## January 2021

## Oglala Lakota County VSO Monthly Activity Report

Appointments S
Walk-ins 1
Deaths
Tribal members 3
Non-tribal members
Veterans Administration
New claims <u>8</u>
Existing claims <u>\$\frac{\gamma}{2}\$</u>
New medical enrollment
DD214 4
Office visits/other
SD State Benefits
State home
Veteran/Active Duty Bonus
Headstone
Other
Tribal
Tribal Veterans Flag
Funerals/Roll Call
Headstone set-up
Meetings _ 2_
Other
Public Outreach
Social media V
Radio station
Other
Other Utg With West River Field Svc Officer Will+ 1:25-21
Mtg W/American Legion 1-27-21
VSO Name 1 et leve 2. LETO COM (0)

# **Activity Tracker**

Week of: 1:25-21 to 1.29.21

Name: Jehlene S. Arredono

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**Activity Tracker** 

Week of: 1.25.21+0 1.29.21

Name: Erlene S. Arredondo
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# **Activity Tracker**

Week of:

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# **Activity Tracker**

Week of:

Name: Jerlene Arrectondo

Thursday 1.28.21

Oglala Lakota VSO

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2:30 PM	3:00 PM		
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**Activity Tracker** 

Week of:

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Name		9:30 AM	9:00 AM
Contact @ Auditor's Office	Description of Job activity	≣nd	Start



# Oglala Lakota County VSO Monthly Activity Report

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Appointments 10
Walk-ins 8
Deaths .
Tribal members 3
Non-tribal members
Veterans Administration
New claims 4
Existing claims 12
New medical enrollment
DD214_5_
Office visits/other <u>23</u>
SD State Benefits
State home
Veteran/Active Duty Bonus
Headstone <u>&amp;</u>
Other
Tribal
Tribal Veterans Flag
Funerals/Roll Call
Headstone set-up
Meetings 2 (West River Area Field Suc Officer) Other (Western Neb Veterans State Holme director)
Other (Nestin Neb Veterans State Home director)
Public Outreach
Social media 3
Radio station
Other
Other
VSO Name 10 tolono, attrademole

Activity Tracker

Week of:

Name: Terlene Apredondo

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**Activity Tracker** 

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Name: Vertene Arredondo

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**Activity Tracker** 

Week of:

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**Activity Tracker** 

Week of:

Name: Jertebe, S. Airredondo

Friday 2-521

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**Activity Tracker** 

Week of:

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**Activity Tracker** 

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**Activity Tracker** 

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**Activity Tracker** 

Week of:

Name: Jerlene Arredondo Wednesday 2-10-21

Week of: **Activity Tracker** 

Name: Nertene Arredondo

Thursday 2-11-21

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**Activity Tracker** 

Week of:

Name: Jerlene Arredondo Friday 2-16-21

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Activity Tracker
Week of: 2-16-21 to 2-19-21

Name: Jerlene Arrestondo

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**Activity Tracker** 

Week of:

Name: Jewene Arredondo

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**Activity Tracker** 

Week of:

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**Activity Tracker** 

Week of:

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	Name		9:30 AM	9:00 AM
	Contact @ Auditor's Office	Description of Job activity	End	Start

**Activity Tracker** 

Week of: 2321 to 22621

Title: Oglala Lakota VSO

Name: Textens Arredondo

Monday 1-22-2

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Name
Contact @ Auditor's Office

**Activity Tracker** 

Week of:

Name: Jertene Arrectiondo

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**Activity Tracker** 

Week of:

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**Activity Tracker** 

Week of:

Title: Oglala Lakota VSO Name:

Wisday Division

**Activity Tracker** 

Week of:

Name: Chertene, Arrectando

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#### OGLALA LAKOTA COUNTY RESOLUTION #2021-04

WHEREAS, the South Dakota Wildland Fire Coordinator is authorized to assist in fighting range fires through the State; and

WHEREAS, a county must formally request his assistance pursuant to SDCL 41-20-8.1; and

WHEREAS, because there is insufficient time to hold a meeting and adopt a resolution during a fire, Shannon County can designate a person with authority to request assistance under this law;

NOW THEREFORE BE IT RESOLVED, that the Oglala Lakota County Commissioners hereby designate the following person (s) with the authority to request assistance from the State Wildland Fire Coordinator in fighting range fires:

Anna Takes the Shield (DuBray) COMMISSIONER 605-441-1202 (CELL)

Eugenio White Hawk COMMISSIONER 605-899-0014 (CELL) or 605-455-2293 (HOME)

Ramon Bear Runner COMMISSIONER 605-441-5768 (CELL) or 605-867-2361 (HOME)

Art Hopkins COMMISSIONER 605-441-0966 (CELL) or 605-455-1810 (HOME)

