

# **ANNUAL REFRESHER**

## Township Board Common Duties and Responsibilities In South Dakota

**2024 Annual Meeting**

**Presented By: SDATAT Secretary Travis Paulson  
and SDATAT Director Steven Munk**

# Fiduciary Relationship

Held in Trust: One who holds a thing in trust.

**You have been elected to represent the interest of the township residents.**

## **Board members are:**

- ❖ The eyes and ears for your township.
- ❖ Fulfilling a duty to the township citizens- not to fellow township officers.
- ❖ Responsible for the infrastructure.
- ❖ To follow and understand laws pertaining to townships.
- ❖ To report the financial health of the township.
- ❖ To refrain from use of their board position from even **the appearance** of being motivated for **private gain**.

# Have Good Board Meetings

*Meetings must be conducted in a professional manner. Members of the board must feel it is worth their time to continue to be a part.*

1. Professional Conduct- Highest moral and ethical standards. Demonstrate mutual respect to the board and residents.
2. Plan Agenda for Meetings – productive and organized
3. Show up for Meetings
4. Ask Questions
5. Consider Clerk and or Treasurer's Opinions
6. Agree to disagree

# **Sample TOWNSHIP MEETING**

**TUESDAY, OCTOBER 29<sup>TH</sup> 20xx**

**7:00 PM**

## **AGENDA**

- **Call The Meeting To Order**
- **Approve Agenda** (Additions/Corrections and Motion to Approve)
- **Approval of Minutes:** February 22, 20xx
- **Finance Report** (Additions/Corrections and Motion to Approve)
- **Bills to Pay** (Motion to Approve)
- **Contracts/Agreements Review**
- **Future Meeting Changes**
- **Other Township Business**
- **Motion to Adjourn**

### *Future Board Meetings:*

- *December 5-6, 20xx---SDATAT Annual Conference in Aberdeen*
- *February 25<sup>th</sup>, 20xx—Regular Township Meeting*

# Navigating Board Differences

1. Recognize that different opinions are not a bad.
2. Openly recognize that different opinions exist.
3. Remember- opposing opinions are not personal.
4. Unresolved differences are everyone's problem.
5. Every opinion matters.
6. Look for common ground.
7. Consider a cooling off period

In Conclusion....

Discussion of multiple opinions is good and healthy

# Meetings:

## Three Regular Required Meetings:

- The last Tuesday of February
- The last Tuesday in March
- The last Tuesday of October

## Annual Meeting and Election

- The first Tuesday of March

## Equalization Meeting

### **SDCL 10-11-3L 10-11-13**

A quorum of the board meet the 3<sup>rd</sup> Monday of March and may adjourn from day to day over 5 consecutive days to complete the equalization.

## March

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

# Meetings Continued..



## **Regular and Required Twp meetings:**

Post the proposed agenda & notice of Meeting – Principal Office – 24 hours prior.

## **Annual Meeting/Special Meetings:**

Advertise as Required: 8-3-1 Published 2 consecutive weeks in weekly newspaper not less than 12 calendar days prior to meeting or 3 consecutive days in a daily paper.

**All township meetings and records** are open to the public.

Few exceptions. A period for public comment must also be given.

# Meetings

## Guidelines

- All township officials **must** be *resident registered* voters of their township.
- The three supervisors are the **only voting members** of the township board, except at the Annual Meeting.
- Only Chairman or Clerk may schedule additional township meetings if needed
- Fellow township officials must be notified 3 days in advance of upcoming township meeting



