

SOUTH DAKOTA ASSOCIATION OF TOWNS AND TOWNSHIPS

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WINTER 2024

Six Honored With Service Awards—254 years!



<u>Dale Leonhardt:</u> has been the clerk for 50 years on the Whitewood township board in Kingsbury County. Dale and Mavis have been married for 65 years and have 2 children, Bruce and Lisa, and 7 grandchildren. Dale has served on the rural water board and Oldham school board.



Jerry L Roghair: is from Okaton, SD. He has served on the Scovil township board in Jones County since 1983, 39 years as treasurer, and one year as a supervisor. He's teaching his wife, Connie, the treasurer's position. Jerry and Connie have raised 4 children, Abigail, Elijah, Jessica, and Rachel, and they also have one grandchild.



Milford "Bud" Brock: I from Hitchcock, SD. has been supervisor on the Pleasant View township board in Beadle County for 42 years. Together, Bud and Gail, his wife, have farmed for 65 years. They have 3 children, Craig, Tony, and John, and have 6 grandchildren, and 4 great grandchildren. His son Craig has taken over the farming operation, and Craig's daughter, Kara, is the 6th generation to farm the family farm. Bud is active in his church, and agriculture organizations, one being the Beef Industry council.



<u>Marlon Brandt</u>: lives in Elkton, SD and has dedicated 40 years as treasurer on the Elkton township board in Brookings County. He and his wife, Carolyn, have 3 children Allen, Janelle, and Natalie. They also have one grand-daughter, Luella.



James Puffer: lives in Hitchcock, SD and has devoted 42 years to being a supervisor for Pleasant View Township board in Beadle County. Jim has also served on the state board SDATAT as Treasurer and as President for years 2011-2018. Jim and Marlene, his wife have 3 children, Melissa, Mike, and Marci, and also have 8 grandchildren. Jim has also active in his local church.



<u>Darald Baum</u>: lives in Gary, SD and has dedicated 40 years of service to the Norden township board in Deuel County as their supervisor.. He and his wife, Peggy have 6 children, Jamie, Corey, Sara, Scott, Kayla, and Leia, and many grandchildren.

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President's Corner

By Peter Fahlberg

Southeast South Dakota was enjoying a mild winter until early January when the weather pattern changed. Some snowfall events, wind, and cold temperatures put us back into the winter grind of plowing roads and dealing with equipment in subzero conditions. A few inches of snow on a Friday followed by stiff northwest winds and plummeting temperatures next day left the country side with many impassable roads.

Then the phone rang at midnight on Saturday, Lincoln County calling with a request to assist an ambulance crew needing to reach a farmhouse in my township. In a few minutes I transitioned to outdoor clothing, headed out the door and took the grader into town to meet the ambulance crew. It was a 7 plus mile trek to reach the farm, driving into the wind. As the V-plow on the front punched through each drift at 13 mph, the snow exploded into a blinding cloud which sometimes took a couple seconds to clear. It took a fair amount of mental discipline to wait for the road to reappear, verify I was still on course, and watch the next drift go poof.

We reached the farmhouse, I cleared a bit of space on the yard for the ambulance to turn around while the crew loaded the patient. Then we headed off to the next exit on I-29 at which the ambulance headed north to Sioux Falls, and I returned home at a much slower pace.

On the way back I had some time to think, and realized the significance of all the reflective signs along the way and how they helped me guide the machine as the headlights picked each one out of the darkness. Then the thoughts moved on to how many of the little reflector markers around township culverts are damaged or missing. And furthermore how the township has the responsibility for upkeep on all those markers.