Wendell Yellow Bull COMMISSIONER 605-441-8273 (CELL) or 605-867-2263 (HOME)

Robert "Joe" Herman OGLALA LAKOTA COUNTY SHERIFF 605-441-6215 (CELL)

Franklin W. Maynard EMERGENCY MANAGEMENT DIRECTOR 605-890-7245 (CELL) or 605-745-7562 (OFFICE)

Dated this 10th day of March, 2021

Anna Takes the Shield (DuBray) Chairwoman Oglala Lakota County Board of Commissioners

ATTEST:

Sue Ganje, Oglala Lakota County Auditor Oglala Lakota County

#### SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



#### WILDLAND FIRE DIVISION

3305 West South Street Rapid City, SD 57702 Phone: 605.393.8011 Fax: 605.393.8044 wildlandfire.sd.gov





January 13, 2021

Oglala Lakota County Commission 906 N. River St. Hot Springs, SD 57747

Dear County Commission -

We are requesting updated contact information for your commission appointed designees. Your designees must have authority to obligate county funds in their request for fire suppression assistance. This assistance could be a single engine airtankers, fire engines, handcrews, fire investigators, and/or additional fire management personnel. As defined by SDCL 41-20A-11 we can send up to 6 personnel and 2 vehicles for mutual aid at no cost to the county.

Please send a copy of the resolution appointing your county designees, no later than April 2, 2021, to the address below. This resolution should include authorized dates or term of duty (whether it be for one year or multiple years) and must be replaced, by sending a new resolution, when these designees changes. You may send the resolution via email or USPS to:

Cody Griffee – Fire Management Officer cody.griffee@state.sd.us
622 Hearst Ave. STE. B Lead, SD 57754

The South Dakota Wildland Fire Division is pleased to continue working to assist your county with fire suppression efforts. If you have questions, please contact me.

Thank you,

Cody Griffee



## SD SHERIFFS & POLICE CHIEFS CONFERENCE DEADWOOD, SD APRIL 20-22<sup>ND</sup>, 2021

NAME: Robert "Jee" Herman TITLE: Sheriff
AGENCY: 09 LALA LOKETA COUNTY
EMAIL ADDRESS: RoberT-herman (a) 701den w257-107
Will your spouse be attending? (?) Name:
WHAT TRAINING DO VOU DLAN TO ATTENDO
WHAT TRAINING DO YOU PLAN TO ATTEND?  Law Enforcement
Corrections

#### Please check the box next to the option of how you plan to attend:

	•	Attendee		Spouse
	Attendee	Check	Spouse	Check
	Price	Here	Price	Here
Full conference w/banquet	\$115.00		\$40.00	
Full Conference Only	\$85.00	X	\$40.00	
One Day Only (Per Day)-no banquet	\$50.00			
Banquet Only	\$40.00	A CONTRACTOR OF THE CONTRACTOR	\$40.00	

<sup>\*\*</sup>Registration will cover all training opportunities, conference events and on-site meal functions\*\*

TOTAL AMOUNT ENCLOSED: 8 85 ==

Please complete and return to:

Staci Ackerman South Dakota Sheriff's Association PO Box 187 Eureka SD 57437 admin@southdakotasheriffs.org

A block of rooms has been reserved for the conference. Room Reservations can be made by contacting the THE LODGE Hotel and Conference Center & the SPRINGHILL SUITES in Deadwood. The Lodge (605) 584-4800 or Springhill Suites (605) 559-1600

<sup>\*\*</sup>A choice of banquet meals that will be served will be sent out to those registering to attend the banquet dinner after registrations are received.\*\*



## Receive free daily summaries of new opinions from the South Dakota Supreme Court.

# Wings As Eagles Ministries, Inc. v. Oglala Lakota County

#### **Justia Opinion Summary**

The Supreme Court affirmed the decision of the circuit court affirming the decision of the Oglala Lakota County Commission denying Wings as Eagles Ministries, Inc.'s petition seeking an abatement of its property taxes for 2014 and 2015, holding that the circuit court did not err.

Wings applied for property tax exempt status for the 2014 and 2015 tax years. The applications were denied and became final determinations of the property's exempt status for those years. Wings then filed its abatement petition, which the Commission denied. The circuit court affirmed, concluding that Wings was unable to meet the threshold eligibility element for an abatement because the final determinations denying exempt status conclusively established that Wings was not exempt for the 2014 and 2015 tax years. The Supreme Court affirmed, holding (1) the circuit court did not err when it concluded that Wings did not qualify for an abatement under S.D. Codified Laws 10-18-1(3); and (2) Wings' estoppel argument was unreviewable on appeal.

Collapse Summary

Download PDF

## IN THE SUPREME COURT OF THE STATE OF SOUTH DAKOTA

\* \* \* \*

WINGS AS EAGLES MINISTRIES, INC.,

Petitioner and Appellant,

v.