**SAMPLE AGENDA FOR ANNUAL TOWNSHIP MEETING  
TUESDAY, MARCH \_\_\_\_\_, 20\_\_\_\_\_.**

*\*Time, place and notice of annual meeting are set forth in §8-3-1.*

*\*Registration and Residence Requirements are set forth in section 8-3-7.*

1. Call to order by Township Clerk (§8-3-6)
  - A. Members present:
  - B. Others present:
  - C. Clerk shall keep minutes (to be filed within two days §8-3-11)
2. Preparation for Election of Township Officers (§8-3-6)
  - A. Voters select 3 election judges from registered voters of township
  - B. Voters select moderator
  - C. Judges determine qualifications of voters (8-3-9)
3. Moderator states items on agenda (§8-3-10)
  - A. Read prepared agenda
  - B. Ask for any additions to agenda
4. Moderator proclaims opening of polls (§8-3-14)
  - A. Nomination of township officers (§8-3-2, 8-3-12, 13, or 13.1) (depending upon size of township)
  - B. Officers elected by ballot (§8-3-16 and 8-3-17)
    1. Supervisor
    2. Clerk
    3. Treasurer
  - C. Close nominations
5. Reading and approval of minutes of last annual meeting \_\_\_\_\_
6. Submission of Treasurer's Financial Statement (§8-10-29)
  - A. Board's Report on Audit of Financial Statement (§8-10-28)
  - B. Treasurer's Annual Financial Report
7. Establish Sum to be Raised by Taxes (§8-3-2(2))
  - A. Establish General Tax Levy (Section 10-12-28)
  - B. Establish tax levy for secondary road capital improvement fund (§10-12-28.2) optional
  - C. Establish Fire Protection (§10-12-28.1) and/or Snow Removal Reserve Fund (§31-13-22) optional
8. Set Salaries of Township Board (§8-4-8)
  - A. Establish annual salary
  - B. Rate of daily compensation – for meetings, inspections etc.
  - C. Hourly Rate of Pay for Emergency Work & Hourly Equipment Rental Rate
9. Ratify and Approve all Board actions from end of current Fiscal Year 20\_\_\_\_
10. Supervisor report on road maintenance designation (§31-13-1, 1.3 and 1.4)
11. Weed Control (determine who pays landowner or township (§31-31-5 & 6)
12. Purchase of equipment in excess of \$15,000.00 (§8-9-3) (may be done at separate election)
13. Voters Designate Depository (§8-10-5) (Only needs to be done if changed)
14. Closing of Polls, Ballot Count & Announcement of Election Results
15. Adjourn

# Conducting the Annual Meeting of the Township

1. **Call to order by Township Clerk (§8-3-6)**
  - A. Members present:
  - B. Others present:
  - C. Clerk shall keep minutes (to be filed within two days §8-3-11)
  
2. **Preparation for Election of Township Officers (§8-3-6)**
  - A. Voters select 3 election judges from registered voters of township
  - B. Voters select moderator
  - C. Judges determine qualifications of voters (8-3-9)
  
3. **Moderator states items on agenda (§8-3-10)**
  - A. Read prepared agenda
  - B. Ask for any additions to agenda
  
4. **Moderator proclaims opening of polls (§8-3-14)**
  - A. Nomination of township officers (§8-3-2, 8-3-12, 13, or 13.1) (depending upon size of township)
  - B. Officers elected **by ballot** (§8-3-16 and 8-3-17)
    1. Supervisor
    2. Clerk
    3. Treasurer
  - C. Close nominations

5. **Reading and approval of minutes** of last annual meeting \_\_\_\_\_
  
6. **Submission of Treasurer's Financial Statement** (§8-10-29)
  - A. Board's Report on Audit of Financial Statement (§8-10-28)
  - B. Treasurer's Annual Financial Report
  
7. **Establish Sum to be Raised by Taxes** (§8-3-2(2))
  - A. Establish General Tax Levy (Section 10-12-28)
  - B. Establish tax levy for secondary road capital improvement fund (§10-12-28.2) optional
  
  - C. **Establish Fire Protection** (§10-12-28.1) and/or Snow Removal Reserve Fund (§31-13-22) optional
  
8. **Set Salaries of Township Board** (§8-4-8)
  - A. Establish annual salary
  - B. Rate of daily compensation – for meetings, inspections etc.
  - C. Hourly Rate of Pay for Emergency Work & Hourly Equipment Rental Rate