So with this story I encourage and urge all township officers to <u>put in the necessary effort to maintain signs</u> and reflectors on the township road system. When performing the annual culvert inspection, note any repairs needed to markers near the culverts as well as markers for road curves, and all the other road signs in the township. As township annual meeting time draws closer, put this on the agenda and see to it that sign maintenance is authorized and carried out. There might be push back on this as some of those little culvert reflectors are annoying for mowing and snow removal operations, as well as getting by with large farm equipment. But when people are out on your roads in adverse conditions responding to emergencies, those reflectors and signs become very important, and the drivers will appreciate your efforts to keep all of them in place. Pete

Did you receive an EMC dividend this year?

Consider using the dividend to replace damaged or missing reflectors or signage.

Evening and winter travelers will appreciate efforts to keep winter driving safe with markers for road curves and culverts...

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Greg Vavra-SDLTAP

SDATAT Board:

Vicky, Jim K, Matt, Steven, Dustin, Travis, Rod, Jim P, Tom & Pete



Cliff Reuer-SDLTAP



Sean Kelly-Cedar Tree Invasion



PUC Chris Nelson



Tami Schwebach- Insurance



Tom Kirschenman- GFP



Amanda VanderPlatts- OEM



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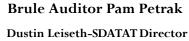
Brule Auditor Pam Petrak



Dept Revenue-Darrin Garry



Clerk & Treasurer Training Sessions





Kim Tripp- Wall Lake, Minnehaha Pete Fahlberg-SDATAT President







Insurance Matters-

By Tami Schwebach

In regards to the Safety Dividend Program with your SD Association of Towns and Townships and EMC Insurance Company, I am just thrilled to report that this year's dividend is the largest ever paid, \$232,157.58. This is about \$60,000 more than any year's previous dividend and brings the total dividend paid to \$1,656,267. When the early board of directors set up this program with EMC Insurance Company, with the help of our founders, Pete and Marie Schwebach, I don't think any of them would have known how beneficial this program would be in the long run.

I think most township officers are familiar with the Safety Dividend Program, but as a refresher, your association and EMC Insurance Company created the program in 1990 to provide insurance coverage for small towns and townships at a reasonable premium with the prospect of participating in dividends realized from good risk management practices. This program is available for any town or township that is a member of the Association and has their insurance with EMC Insurance Company. There is no extra cost involved in participating. At the end of every dividend year (July 31st) EMC reviews the insurance premiums paid by the participating members compared to losses paid and expenses, and if premiums paid are greater than the losses, there is a dividend for that year. If claims payments are larger than the premiums, there is not a dividend for that year.

When a dividend is paid, half goes to your Association to help with projects and expenses, and they pay half back to the participating entities. Last year there were 493 participating small towns and townships. Dividends are directly based on the premiums paid by each entity; the more they pay for their insurance, the larger the dividend. This year's individual dividends will range from \$77 to over \$2,000. If the dividend is less than your township's dues, the dividend will be applied to those dues and will show as a credit on your dues statement. If the dividend is more than your dues, the Association will send you a check.

Whether or not a dividend is paid is directly tied to claims, which is of course directly tied to your efforts as township boards to practice good risk management. I think that you all did a fantastic job of signing your roads and taking care of problems, so as a result, we had very few claims reported.

- There was a small workers compensation claim, a supervisor slipped on ice and injured his shoulder.
- Water damage to a building caused by freezing.
- Glass damage to a motor grader.
- An individual hit a soft spot on the road and wrecked the oil pan in his car. The township was aware that road was bad and hadn't put any gravel down or put out any flags to alert the public of the hazard on the road.
- There were a couple additional payments made for property damage from the derecho in May of 2022.
- There was a claim for an electrical box that was damaged by a payloader operated by the township.
- Collision damage to a city vehicle. Operator ran it into a fire hydrant.

There was a claim involving a fatal collision at an intersection; however only one of the four roads leading into the intersection was a township road, the others were county. The accident occurred on county roads, and as a result, any claims filed against the township were dismissed.

Overall, claims payments were fairly small, which certainly contributed to the large dividend paid this year. Thank you all for your good risk management and safe practices! Through your hard work in reviewing your signs and monitoring your road conditions, every township officer and every small town official has helped contribute to this dividend, but more importantly, you have helped to keep your roads and communities safe for your residents. Please keep up that good work!