OGLALA LAKOTA COUNTY,

Respondent and Appellee.

\* \* \* \*

#### APPEAL FROM THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT OGLALA LAKOTA COUNTY, SOUTH DAKOTA

THE HONORABLE ROBERT GUSINSKY Judge

\* \* \* \*

\* \* \* \*

TERRY L. PECHOTA Rapid City, South Dakota

Attorney for petitioner and appellant.

BRIAN T. AHRENDT Oglala Lakota County State's Attorney Hot Springs, South Dakota

Attorneys for respondent and appellee.

\* \* \* \*

CONSIDERED ON BRIEFS NOVEMBER 16, 2020 OPINION FILED **02/10/21**  SALTER, Justice

[¶1.] Wings as Eagles Ministries, Inc. (Wings) applied for property tax exempt status for the 2014 and 2015 tax years, payable in 2015 and 2016 respectively. Both applications were denied and became final determinations of the property's exempt status for the affected years. Wings subsequently filed a petition with the Oglala Lakota County Commission (the Commission) seeking an abatement of its property taxes for 2014 and 2015. The Commission denied the petition, and Wings appealed to the circuit court, which affirmed the Commission's decision. Wings now appeals the abatement decision to this Court. We affirm.

#### **Facts and Procedural History**

[¶2.] Wings is a non-denominational Christian organization that operates on the Pine Ridge Indian Reservation in Oglala Lakota County (the County).¹ Wings was founded in 1995 by Pastors Gary and Lori McAfee. The McAfees work through Wings to provide charitable assistance and religious instruction to community members and youth in the area. For example, Wings provides temporary housing for homeless and abused children and meals for members of the Reservation community. Wings also hosts summer camps for visiting church groups and conducts a discipleship program for children and adults in the surrounding Reservation area. Wings' mission and work have not fundamentally changed in the years since its inception.

<sup>1.</sup> Wings is a 501(c)(3) non-profit corporation under the Internal Revenue Code and is exempted from paying sales tax.

- [¶3.] The property at issue in this case is 80 acres of a 114-acre tract located in the northwest part of the County. Since 2005, this property was annually granted a property tax exemption by the County Board of Equalization (the Board). However, for reasons that are not made clear in the record, the Board denied Wings' application for property tax exemption for the 2014 tax year, payable in 2015.<sup>2</sup> Wings did not appeal this denial.<sup>3</sup>
- [¶4.] While awaiting the Board's decision for the 2014 tax year, the deadline passed for Wings to apply for an exemption for tax year 2015.<sup>4</sup> Lori testified that she "was told" she should not apply for the 2015 exemption until the 2014 tax exempt status had been determined, though she did not explain who provided the advice or when and under what circumstances it was given. Lori ultimately filed Wings' application for the 2015 exemption, but because it was submitted after the deadline, the Board denied it.

Any person, organization, corporation, or association claiming a property tax exemption status for any property under §§ 10-4-8.1 to 10-4-14, inclusive, § 10-4-39, or as may otherwise be provided by law, shall apply for such exemption to the county director of equalization on forms prescribed by the secretary of revenue prior to November first of the tax year.

<sup>2.</sup> The denial itself is not included in the record, but Wings indicated in its submissions to the circuit court that its application for exemption for tax year 2014 was denied on November 17, 2015.

<sup>3.</sup> This fact appears to be undisputed, though Wings argues that its subsequent application for a property tax abatement to *the Commission* constituted an appeal of *the Board*'s denial of its application for exempt status for the 2014 tax year. For the reasons explained below, we do not view the abatement remedy and a taxpayer's statutory right to appeal the denial of an application for exemption to be interchangeable.

<sup>4.</sup> The provisions of SDCL 10-4-15 provide:

- [¶5.] Wings appealed the 2015 exemption denial to the South Dakota Office of Hearing Examiners whose hearing examiner affirmed the Board's denial because the application was not filed by the statutory deadline. Wings did not appeal the hearing examiner's decision to the circuit court, and instead filed an application in December 2017, with the Commission for an abatement of its taxes for the 2014 and 2015 tax years, citing SDCL 10-18-1(3), which authorizes a county commission to abate a tax if the property is exempt.
- [¶6.] The Commission denied Wings' request for abatement,<sup>5</sup> and Wings appealed to the circuit court, which affirmed the Commission's decision after conducting a court trial. The court concluded that Wings was unable to meet the threshold eligibility element for an abatement under SDCL 10-18-1(3) because the decisions denying exempt status were final and had conclusively established that Wings was not, in fact, exempt for the 2014 and 2015 tax years.<sup>6</sup>

<sup>5.</sup> The Commission did not rely upon the finality of the Board's prior determinations of the exemption applications and, instead, reviewed the abatement request on its merits, offering eight reasons it believed justified its decision to deny the abatement.