9. Ratify and Approve all Board actions from end of current Fiscal Year 20\_\_\_\_
10. Supervisor report on **road maintenance designation** (§31-13-1, 1.3 and 1.4)
11. Weed & Tree Control -**determine who pays landowner or township** (§31-31-5 & 6)
12. Purchase of **equipment in excess of \$15,000** (§8-9-3) (may be done at separate election)
13. **Voters Designate Depository** (§8-10-5) (Only needs to be done if changed)
14. Closing of Polls, Ballot Count & Announcement of Election Results
15. Adjourn

# **FOCUS ON SUPERVISORS**

# 3 Board of Supervisors

- One supervisor is elected each year at the Annual Township Meeting for a 3-year term
- **Senior member** of the board of supervisors is the chairman for the coming year (definition of senior)
- All township decisions are to be made by the **entire board** of supervisors in an **official board meeting** and not by individual supervisors.
- If there is a conflict of interest- that supervisor should **recuse themselves** from voting.

# SDCL 8-5 Guide for Township Supervisors

- [8-5-1](#) Time and place of regular meetings.
- [8-5-2](#) Business at board meetings--Special meetings--Filing of business with clerk.
- [8-5-3](#) Quorum at meetings of board.
- [8-5-4](#) General powers of board--Orders for disbursement of funds.
- [8-5-6](#) Equalization of township assessments.
- [8-5-8](#) Appeals from board of supervisors--Time for taking--Service and filing.
- [8-5-14](#) Supervisor names and phone numbers to be posted on township website.

# Board of Equalization *(SAMPLE AGENDA)*

TOWNSHIP

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***EQUALIZATION MEETING***  
**MONDAY, MARCH 18<sup>TH</sup> 2024**  
7:00 PM

- **Call The Meeting To Order**
- **Approve Agenda** (Additions/Corrections and Motion to Approve)
- **Approval of Minutes:** March 22, 2022
- **Review any Appeals**
- **Review Flooded Farms**
- **Review Building Permits**
- **Other Township Business**
- **Motion to Adjourn**

*Future Board Meetings:*

- *Meeting TBD in June or July to go over graveling and road maintenance*
- *October 28, 2024*



# Audit of Accounts

## **(8-10-15) Auditing of accounts payable--Clerk of the township replacing absent supervisor.**

The board of supervisors shall audit all accounts payable by the township; if for any cause there are not three supervisors present, the chairman, or in his absence either of the supervisors, may notify the clerk of the township, who, together with the supervisors present, shall make a board of three; and the board so constituted shall have authority to act as such board.

## **(SDCL 8-10-28). Examination by board of accounts of treasurer and officers handling money.**

The Board of Supervisors shall, at its regular meeting on the last Tuesday of February in each year, examine and audit the accounts of the treasurer; and it shall audit the accounts of all other officers who are authorized by law to receive or disburse any money of the township by virtue of their offices.

The **Board of Supervisors** shall, at its regular meeting on the last Tuesday of February in each year, examine and audit the accounts of the treasurer; and it shall audit the accounts of all other officers who are authorized by law to receive or disburse any money of the township by virtue of their offices (**SDCL 8-10-28**).

if for any cause there are not three supervisors present, the chairman, or in his absence either of the supervisors, may notify the clerk of the township, who together with the supervisors present, shall make a board of three; and the board so constituted shall have authority to act as such board (**SDCL 8-10-15**).

, and at such other times as it deems necessary and expedient, for the purpose of auditing and settling all charges against the township; and it shall state on each account the amount allowed by it; **but no allowances shall be made for any account which doesn't specifically state each item of the same and the nature thereof (SDCL 8-10-17).**

**SDCL 8-10-16:** Supervisors shall also audit and settle all charges against the township on last Tuesday of Oct.

# Obtain and Open Bids

## **5-18A-14. Public improvement contracts--Supplies and services contracts--** **Advertisement for bids or proposals.**

