

SOUTH DAKOTA

COUNTY GOVERNMENT OVERVIEW

Counties

66

Government Form

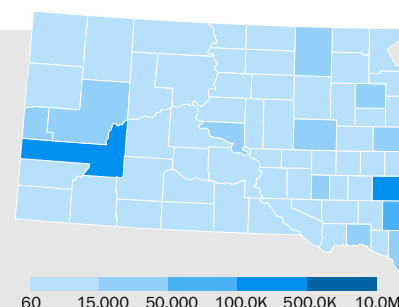
Traditional¹

Governing Body Size

3-5

Population (2020)

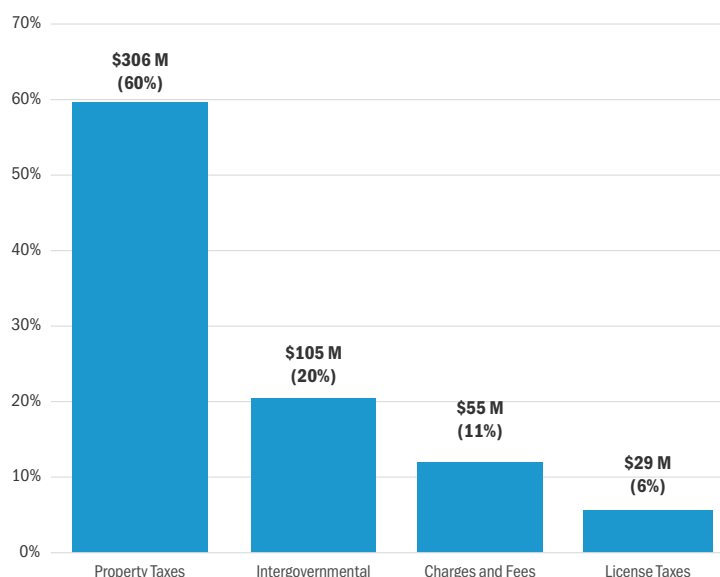
887,000²



County Authority

Mostly Dillon's Rule with Optional Home Rule: Most counties in South Dakota are governed under general law and therefore are only empowered with the authorities explicitly provided in the state's legislation. There is, however, an option in the state's constitution that permits counties to adopt a home rule charter if approved at an election by a majority of registered county voters. A charter county may perform any actions that are not denied by the charter, the constitution or other state laws.

TOP REVENUE SOURCES FOR SOUTH DAKOTA COUNTIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017

¹"Government Form" refers to the distribution of executive decision making authority in a county. "Traditional" county states mandate that counties exercise executive decision making power solely through the board of elected officials (commissioners, supervisors, etc.). "Reformed" county states mandate that counties employ an elected or appointed county executive, manager or similar position to take on at least some of the county's executive decision making authority. "Mixed" county states means that some counties in that state are "traditional" and some are "reformed."

²NACo Analysis of U.S. Census Bureau - 2020 Decennial Census

Summary of County Services

Services counties **MUST** provide:

- Provide welfare services to relieve economic hardships.

Services counties **CAN** provide:

- Establish county health departments and hospitals and support mental health and senior care facilities.
- Support community and economic development.
- Support postsecondary technical institutes.

Services counties **CANNOT** provide:

- Provide gas and electric utility services.

STRUCTURE/AUTHORITY

SUMMARY

County governments in South Dakota are led by a board of 3-5 commissioners that serve as both the legislative and executive decision-makers regarding county functions and government management. South Dakota's statute allows for a board of up to seven commissioners but currently no county has that many commissioners. Counties may also choose to adopt a commission-manager form of government which enables the office of the county manager. The manager is the chief administrative officer of the county and is responsible for the proper administration of the affairs of county government. As most South Dakota counties are governed under general law, functions are limited to what is explicitly included in state legislation. Counties may, however, freely cooperate with other governmental entities to jointly provide or finance public services.

Row Officers	Elected/ Appointed	Mandatory/ Optional
Auditor*	Elected	Mandatory
Constable	Appointed	Optional
Coroner	Elected	Mandatory
Finance Officer**	Elected	Optional
Public Defender	Elected	Optional
Register of Deeds	Elected	Mandatory
Sheriff	Elected	Mandatory
State's Attorney	Elected	Mandatory
Treasurer	Elected	Mandatory

*The county auditor, in addition to their own role, takes on the duties of a county clerk.

