy opt out.

Currently, it states the requirements for funding shall only be used on full maintenance roads. I

wouldn't suggest running out and taking down your minimum maintenance signs, because hopefully they have a reason to be up. But it wouldn't hurt to start having the conversation and if there is a small structure that is critical to the township, the maintenance level may have to change to full maintenance at the annual meeting.

Some of these items may or may not change in the future, but planning and budgeting now will only make the process easier. If you know you are going to present a project for the first round of funding in 2022, please discuss over the next few months how the optout will look and discuss with your constituents.

If you have any questions, feel free to call our office at: 1-800-422-0129.



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See you at "The Road Show"
presented by Greg Vavra and the SDLTAP team
at the SDATAT Annual Conference
December 1st & 2nd
Watertown Ramkota and Events Center
SIGN UP NOW!

SDATAT 40+ YEAR RECIPIENT AWARDS

Small town and township board members who have served a minimum of 40 consecutive years and are currently serving on their town/township board are eligible for the SDATAT Service Award (if they have not been previously recognized). The awards will be presented during the SDATAT Annual Meeting to be held in Watertown SD, Dec. 1st and 2nd, 2021. The Awards Luncheon will take place on Thursday December 2nd after lunch.

Please include all information on the application form and include other interesting things you would like included in you biography such as children and grandchildren and/or other accomplishments.

Please send this form, along with a picture, to SDATAT, PO Box 903, Huron, SD 57350 or email to: sdatat@sdtownships.com - **NO LATER THAN NOVEMBER 7, 2021**

Name: _____

Address: _____

Occupation: _____ Phone: _____

Cell _____ Email: _____

County: _____ Township: _____

Position on Board: _____ Since(Year): _____

Spouse: _____ Occupation: _____

Will you be present to receive your award? Yes / No / Other Person _____

Name of your children:

Number of grandchildren (great grandchildren?):

Are you active members of any other organization?

Do you have any other accomplishments and/or awards you would like to have mentioned?

Please attach picture and let us know if it is to be returned.

++You and your spouse will be honored with free Thursday registration++


If you attend Wednesday, you should pay that registration fee of \$40.

Secondary Road Capital Improvement Fund

Are you familiar with this fund?

You may know it by other terms such as \$.50 per thousand, Road and Bridge Levy or even as SB1. It's use is defined under 10-12-28.2. **Authorization of tax levy for secondary road capital improvement fund.** The voters of an organized civil township at the annual township meeting may authorize an annual property tax levy not to exceed fifty cents per thousand dollars of the taxable valuation of the township for the secondary road capital improvement fund for projects and purposes as defined in § 31-13-3.1. The secondary road capital improvement tax levy authorized by this section is in addition to the levies authorized in §§ 10-12-28 and 31-13-22. Any tax levy imposed pursuant to this section is exempt from the tax limitations imposed on a township pursuant to chapter 10-13.

- Allows for up to 50 cents /thousand levy for road and structure improvements
- Is in addition to current levies
- Must be approved each year and can only be passed at the Annual Meeting of townships.
- The township clerk must inform your County Auditor of the passing levy by providing minutes of the meeting with the vote outcome.



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QUESTIONS ABOUT RETAINING TOWNSHIPS RECORDS?

SDATAT receives phone calls questioning how long records need to be kept. A records retention and destruction schedule is available through the state of South Dakota which was developed by a collaborative effort with SDATAT in 1991. the guide identifies the "minimum" retention codified law 1-27-18 requires local governing bodies to implement in their records management. There are a few steps involved to use this manual.

1. The township must adopt this manual as it's records management policy at its meeting.
2. You may then immediately proceed to dispose of records using the guide with a couple exceptions.
3. The clerk must retain a permanent list of all records destroyed pursuant to SDCL 1-27-19. (Create a journal in 3 ring binder)
4. The Administrative Rule 24:52:11:04 requires permission from the state archivist for advisement on records over 50 years old and records required to be kept permanently, which are minutes, annual reports, maps and photographs.

<https://boa.sd.gov/central-services/records-management-polSubRetentionManuals.aspx>

Or TYPE INTO SEARCH ENGINE: South Dakota Bureau of Records Management
 —> Political Subdivisions Records Retention Manual
 —> South Dakota Townships Retention Manual 1991

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Welcome
District 11
Director
Ted Petrak

Ted Petrak is a semi-retired auctioneer and fourth generation farmer in the Chamberlain area in Brule County. He and his wife Pam have raised 2 children, Baillie and Tucker. They have continued the farming tradition with their son.