If the purchasing agency intends to enter into a contract for any **public improvement** that involves the expenditure of **one hundred thousand dollars or more**, or a contract for the **purchase of supplies or services**, other than professional services, that involves the expenditure of **fifty thousand dollars or more**, the purchasing agency shall advertise for bids or proposals. The advertisement shall appear as a legal notice in the appointed legal newspaper. The advertisement shall be printed at least twice, with the first publication at least ten days before opening of bids or the deadline for the submission of proposals. The first publication shall be in each official newspaper of the purchasing agency, and the second publication may be in any legal newspaper of the state chosen by the purchasing agency. If the purchasing agency has no official newspaper, the first publication shall be made in a legal newspaper with general circulation in the jurisdiction of the purchasing agency to be selected by the purchasing agency. The advertisement shall state the time and place where the bids will be opened or the deadline for the submission of proposals. In each notice, the purchasing agency shall reserve the right to reject any or all bids or proposals. *(this was updated in 2023)*

**Complete guidance is found in the Bid Booklet prepared by the  
South Dakota Department of Legislative Audit**

**This can be found at the SDATAT website:  
s d t o w n s h i p s . c o m**

Or through Legislative Audit: <https://legislativeaudit.sd.gov/>

# Inspect Culverts

## 31-14-33. Inspection of township culverts--Duty of board of supervisors.

The township board of supervisors shall have each culvert on the secondary highways within the township annually inspected and, if necessary, repaired.