INSURING TOWNS AND TOWNSHIPS Schwebach Insurance Agency 402 Garfield, Dell Rapids, SD 57022 Safety Dividend Group Plan Approved By Your Association 1-800-657-8005 Safety Dividend Plan Available Through All Employers Mutual Agents



2024 SDATAT SCHOLARSHIP PROGRAM

The South Dakota Association of Towns & Townships is offering one \$1000 and one \$500 scholarship to two senior high school students who reside in South Dakota, are currently attending a South Dakota public, private, parochial high school or a home school program, and lives in a town or township that is a **current member of SDATAT**. (A membership list is available on the sdtownships.com website) or contact your local town/township board. Graduates of the class of 2023 are eligible to apply for the scholarship. The student must use the scholarship for a college, university, or vocational school which has a physical presence in South Dakota. Applicants must complete an application form and submit it along with their essay on this year's topic:

Consider the meaning of "paying it forward" as it relates to service and volunteerism. What are the potential positive effects and/or perceived negative affects? Provide a detailed real life example or experience to support your position. Reflect in your essay how this principal influences you today and in your near future.

Guidelines for the essay are:

- Essays must be no more than 500 words, and must be typed with double spacing.
- Applicants should **not include** identifying information such as their name, school, town or township, or their local officials anywhere in the essay or on the essay itself.
- Essays will be judged on: following guidelines, originality, depth of subject matter in relationship to the
 title, correct grammar, spelling, and punctuation. The application may be accompanied by no more than
 two, one-page support letters.

The completed application, typed essay, and letters of support, if any, should be submitted in one envelope addressed to: SDATAT Scholarship, PO Box 903, Huron, SD 57350. **Deadline for the application is April 1, 2024.** No late applications will be considered.

The scholarship award will be paid to the appropriate financial aid office upon notification of enrollment at a SD college, university, or technical school in September of the winner's second year of study.

APPLICANT INFORMATION

Name	Date of Birth		
Your phone number _		Email_	
Address			
State	Zip	School Presently Attending	g
Local Unit of Govern	ment where you reside:	Town or Township	
Is your small town/to	wnship a member of SD	ATAT?Yes	No (list at sdtownships.com web site)
Parent's names			
Hobbies or activities o	of interest:		
_			
Future Goals			

^{*}You may submit one typed double spaced page with additional information about yourself.



Errors & Omissions Insurance Considerations SDATAT Attorney Kody R. Kyriss

Riter Rogers, LLP 319 S. Coteau – P. O. Box 280 Pierre, SD 57501-0280 Office Phone: 605-224-5825



Errors and Omissions Insurance is a significant tool that various entities, including townships, should utilize. Without errors and omissions Insurance, entities like townships are leaving themselves susceptible to various consequences.

An errors and omissions (E&O) insurance policy is a specialized form of liability insurance policy. Also referred to as professional liability insurance, E&O is specifically designed to protect an entity—in this case, a public one—against allegations related to them failing to provide professional services. Entities with E&O coverage are protected against the costs of lawsuits or settlements that stem from mistakes the entity's professionals and employees may make in the course of providing services. E&O insurance also covers claims of negligence, misrepresentation, and inaccuracy.

There are various events that would trigger E&O coverage. First, there is the demand for damages. If a township and/or a township supervisor receive a written or non-written notice demanding something of you as a result of a professional incident — it doesn't have to be monetary — you need to contact your E&O provider immediately. Second, any civil or administrative action taken against a township and/or a township supervisor as a result of a professional incident is a reason to contact a township's E&O provider immediately. Third, investigations can be time-consuming and nerve-racking. E&O insurance will also assist a township and/or a township supervisor through the investigations process and subpoenas that they might have to comply with as a result of a professional incident.