He is currently serving as America township clerk and has been on the township board for over 10 years. Ted has also been active in many civic and public organizations to include Chamberlain school board, SD Auctioneers board of directors and REA board of directors . He is also a member of planning and zoning for Brule County.

Ted is dedicated to help bring education and guidance to fellow township officers. He represents the District 11 counties of Aurora, Brule, Charles Mix, Douglas and Hutchinson. The South Dakota Association of Towns and Townships is excited to welcome him to the state board of directors.

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Snow Removal & School Routes

31-13-1.3. Designation of full and minimum maintenance roads at annual meeting--Map. The board shall, at its annual meeting, designate which township roads are full maintenance roads and which are minimum maintenance roads. The board of township supervisors shall publish any resolution designating a township road as minimum maintenance if the road is a school route. The designation is final, after a lapse of thirty days, unless appealed as provided in chapter 31-3. Following its annual meeting, the board shall submit to the county auditor an official map showing each road on the township road system, including any road designated as a minimum maintenance road.

31-13-29. Authority of township to open snowbound roads used for school bus routes. When any highway within any township is regularly traveled by a bus or other motor vehicle used for free transportation of school children, the township board may, in its discretion, open snowbound roads and keep them passable for such vehicles. Such expense shall be paid from the general road fund.

Note: Be sure to contact the **School District, Post Office and Emergency Services** of changes along with proper signage.

Notice to the Traveling Public

31-32-10. Duty of governing body to give notice of dangerous road--Time for notice--Guards--Guards along abandoned roadway --Violation as petty offense.

If any highway, culvert, or bridge is damaged by flood, fire or other cause, to the extent that it endangers the safety of public travel, the governing body responsible for the maintenance of such highway, culvert, or bridge, shall within forty-eight hours of receiving notice of such danger, erect guards over such defect or across such highway of sufficient height, width, and strength to guard the public from accident or injury and shall repair the damage or provide an alternative means of crossing within a reasonable time after receiving notice of the danger. The governing body shall erect a similar guard across any abandoned public highway, culvert, or bridge. Any officer who violates any of the provisions of this section commits a petty offense.



Important:



Call 911 to alert emergency responders 24 hours ahead if your township road work requires it be closed to traffic .

THE ISSUE OF SNOW

As farmers are enjoying dry harvest conditions, we can expect these conditions to change in the coming months. Large amount of snow and moisture can put a great deal of strain on all your road maintenance budget. That, combined with an increase in materials costs, makes it more important than ever to **consider being pro-active in lieu of being reactive. One area for consideration is winter snow removal.**

1. Pro-active Considerations....

Plan ahead and be aware of what types of resources are available. Involve township residents to consider alternate ways to insure necessary access to mail routes, bus routes and towns.

2. What is our responsibility as to snow removal?

There is no clear cut answer. Many consider snow removal to be part of normal and customary road maintenance. Others hold a different view, which SD Codified law supports, which allow townships to designate minimum maintenance roads or the ability to establish a separate snow removal fund.

3. What are other townships doing?

There seem to be basically three methods of handling snow removal. Some own their own equipment and employ an operator. Others hire a local contractor to do snow removal on a schedule as directed by the township board. As each snow storm moves through the township should decide if and when snow will be removed. The township may decide not to do anything until there is significant accumulation of snow. Residents using the road provide snow removal until it becomes necessary for the township to become involved. For example, it may become necessary to have a contractor wing the snow banks to widen the roads.

4. How should we prepare our township residents?

We suggest addressing the issue of snow removal at a public meeting. This could be done at the October meeting (the agenda could list snow removal as an agenda item). The second option is to call a special township board meeting for the purpose of discussing snow removal. This meeting may start with an explanation of the problem, a review of the costs spent on snow removal in the last year or two and a statement as to the township's current financial condition.

Options discussed such as may be set forth in the answer to #3. **Finding out what the residents want and what they are the willing to pay will help the boards decide what is in the best interest of the township given the circumstances.**

All roads should be reviewed to determine if there are any with little or no wintertime use. Those would not need snow removal. These roads that may be graveled or bladed in the summer aren't used during winter.

The township road map should be reviewed to determine if any residents have access by more than one route and thereby be reduced to one direction.

Discuss the alternate methods to provide efficient snow removal in a cost effective manner. For example, having a temporary change of address to the local post office where mail could be picked up instead of having the rural mail carrier deliver to the residence or possibly consider having a temporary mailbox near a neighbor. This may save considerable money if there is a road with very minimal traffic so that it doesn't have to be kept open strictly for the mailman.

Discuss with the residents who have school children if alternative routes or pick up points could be utilized to save considerable money with minimal inconvenience to the students' families.