LOCATION: \_\_\_\_\_ STRUCTURE NO: \_\_\_\_\_

DATE: \_\_\_\_\_ / INSPECTED BY: \_\_\_\_\_

SIZE, LENGTH, TYPE: \_\_\_\_\_

GPS COORDINATES: \_\_\_\_\_

ITEM	GOOD OR NEEDS COND. REPAIR	COMMENTS
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**METAL CULVERTS**

Rusting/Corrosion \_\_\_\_\_

Connections \_\_\_\_\_

Settlement \_\_\_\_\_

Erosion/Soil loss around pipe \_\_\_\_\_

Cleaning needed \_\_\_\_\_

**CONCRETE CULVERTS**

Box or Barrel \_\_\_\_\_

Headwalls \_\_\_\_\_

Deterioration \_\_\_\_\_

Joint Separations \_\_\_\_\_

Cracks \_\_\_\_\_

Settlement \_\_\_\_\_

Erosion/Soil loss around pipe \_\_\_\_\_

Cleaning needed \_\_\_\_\_

# Update Road Maintenance Level Map Annually

## **31-13-1.3. Designation of full and minimum maintenance roads at annual meeting--Map.**

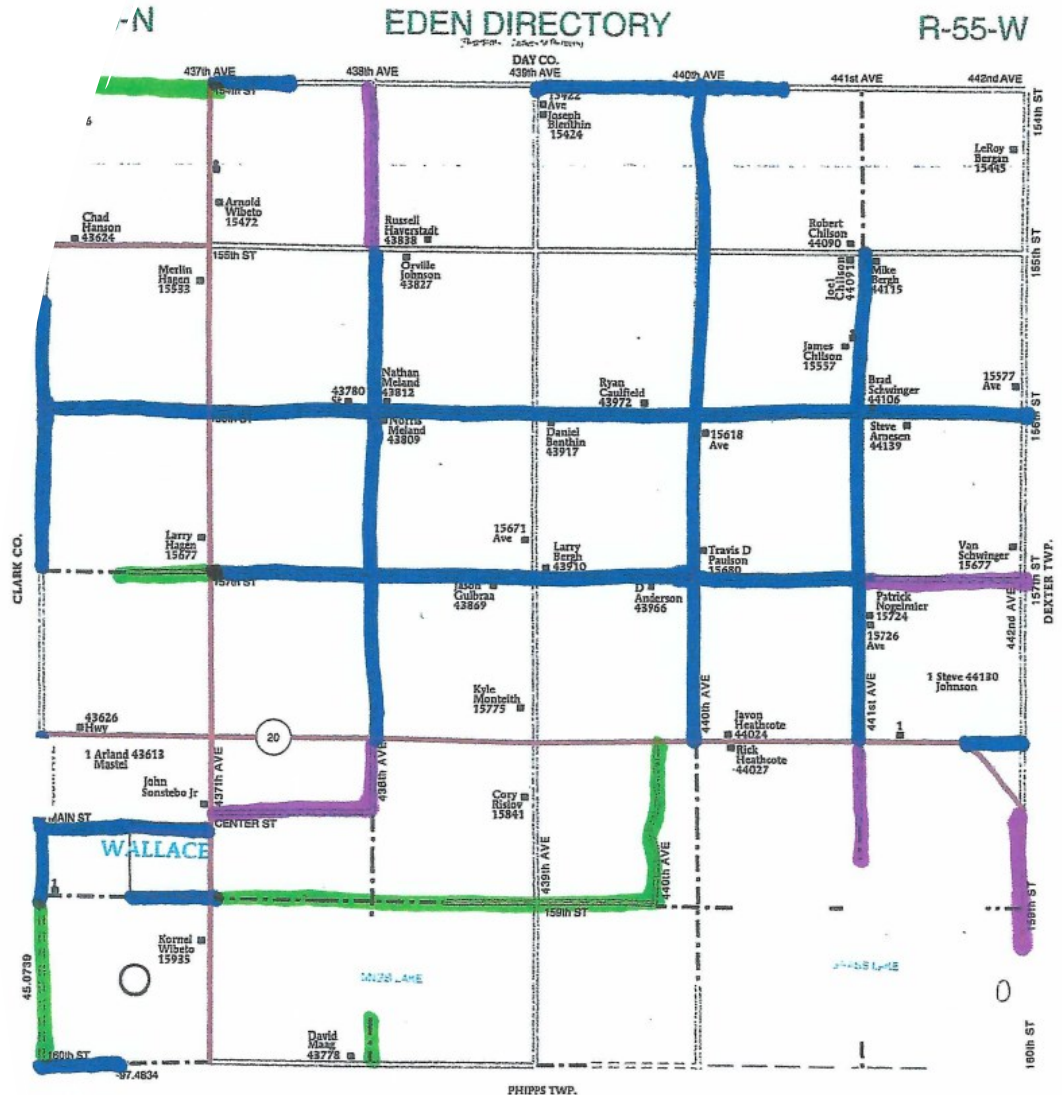
The board shall, at its annual meeting, designate which township roads are full maintenance roads and which are minimum maintenance roads. The board of township supervisors shall publish any resolution designating a township road as minimum maintenance if the road is a school route. The designation is 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.

QUESTION... Why is this important?

## **32-11-6. Apportionment of funds among townships according to number of miles of maintained roads-- Distribution and payment.**

The amount set aside to the various unorganized and organized civil townships pursuant to §§ [10-47B-149.1](#), [32-10-35](#), [32-11-4.1](#), and [32-11-35](#) shall be apportioned among the townships according to the number of miles of maintained township roads within the townships, including roads designated as minimum maintenance pursuant to § [31-13-1.1](#). The county treasurer shall distribute the money to each organized township within the county within thirty days of apportionment. However, an organized township may request in writing that the money remain in the custody of the county treasurer and shall be paid out only on warrants issued by the county auditor in payment of claims for the construction, reconstruction, or maintenance of roads and highways within the township highway system.

# Color Coded Road Maintenance Level Map



——— 26.5 Miles Full Maint.  
——— 5 Miles Min. Maint.  
——— No Maint.