E&O insurance is crucial for townships and township board supervisors. As an example, E&O insurance assists a township board of supervisors in the event a resident of a township attempts to bring civil action against them for an allegation of failing to maintain a township structure, whether that be a culvert or small bridge. As stated above, E&O insurance would protect the township from any claim that the township and/or its employee made a mistake, error, or omission in their professional services.

A township board of supervisors choosing to not have E&O insurance could be catastrophic. Without E&O insurance, an individual or entity would be in a better position to threaten litigation against the township and its respective board of supervisors. The township and board of supervisors would be put in a vulnerable position knowing that there was not an available "pot" of money for the potential litigant to draw from. Additionally, without E&O insurance, a township supervisor *may* be in a position in which the litigation could sue him/her in his/her individual capacity, not just as a township supervisor. In conclusion, without E&O insurance, a township and its respect board of supervisors are put in position in which a lawsuit

could not only bankrupt the township, but also significantly impact each township supervisor on an individual basis.

E&O insurance exists to help various entities like townships feel like they can make decisions that are best for its residents and supervisors without feeling threatened by litigation. E&O insurance is very similar to other professional insurances such as medical malpractice and legal malpractice — both of which are usually carried by their respective members. If nothing else, E&O insurance can help any township and its supervisors go to go to bed at night knowing that there is a shield there for them in the event it is necessary.

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 your are encouraged to contact the attorney of your choice or questions should be placed through the SDATAT office by calling 605 353 1439 or email to: Sdatat@sdtownships.com



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WINTER IN South Dakota IS BACK!

By Greg Vavra, SDLTAP Program Manager

with heavy snow in some areas, the strong winds and frigid push snow across the public ROW as defined in Codified Law. temps make it much more difficult for snow removal. The fine snow packs hard and can be very challenging to clean off 31-32-3.1. Intentional dumping on highway right-of-way without creating bumps or even worse, plowing the gravel in the ditch. Farm tractors with dozers and scoops are often a residents only way out but can also make plowing snow after intentionally dump any load of any material or cargo on or the next storm even more difficult.

It is very important that when plowing snow to the shoulder, we maintain a wing angle to taper the drift upward towards the fence line. It is critical that the wing does not drag on the Please remember that it takes time and money to plow the ground and creates a snow ridge that becomes harder and harder to move each time we plow.

Please be aware that you do not have the authority to work within the public right of way without a contract with the township. If you are doing this on your own and damage your equipment or worse yet become involved in an accident, the township insurance may not cover you. Please work with your township if you are going to be plowing within the ROW. Also know the law about pushing snow across a public ROW. You

Winter in South Dakota has returned with a vengeance. Along are not allowed to place private snow within the public ROWor

prohibited--Violation as misdemeanor.

No person except as provided in § 31-32-3.2 may within the highway right-of-way. A violation of this section is a Class 1 misdemeanor.

Source: SL 1987, ch 212, § 1.

road, if you need to get out and have the equipment, please contact the board prior to beginning. The forecast ahead looks like warmer temps, especially in July and August. Any damage to the roadways we can avoid this winter will make springtime maintenance much easier for everyone. Be safe out there and remember, pack a winter survival kit, and don't travel in difficult conditions unless there is an emergency. Stay safe and we will see many of you at the annual county townships meeting just ahead.





Call 911

to alert emergency responders 24 hours ahead

If your township road work requires it be closed to traffic

Use this Form at Your Next Annual Meeting When You Have a Voter You Question as Being A Resident of the Township.