It could also include discussion as to when the roads will be bladed. For example, instead of after every snowfall, possibly not blade them until there is a greater accumulation of snow.

This article taken in part from Legal Insights Fall 2013 publication and is not intended to provide legal advice to our readers. Rather, this article is intended to alert readers and to provide some common sense information and suggestions.

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Insurance Matters— Safety Dividend Issued for 2021! By Tami Schwebach

After a year without a dividend in 2020, I'm happy to report that the Safety Dividend Program has paid a dividend for 2021, albeit a small one. The dividend for this year, which began 07/31/2020 and ended 07/31/2021, is \$24,189.29 which brings the total paid dividend to \$1,333,405. The participating towns and townships receive half of the dividend, and your Association receives the other half to use in their educational and lobbying efforts on behalf of small government. For most small towns and townships, the dividend will be about \$7.50 and will be applied to the dues with the Association of Towns and Townships; you will note a line item of "EMC Dividend" in your dues notice. Some larger towns and townships may receive a check from the Association.

Of course, we wish this dividend were larger, but unfortunately the previous two years of the program showed some fairly large claims as well as a variety of smaller claims. When determining a dividend, EMC Insurance Company looks at a three-year history, and in these past three years, we saw the following claims:

Several serious workers compensation claims. Since an employer, in this case the township, is always responsible for claims that occur during a job, any on-the-job injury is paid by the workers compensation policy.

A vehicle owned by a small town was parked along the road and was hit by a passing vehicle. Insurance paid for the damage to the vehicle.

Two claims for two separate townships where there were fairly large pot holes, or soft spots, in the road. In both cases, the township boards were aware of these damaged areas but not had a chance to barricade the road or make any repairs. EMC Insurance Co. felt the townships were liable and paid for the damages to the vehicles that hit these areas.

A township had put down gravel mixed with crushed concrete. Unfortunately, the concrete contained pieces of rebar which damaged a vehicle that went down the road. EMC felt the township was liable, as they need to make sure the materials on the road are safe, so they did pay on this claim.

Township had put up a type-3 barricade on a road that went into a meandering waterway. The barricade was only secured with sand bags and either blew over or was pushed over, and a car drove past the barricade and into the water. Since this was a fairly permanent hazard, EMC Insurance Company felt the township was liable because they should have put up a more secure barricade, and paid for the damage to the car.

There were various other claims that contributed to the lack of a dividend last year, but thankfully 2021 was a quiet year, due in part to it being so dry in much of South Dakota. While we all would have preferred rain, I'm sure township boards across the state appreciated the break in not having to deal with soft spots and other damage as well as not having to temporarily close and barricade roads. The dry road conditions meant a year with very few claims, for which we are thankful.

Please keep up your good risk management and safe practices, and we hope to see a much larger dividend in 2022.



Tami presenting in Rapid City to west river townships
September 15th, 2021

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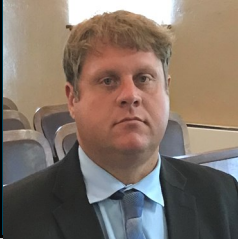
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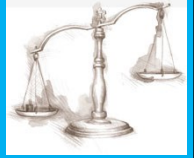


LEGAL INSIGHTS

Haul Road Agreements

By John Delzer, Attorney

19553 U.S. Highway 81, Suite 2, Arlington, SD 57212. Phone (605) 983-9900.



This article is an overview of a topic that has been brought up by many townships in eastern South Dakota this summer: what to do about the truck traffic on Township Roads due to nearby construction projects?

ROAD HAUL AGREEMENTS. There have been many large-scale construction projects throughout the State that have an impact on the existing improved townships roads. Often times improvement of roads, whether it be a state or county road, state park or other construction projects for concentrated animal feeding operations, etc. have the unintended consequence of diverting traffic, often times large trucks off the main highways and onto the township roads.

When this happens, the amount of maintenance on affected roads is often much higher than the township supervisors intended and the budget simply doesn't allow for the additional costs of gravel replacement, rut repair, washboard repair and other additional blading and grading requirements. As such, the township supervisors have some options to prevent the additional unexpected traffic.



A road haul agreement is often the remedy that the supervisors enter into with the landowner who is building a large construction project or with the contractor that is repairing nearby roads to preserve the quality and condition that the township road was in at the inception of the project.

