

The History of Mitchell Township/Secondary Roads And the Process to Reestablish

- a. A brief history of how Davison County got to this point:
 - i. June 6, 2002, the residents of Mitchell Township held an election and by majority vote dissolved the township.
 - ii. Upon dissolution Davison County became responsible for administration of the now “unorganized territory.”
 - iii. There was \$3,811.47 left from the Township Treasury after all bills and expenses were paid. That money was transferred to Davison County.
 - iv. June 23, 2002, the Davison County Commission supplemented its roads budget by \$35,000.00 to cover the county’s new responsibility to maintain the roads in the now unorganized territory.
 - v. June-December, 2003, Davison County determined the past levies set by Mitchell Township which were now applicable to unorganized territory were insufficient to fund proper road maintenance and other public functions previously undertaken by Mitchell Township. South Dakota tax limit laws prohibited necessary levy adjustments.
 - vi. January, 2003, Davison County attempted to amend state law to allow levy adjustments in newly unorganized territory so road maintenance and fire levies could be adjusted without being limited by the prior levies set by Mitchell Township. That effort failed.
 - vii. May 7, 2003, a petition was received to reorganize Mitchell Township. They were insufficient.
 - viii. July 1, 2003, Davison County proposed an opt-out from tax limits for unorganized territory. The opt-out failed.
 - ix. January/February, 2004. Davison County successfully obtained an amendment of state tax limitations allowing 2 years for levies to be adjusted when a township is dissolved.
 - x. 2004 through 2009 Davison County levied in unorganized territory for road maintenance and fire protection. The road levy was set through review of necessary expenses to maintain roads. The fire levy was set at a level necessary to meet the sum historically paid to the Mitchell Rural Fire Association by Mitchell Township.
 - xi. At various times since dissolution there have been discussions with the County Commission on re-establishment of township government in unorganized territory.
 - xii. In January, 2010, the County Commission passed a resolution pursuant to South Dakota Codified Law 8-1-30.

- b. No matter what the general tenor of comments might be or what the “sense of the meeting” is tonight, South Dakota law requires that an election be held on the question of re-establishing the township. That election will be held on April 8, 2010. So whatever your opinion on the issue might be, please be certain to vote on April 8.

- c. Some comments on the general process of the re-establishment election:
 - i. As noted the election will be held on April 8.
 - ii. If the vote is in favor of re-establishing the township the Davison County Commission will
 - 1. Select a name for the re-established township if a majority of the voters do not select a name,
 - 2. Appoint a Board of Supervisors, and
 - 3. Set the date for the first annual meeting of the newly re-established township.
 - iii. At the first annual meeting residents of the newly re-established township have the powers authorized under South Dakota Codified Law 8-3-2, including, but not necessarily limited to, electing their own Supervisors, Clerk, Treasurer, and Constable [which is an optional office].
 - iv. The duly elected Board of Supervisors and officers will be responsible for establishing a budget, setting tax levies to meet that budget, and generally administering the township.
 - v. The budget must be submitted by September 30, 2010, so that taxes can be levied and tax revenues will begin in 2011.
 - vi. The next annual meeting of the re-established township will be held on the regular date in March, 2011.