**The finance officer may perform the duties of an auditor, treasurer, register of the deeds or a combination thereof, depending on the county.



COUNTY STRUCTURE

Legislative Branch: A board of 3-5 commissioners acts as the legislative decision-making body for each county.

Executive Branch: A board of 3-5 commissioners acts as the executive decision-making body for each county. Counties may appoint a county manager as a chief administrative officer.

Judicial Branch: South Dakota's 66 counties are divided into seven judicial circuit districts that make up both the circuit court system and the magistrate court system. The circuit court system commands general jurisdiction over civil cases while the magistrate courts handle minor criminal offenses and less serious civil court cases.

Optional Forms of Government:

- Board of Commissioners
- Commission-Manager



COUNTY AUTHORITY

Executive Power: County commissioners have the statutory authority to institute and prosecute civil actions, manage and preserve county property, levy taxes authorized by state law, supervise county officers and provide needed services to the community. Each county may enact, amend and repeal any ordinance or resolution that is necessary for it to carry powers into effect and may provide for the enforcement of ordinances.

Ability to Form Partnerships: A county may exercise, perform or transfer any of its powers or functions jointly with any other governmental entities, either within or without the state so long as it is not inconsistent with state law. Counties may also cooperate with other governmental entities on the financing of services and functions.

Call a State of Emergency: Counties are required by law to establish emergency plans. This includes developing local emergency organizations and empowering them to implement the emergency plans set by the county government.

Special Districts: South Dakota has around 500 special districts which includes several different types such as county road, ambulance irrigation and sanitary districts. State statute also specifically empowers South Dakota counties to form improvement districts in response to a citizen petition.

SERVICES

OVERVIEW OF COUNTY SERVICES

South Dakota counties have the authority to provide a number of services, including but not limited to county health departments, hospitals and fire departments. Additionally, counties are required to fund the construction and provide the services related to courthouses, jails and county roads. Counties do not have the power to provide most utility services and have limited zoning authority within their jurisdictions. South Dakota counties may also provide for community development, infrastructure improvements and the promotion of tourism.



HEALTH AND HUMAN SERVICES

County Health Department: County boards of commissioners may establish county health departments and may form district health departments with one or more neighboring counties. District health departments may only be formed with the approval of the majority of county residents.

Hospitals: The county board of commissioners may establish, purchase, construct and maintain county hospitals with the approval of 60 percent of county residents.

Senior Care Facilities: Counties can support non-profit organizations that provide services for senior citizens with a portion of their yearly budget that is not to exceed \$20,000 from the general fund.

Mental Health Facilities: The county board of commissioners may contribute funding from the county general fund to mental and community health facilities operating within their jurisdiction.

Child Welfare: The state department of social services is responsible for establishing a childcare service program to ensure quality childcare throughout the state and support the improvement of day care services.

Welfare: Counties are responsible for relieving economic hardships of all people who qualify for assistance within the county and may levy a tax for this purpose.



INFRASTRUCTURE

Roads: Counties are responsible for maintaining and constructing county highway roads and the county board of commissioners may levy taxes for this purpose. Counties may also construct and repair bridges.

Improvement Districts: In response to a petition and after holding a hearing, a board of county commissioners may allow for the establishment of an independently governed improvement district. The purpose of the district must be to improve the infrastructure relating to water, sewage or roads within the district.

Utilities: The South Dakota public utilities commission is responsible for establishing state policy and regulation of gas and electric services. Additionally, the state legislature is responsible for establishing a state water resource management plan and forming water districts to levy taxes for the delivery of water services throughout the state. Counties do not have the authority to provide gas or electric utility services but may establish water and solid waste management facilities. The establishment of public utility connections must follow and abide by the local law of all subdivisions including counties.

- **Water:** Counties are authorized to supply water utility services.
- **Solid Waste:** Counties may establish solid waste disposal facilities and may levy the funds necessary to operate, construct and own solid waste services.
- **Electric:** Counties are not authorized to provide electric utility services.
- **Gas:** Counties are not authorized to provide gas utility services.

SERVICES, CONTINUED



PUBLIC AMENITIES

Parks and Recreation: Any county, municipality or school district may acquire, maintain or spend funds on lands for recreational or park use. The governing body of the local subdivision may delegate the administration of the parks and recreation system to a recreation board.