# SAMPLE TWP

RESIDENT

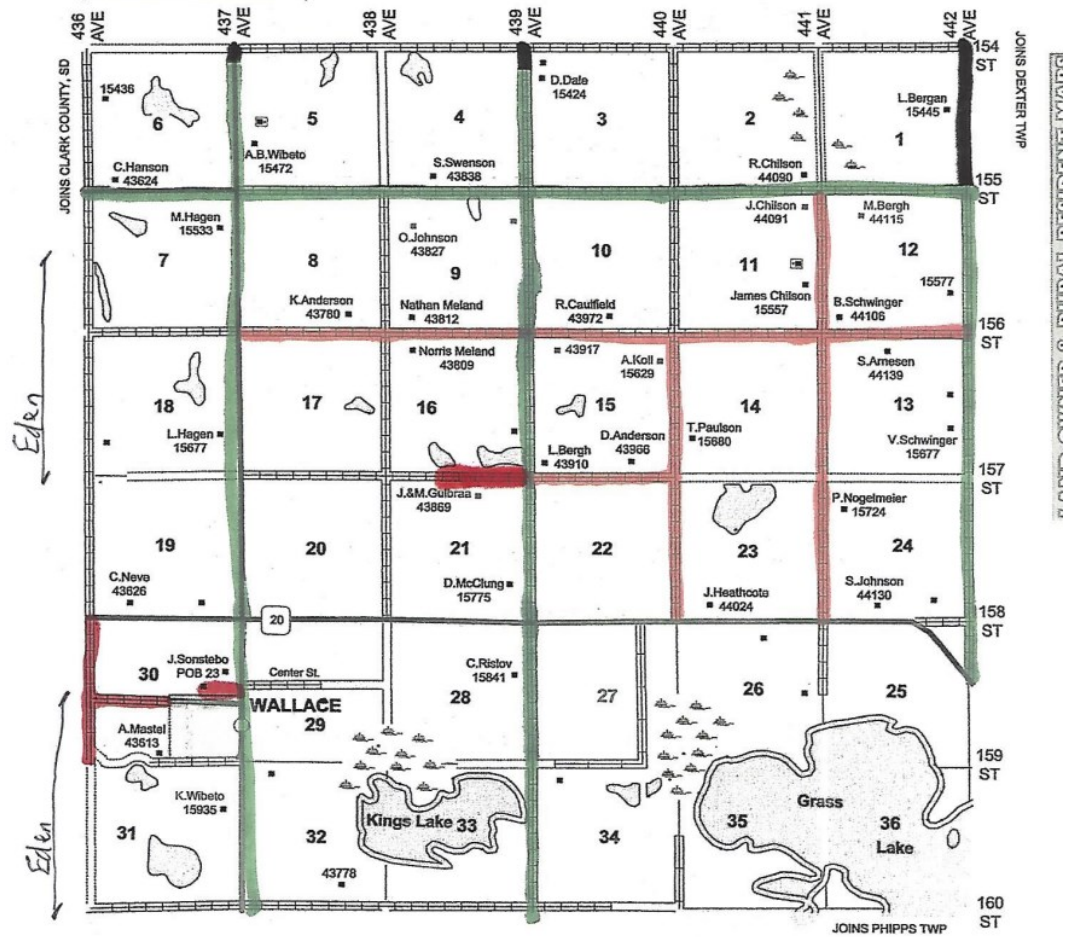
*Snow Plowing Map*

T 119 N

R 55 W

JOINS DAY COUNTY, SD

**SNOW  
PLOWING  
MAP  
EXAMPLE**



 Township Roads to be plowed

 County Roads

	R.55W	R.54W	R.53W	R.52W	R.51W
T.119N	EDEN	DEXTER	GERARDTOWN	LEOLA	
T.118N	PHIPPS	FULLER	EUZYELLE	WINTER	
T.117N	GRACELAND	NICKLAND	LARK	ELMIRA	"NORTH" SALADIN
T.116N	HENRY	SAMPSEA	PRUCAN	SHEEDAN	"SOUTH" SALADIN



# Fire Service Agreement

## **8-9-4. Fire protection contracts—Maximum term— Cost negotiated--Estimated costs--Amount of contract.**

Every civil township in this state shall, through its board of supervisors, enter into a contract for fire-fighting equipment and protection with a political subdivision or subdivisions of this state or with a nonprofit fire protection corporation or association legally organized and certified in this state. ...