Affidavit of Voter Registration and Residence

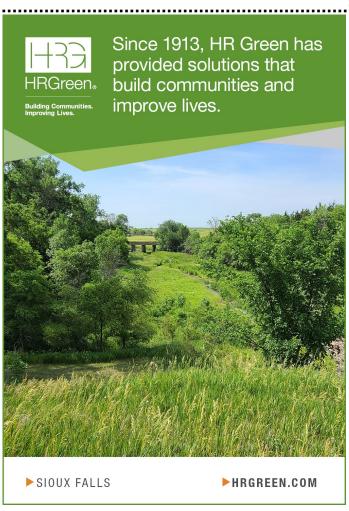
This personal identification affidavit shall be in the following form and is to be signed by a voter at the polling place who is challenged as being unqualified when offering to vote at any township election or upon any question arising at any township meeting relating to a person's voting eligibility. The judges, or township clerk, if no judges are present, must have the person sign an affidavit attesting to the person's qualification to vote.

I declare, under penalty of perjury, that my name is listed as (print)

on the official voter registration list, that I am that person, and that I currently reside at

Located in County	County,	
A person who makes a false affirmation is guilty	of	
Voter signature		
Witness to Signature		
Source: General Authority: SDCL 8-3-9 Law Implemented: 8-3-8		
•	••	
ROAD CLOSURE NOTICE TO THE PUBLIC		
A road may be closed by a special meeting of the board. The meeting may be held after the closing if it is an emergency. If it is a long standing problem, it is suggested to have the road closure as an agenda item at a regular meeting.		
The resolution should state it as being a safety issue and shall remain closed until the safety issue is abated.		
To make sure the public has notice, you may want to publish a list of those roads closed. See example below.		

NOTICE OF ROAD CLOSURE		
NOTICE IS HEREBY GIVEN, the Township Board has determined the following described road is considered dangerous and hazardous for travel, and therefore closed to vehicle travel until further notice due to safety concerns.		
The road or road segment is described as:		
FURTHER the warning signs shall be posted at the beginning and ending points along the closed road.		
Adopted this day of, 20		
Township,County		
, Chairman Board of Supervisors		
Attest, Township Clerk		



a class 2 misdemeanor pursuant to § 8-3-9.

__ Date _____

Date

Township.

7/1/2023

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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.

<u>31-13-29</u>. 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

<u>31-32-10</u>. Duty of governing body to give notice of dangerous road--Time for notice--Guards--Guards along abandoned road-way--Violation as petty offense.

If any highway, culvert, or bridge is damaged by flood, fire or other cause, to the extent that it <a href="emailto:em

Important:

 \Longrightarrow

Call 911 to alert



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

31-13-20. Payment from township funds for county repair and maintenance of mail routes--Expense limitation. The expense of repair and maintenance pursuant to § 31-13-19 shall be paid, on the presentment of itemized and verified vouchers approved by the county highway superintendent to the county auditor, by warrants drawn on the county treasurer payable out of funds belonging to the township which are in the hands of the county treasurer or out of the first funds belonging to such township which thereafter come into the county treasury; but such expense incurred by the county highway superintendent shall not exceed the sum of two hundred dollars for any one mile of road during any year.

* 2024 Legislation to increase to \$2500

TOWNSHIP MERGES

Consider a merge with an adjacent township as a good solution for townships that have depleted populations.

Think about this before its too late and begin conversations with your neighboring townships.

There has been some successful merges in the last couple years— it takes planning ahead!

We have guideline information office and legislation was updated last year to make the process easier.

South Dakota Association of Towns and Townships Welcome Three New Directors to the State Board



Jim Kunkle was voted to the board November 14th at the Brown County Association of Townships meeting. He will represent District 2 Brown, Edmunds and McPherson counties.

Jim and his wife Nina live in Aberdeen board at the December 6th meeting. Township in Brown county. They have adult children, a son and twin daughters. He has served 5 years as supervisor and this year accepted the treasurer position.

Jim hopes to bring his experience with road maintenance, culverts, drainage issues and interest in zoning issues to the state level.



Vicky Olsen represents the At Large District 11 which consists of Aurora, Brule, Charles Mix, Douglas and Hutchinson counties.

She was affirmed by the SDATAT

Vicky hales from Torrey Lake Township Brule County and farms with her husband Steve. She is an experienced book keeper as well, raising three adult daughters.