Libraries: County boards of commissioners have the authority to establish and maintain a free public library, give support to any free public library already established or contract with a private library. Counties may appropriate the necessary funds to pay for the construction of a library and the provision of library services and may partner with local subdivisions to provide library services.

Tourism and Recreational Activities: A board of county commissioners may promote tourist, industrial and recreational activities and may also make payments from the general fund to nonprofit corporations or associations engaged in such a promotion, even if that corporation is not within the county's territory.

Monuments to Veterans: A board of county commissioners may erect a monument to honor and perpetuate the memory of all American veterans from the county. The board must also provide continued maintenance and repair of the monument.

Fairs and Exhibitions: A board of county commissioners may erect, maintain and improve any building or land that is used for the purpose of a county fair or exhibition of stock, farm produce, schoolwork, sale of livestock or domestic arts.



ZONING AND DEVELOPMENT

Zoning Power: The board of county commissioners may form a planning board that has zoning power over county areas outside of municipalities. However, municipalities may contract out their zoning power to counties. County planning boards may regulate and restrict the use and construction of buildings and spaces including population density and distribution within their jurisdictions.

Zoning Restriction: The zoning decisions of the board must have a public hearing held on them and are subject to appeals from the public to overturn them.

Housing Authority: Counties have the power to create a housing redevelopment commission that operates in conjunction with the South Dakota housing redevelopment commission to establish affordable housing units and enforce sanitary conditions within counties.

Community Development: A board of county commissioners may receive and administer grants, loans and assistance and may enter into agreements for cooperative action to establish, promote and support community development.

Economic Development: A board of county commissioners may issue revenue bonds for the purpose of using the proceeds to purchase or improve buildings and equipment in order to promote county welfare and economic development.

SERVICES, CONTINUED



PUBLIC SAFETY

Law Enforcement: With the exception of the sheriff, municipal governments, not counties, are responsible for law enforcement.

Jails: Counties must establish jails using general funds. The county board is responsible for the jail's operation and administration.

Courthouses: The county board of commissioners must purchase the necessary lands to construct and operate a county courthouse.

Fire: County may levy taxes to fund the formation of county-wide fire departments to provide fire protection services within the county's jurisdiction. Counties may also contract to provide fire protection services.

Ambulance: South Dakota counties may provide ambulance service or contract with other government subdivisions or non-government entities.

Emergency Management Agency: Counties must establish local emergency organizations and county emergency plans.

Flood Control Programs: Counties may prevent or control flooding and may cooperate and enter into agreements with the federal government, state government or with any other authorized political subdivision to do so.

Safety and Accident Prevention: A board of commissioners for a county with a population of 30,000 or more may, from its general fund, contribute to the support of a program of safety and the prevention of accidents.



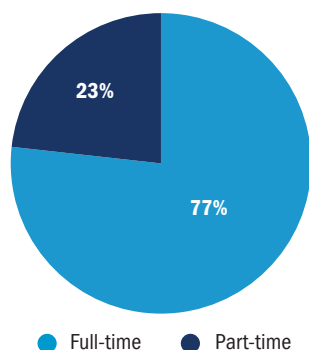
SCHOOLS

Education, Generally: It is the responsibility of the South Dakota general legislature to appropriate the needed funds to establish a statewide education system and establish statewide education policy.

School Board: School boards are formed within the school districts of each county from local members. Counties do not play a role in the establishment of school boards or their respective districts.

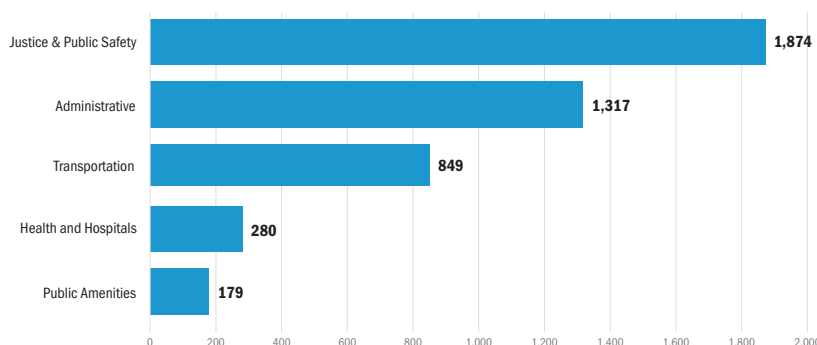
Postsecondary Technical Institutes: A board of county commissioners may contribute funds to provide general operating and capital support of career and technical education purposes. The funds may be appropriated from the county general fund, the capital outlay fund or both.