While the terms of a road haul agreement can be very simple such as paying for additional gravel, or additional grading, often times the scope of the nearby project is large enough to warrant a more detailed agreement. If this is the case, it is always a good idea to document the condition of the existing road via photographs or even better with digital video footage that can be accomplished with any smart phone. The footage should be of the entire length of the township road that will be affected so that there will be no disagreement

between the parties as to what condition the road was before the project started, so that the road can be restored to an equal or greater condition once the project is complete and the traffic pattern resumes back to what the township is accustomed to.

With heavy truck traffic, slowing the traffic down with the installation of reduced speed limit signs is recommended. Depending on the number of trucks and other vehicles, it is not unreasonable for township supervisors to make a condition in the road haul agreement for the contractor to apply a dust control agent to the road such as calcium chloride or magnesium chloride.

The overarching goal of the road haul agreement is to preserve the condition of the existing road for the township, with public safety being a paramount concern as well. If the township is unable to secure an adequate road haul agreement with a contractor, the supervisors have the option of closing the road to through trucks, placing weight restrictions on the road to prevent unreasonable damage to the road and placing an undue financial burden on the township. Most townships simply do not have the funds to repair extraordinary damage caused by temporary, out-of-the ordinary truck traffic and other vehicles. The township supervisors are authorized to take these reasonable measures to protect their roads, and I encourage them to do so.

This article is not intended to provide legal advice to our readers. Rather, this article is intended to provide some common-sense answers to complex legal questions. If you have specific questions you are encouraged to contact the attorney of your choice, or me, John Delzer

Delzer Law Office
19553 U.S. Highway 81, Suite 2
Arlington, SD 57212. Phone (605) 983-9900.

Resolution Submission For the SDATAT Annual Meeting

GENERAL INFORMATION

When South Dakota Association of Towns and Township (SDATAT) members would like to set a point of view or action that they believe should be acted upon by SDATAT, a resolution is written. A resolution is a formal written request to the SDATAT 's membership to consider changing/adding to one of its policies. Every active member of SDATAT has the right to compose and submit resolutions to the SDATAT membership at its Annual Meeting. This course of action is a fundamental way in which the members of SDATAT express their ownership of the association.

Resolutions are of vital importance to SDATAT because they form the policies in the official policy document which guides SDATAT. The Board of Directors uses the resolutions passed at the Annual Meeting from the previous year as a compass for the action they must take in the following year. Your resolutions will play a major role in directing SDATAT for years to come.

PARTS OF A RESOLUTION

The format of a resolution is not complicated. Each resolution includes:

- 1 Title of resolution including topic covered.
- 2 Supporting information which includes any background information as to why the resolution is being proposed. These statements should represent a brief but persuasive argument as to why the members should approve your resolution. (These statements are not printed in the official policy document).
- 3 "Be it resolved" is the "resolution proper" which describes the proposed changes in the official policy document. This part of the resolution should specifically designate the actions that you wish to accomplish.
- 4 The name(s) author.

SENDING IN RESOLUTIONS

Any members that are considering proposals are encouraged to take action and submit by the deadline established by SDATAT. The SDATAT requests that the resolutions, if being mailed, be sent to arrive on or before the third Friday of November; or may be presented in person to the committee the first morning of the conference. At the convention, the authors of resolutions can work to get their resolutions passed. Please refer to the Parliamentary Procedures guideline that explains Robert's Rules of Order Revised for debating the resolutions, which can be found on the sdtownships.com website.

RESOLUTIONS COMMITTEE:

Tom Bisek, Chairman	701 212 3426
Cindy Foster	605 999 8563
Mike Vande Weerd	605 695 1175
Dustin Leiseth	605 520 0996
Pete Fahlberg	605 957 5116

Format For Resolution Writing

Resolution: *(Title)*

Subject: *(list topic covered. One resolution is required for each topic)*

Old Resolution Or Amendment Typed Here If Applicable

1. **WHEREAS**, (List the supporting information for your topic with the first letter of the first word being capitalized and all lines double-spaced; and
2. **WHEREAS**, (Use as many Whereas paragraphs as necessary, limiting one idea per paragraph); now, therefore,
3. **BE IT RESOLVED**, that (State your desired action as specifically as possible and reference specific sections of the Constitution and Bylaws to be amended if necessary.) (No handwritten resolutions will be accepted. Number all lines of the resolution text. Double space all lines in this part of the page.)

Submitted by: (to include Township/County)

Action taken: (Adopted by two-thirds majority vote of _____ or Not Adopted.)

Date: (Date Submitted)

Effective Time Period: (If this resolution represents a permanent change declare "Ongoing." If the resolution is of a short-term nature, specify a date that this resolution could be removed from the Policies Section since the resolution would no longer be in effect.)

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glad content.

- Eliza Cook

THANK YOU

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a safe and bountiful harvest.!