## **10-12-28.1. Additional township levy for fire protection and emergency medical services.**

If the allowable tax levy for a township in § [10-12-28](#) is insufficient to meet other allowable expenses, fire protection expenses, and expenses for emergency medical services, an additional annual tax for the purpose of providing fire protection and emergency medical services may be levied. However, the **additional levy may not exceed one dollar and twenty cents per thousand dollars** of taxable valuation within the township.

# Contracts

- Contracts must be made at a township regular/special meeting.
- No single officer has the authority to enter into an agreement or contract on their own.
- Township officers should not have an interest in any contracts of the township. (Conflict of Interest CDL 6-1-1)
- There are a few exceptions. This issue can become one of great conflict within the township.

## **Conflict of Interest Exceptions:**

### **6-1-2. Conditions under which contract with local officer permitted-- Contract voidable if conditions not fully met.**

The provisions of § 6-1-1 are not applicable if the contract is made pursuant to any one of the conditions set forth in the following subdivisions, without fraud or deceit. However, the contract is voidable if the provisions of the applicable subdivision are not fully satisfied or present at the time the contract was entered into:

*The law continues to list 8 separate exceptions.*

*“Local government officials should seek legal council before contracts are contemplated”- page 2 of Local Government Guide – Bid Booklet.*

# Duties of the Township Clerk



- Record minutes of EVERY meeting in which there is a quorum, in the book of townships records.
- Record each order, direction, resolution or vote.
- File and preserve all accounts audited by township board and enter a statement in book of records.
- **The clerk is NOT the treasurer**
- Publish notices / post agenda of all meetings.

# More Clerk Duties ...

- File annual fiscal report of the township with the county auditor by the last day of March.
- Call annual meeting to order.
- Administer oath of office to each elected official.
- Clerks are elected for a one year
- The clerk is a non-voting member of the board

# Duties of the Treasurer:

**NOTICE:** The **treasurer** shall receive and take charge of all money belonging to the township.

It is **NOT** the clerk's responsibility to be in charge of the checking account.

# Bonding- Required for Clerk & Treasurer

**SDCL 8-6-1- Bond Required for Clerk**

**SDCL 8-7-1- Bond Required for Treasurer**

- The bond amount is set and approved by the township supervisors
- The bond is filed in the office of the county auditor.
- Bond shall be set for an amount approximately equal to the sum of money that the treasurer is expected to receive in any one fiscal year

# Signatures

- Ideally, there should be three signatures on each check: Clerk, Treasurer, and supervisor Chairman
- Three signatures are required if participating in the Township Bond Alliance administered by SDATAT



# What is



**Organized in 1979 &  
Incorporated in 1980**

**Governed by a  
Board of directors**

- **Employees include:**

- Executive Director
- Part time Assistant
- Lobbyist
- Attorney on Retainer
- Local & Legislative involvement

- **Up to 13 directors and includes a small town**

- Hold positions for up to 4-3 year terms
- Each year in April a President, Vice President, Treasurer and Secretary are elected

# SDATAT Annual Meeting

- Always held the first part of December.
- Educational support to township officers in their official roles and responsibilities
- Provide up-dates on State issues.
- Attendance: Township are authorized to pay for registration, mileage, per diem, and motel room for board members attending.
- Your input and sharing ideas for speaker presentation topics is appreciated.

# Membership with SD Association of Towns & Townships

## • **Renewal Forms**

- Mailed to township primary contact- typically the clerk
- Mailed in February & due before April 15<sup>th</sup>
- Must provide mailing address and phone for each township officer
- Email addresses provided receive important updates

## • **Bond Alliance**

- Created to reduce cost to bond clerk and treasurer
- Strict oversight by supervisors is required
- Single premium of \$600 will provide \$50,000 bond
- Must return renewal on time (April 1<sup>st</sup>) or risk lapse of coverage

*The End*

This power point will be available to view on the  
South Dakota Association of Towns and Townships website:

**[sdtownships.com](http://sdtownships.com)**