SOUTH DAKOTA COUNTIES EMPLOY 5,073 GOVERNMENT EMPLOYEES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

SOUTH DAKOTA COUNTY GOVERNMENT EMPLOYEES BY TOP FUNCTIONAL CATEGORIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

TAXATION/FINANCES

OVERVIEW OF COUNTY FINANCE STRUCTURE

While South Dakota counties have fairly broad home rule power, they cannot levy any tax unless expressly authorized by the general assembly. County taxes on property are levied against all applicable property under general law; however, counties explicitly may not tax personal property. Additionally, counties do not have the authority to levy taxes on gas, income, inheritance or minerals.



FINANCES, TAXES AND LIMITATIONS

Property Tax: Taxes for general county services must be levied by a county on all taxable property within the county. The tax levied by the county board of commissioners may not exceed 0.5 percent of the assessed value of applicable taxable property.

Personal Property: Personal property cannot be assessed for property taxes.

Income Tax: Counties cannot impose an income tax.

Sales Tax: Counties cannot levy a sales tax.

Mineral Tax: Counties cannot impose a mineral tax.

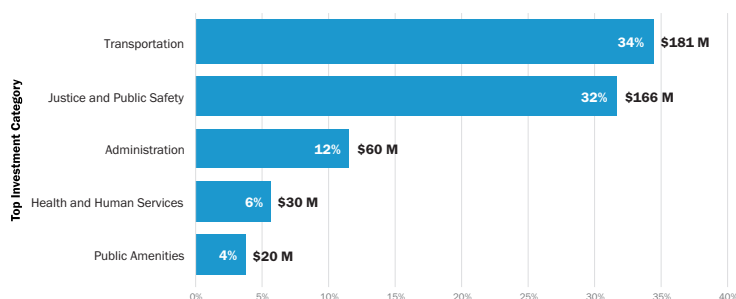
Gas/Fuel Taxes: Counties cannot impose a gas or fuel tax.

Debt and Debt Limit: Counties cannot exceed a debt more than 95 percent of the amount of uncollected taxes and federal and state funds for the current fiscal year. Counties may levy a tax for the purpose of paying back the interest and principal of county debts that may not exceed 0.2 percent of all taxable property within the county.

Other Finance Info:

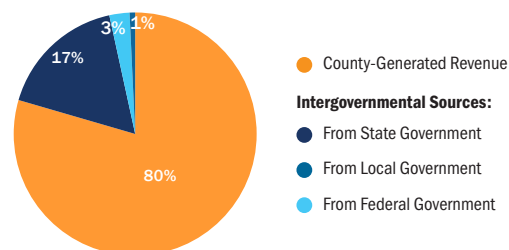
- **Inheritance Tax Prohibited:** No tax may be levied on any inheritance and the legislature may not enact any law imposing such a tax.
- **Legal Expense Relief Fund:** State statute establishes a legal expense relief fund for the state association of county commissioners which may be used by any county if it has incurred expenses related to a criminal prosecution resulting in a court trial if the expense was over \$25,000.
- **Building Fund:** A county may levy a tax at a maximum rate of \$0.90 per \$1,000 of assessed taxable property to be used or paid into a fund for acquiring a site and constructing or maintaining county buildings such as a courthouse, jail, county exhibition building or public library.
- **Endowment Fund:** A board of county commissioners may, by resolution, create an endowment fund which may receive a transfer of any gift or donation made to the county and may be spent for any legal purpose.
- **County Outlay Fund:** A board of county commissioners may, by resolution, authorize the accumulation of funds for capital outlay purposes which may include any purpose which is extraordinary in nature, exceeds the funding ability of a single-budget year and may result in the purchase of services, materials, supplies or equipment.

SOUTH DAKOTA COUNTIES INVEST \$525 MILLION ANNUALLY



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017

SOUTH DAKOTA COUNTIES RECEIVE \$105 MILLION FROM INTERGOVERNMENTAL SOURCES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017