After 26 years on her township board as clerk, she is ready to get more involved in township governance and legislation.



Matt Cavenee will be the District 7 Director when Jim Puffer's term ends in April. He was voted by the Beadle County Township Assn. meeting November 7th, 2023.

Matt is a project coordinator and rancher along with his wife Stephanie, raising 2 high school age boys.

He has been a supervisor for Pleasant Valley Township in Hand County for 6 years and will represent the counties of Beadle, Hand and Jerauld. His experience with NRCS and conservation will bring a great perspective as SDATAT moves to support township interest in the state.

2023 Sponsors

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TrueNorth Steel

Diamond: Agtegra

IMEG, Inc.

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EMERGENCY MANAGEMENT UPDATES FOR TOWNSHIPS By Amanda Vander Platts

The SDOEM Public Assistance team had a productive 2023, (Taxpayer Identification Number) or EIN (Employer Identifiand we're looking forward to continuing to work with South Dakota townships in 2024 to make it easier for all of the townships in South Dakota to participate in our program. In 2023, our office paid out almost \$5 million in disaster funding to townships across the state for damages that were incurred from Federally declared disasters going all the way back to the Spring snowstorms and flooding in 2019. We want to make sure that the next time a disaster strikes our state and damages our public infrastructure, we're able to help as many townships as possible collect funding from our program to put their townships back together. Part of our efforts include outreach and training at township and county meetings across the State. So please, keep our staff in mind if you'd like someone to present at your next meeting.

During 2024, we will be coming out to counties across the state at the request of the County Emergency Managers and conducting trainings on how to use our new disaster management software, Crisis Track. Going forward, anytime our office requests preliminary damage assessments (PDAs), we will be asking everyone to submit their damage information through Crisis Track using one of three methods: the Crisis Track website, the Crisis Track App on your phone or tablet, or the Crisis Track self-report weblink. Each County Emergency Manager will decide how they would prefer to have damage information submitted for their County. At least one person in your township should be familiar enough with the Crisis Track software to submit damage information through Crisis Track the next time there is a potential disaster in our state. Please reach out to your County EM to request information about upcoming trainings and meetings, and plan to have one or two people from your township attend an upcoming training to familiarize themselves with the use of the software.

Townships should continue to work on obtaining their UEI numbers if they have not already done so. To be paid for projects that are funded through the Public Assistance program, a township must have a valid UEI number. Townships must go to SAM.gov and register, then submit paperwork to validate their township. SDOEM PA staff can assist by sending out step by step instructions and walking you through the proper documentation that is needed for the validation process. Obtaining a UEI can take time, so it's best to get it done now. Not having your UEI can delay payment in the event of a disaster.

Towards the end of 2023 it was brought to our attention that the IRS has been purging expired tax ID numbers. Several townships have been notified that the tax ID that they have on file in the State's accounting system is no longer valid. All townships should have a valid tax ID number; either a TIN

cation Number). When the IRS issues a tax ID, they will send a letter 147c out with verification of the number. If your townships does not know whether your tax ID is expired, or you cannot locate your original IRS letter, you should call the IRS Business and Specialty Tax Line, 1-800-829-4933 (7am to 7pm, M-F), have an IRS agent look up your townships Tax ID, and request that a new letter be sent to you. The person from your township who calls the IRS must be an authorized representative for your township for them to speak to the IRS on behalf of the township. Townships must have a valid tax ID to be paid for projects that are funded through the PA program.

SDOEM has four full time Public Assistance staff, and six reservists, available to assist townships with any questions or concerns they have regarding our grant program or a townships projects in a disaster. Please give us a call at 605-773-3231 if you need assistance, or information. You can also visit our website, https://dps.sd.gov/emergency-services/ emergency-management/recovery/public-assistance and view information about current disasters, general information about Public Assistance grants, and short training articles and presentations about the public assistance grant program, including Crisis Track.



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