history and agree that the 2014 and 2015 tax years, payable in 2015 and 2016, are at issue in this appeal. However, several references in the limited record give us some pause to wonder if that is the case, or whether this appeal actually concerns tax years 2015 and 2016. For instance, Wings' application for abatement indicates it is for 2015 and 2016, and the hearing examiner considered the untimely 2015 application for exemption to be for the 2016 tax year, not 2015. Adding to the confusion is Lori's testimony that Wings' property reacquired tax exempt status in 2016. Nevertheless, given the sparse nature of the record and the fact that our legal analysis is not impacted in either event, we will accept the consensus view of the parties and the circuit court that this case implicates the 2014 and 2015 tax years.

- [¶7.] Wings appeals the circuit court's decision, raising two issues, which we restate as follows:
  - 1. Whether the circuit court erred by upholding the Commission's denial of a tax abatement.
  - 2. Whether the Commission was estopped from denying Wings' request for abatement for the 2015 tax year.

#### Standard of Review

[¶8.] The circuit court concluded it was acting in a quasi-judicial role when it reviewed the Commission's decision to deny Wings' application for an abatement. See State, Dep't of Game, Fish, & Parks v. Troy Twp., 2017 S.D. 50, ¶ 21, 900 N.W.2d 840, 849; Carmody v. Lake Cnty. Bd. of Comm'rs., 2020 S.D. 3, ¶ 17, 938 N.W.2d 433, 438. Neither party has challenged this conclusion, nor have they argued that the court incorrectly determined the facts. Indeed, we believe that the relevant facts on which the court made its decision are not disputed and that, regardless of its standard of review, the court's analysis turned on its construction and application of SDCL 10-18-1(3). Therefore, we confront a purely legal question here, which we review de novo. In re Tr. Fund created under terms of Last Will & Testament of Baumgart, 2015 S.D. 65, ¶ 26, 868 N.W.2d 568, 575.

#### Analysis and Decision

#### Abatement under SDCL 10-18-1(3)

[¶9.] The South Dakota Constitution authorizes tax exemptions for, among other things, "property used exclusively for . . . religious . . . and charitable purposes[.]" S.D. Const. art. XI, § 6. However, this constitutional provision is not self-executing and requires the Legislature to animate its text "by general law[.]" *Id. See also In the Matter of Hunt Companies, Inc.*, 2019 S.D. 26, ¶ 22, 927 N.W.2d

894, 899 (contrasting private property with public property of the United States, which is automatically exempt from taxation under Article XI, § 5 of the South Dakota Constitution).

- [¶10.] The Legislature has, accordingly, enacted statutes establishing a procedure by which religious and charitable organizations can obtain exempt status for their property. These procedures require organizations to annually submit an application for exemption "prior to November first of the tax year." SDCL 10-4-15. The application prompts the director of equalization to conduct an initial examination before making a recommendation of "a taxable status or an exempt status" to the board of equalization. SDCL 10-4-16.
- [¶11.] Applicants have an opportunity to be heard and submit additional information to the board of equalization "if the [board] makes a preliminary determination that all or any part of the property listed in the application has a taxable status[.]" SDCL 10-4-17. Applicants also have statutory rights to seek review of adverse determinations "in the same manner and under the same procedure as provided by law from any other actions of the county board of equalization." SDCL 10-4-18. The applicant can either: (1) appeal to the Office of Hearing Examiners and then subsequently seek review in the circuit court; or (2) appeal directly to the circuit court. SDCL 10-11-42 to -44.
- [¶12.] Separate and apart from these specific statutory provisions, which relate directly to a religious or charitable organization's application for property tax exemption, the Legislature has also provided for two exclusive methods by which a taxpayer can seek to recover property taxes previously paid. *Agar Sch. Dist. No. 58*-

1 v. McGee, 1997 S.D. 31, ¶ 14, 561 N.W.2d 318, 322. The first is the pay and protest method provided in SDCL 10-27-2. Id. As its moniker suggests, taxpayers invoking this method must pay the tax and act within 30 days to commence an action to challenge its legality. SDCL 10-27-2.

[¶13.] The second method for recovering taxes is the abatement procedure described in SDCL 10-18-1, which is at issue in this appeal. The statute provides, as is relevant here, that a county commission may abate or refund property taxes where a taxpayer "claims that the assessment or tax... is invalid" because the "property is exempt from the tax[.]" SDCL 10-18-1(3). Applications for abatement can be filed up to four years after the tax would have become delinquent. See SDCL 10-18-1.1 (stating that an abatement application must be "filed no later than the first day of November of the fourth year after which such taxes would have become delinquent"). Because abatement requests can be made long after the taxing authority has collected and expended the tax dollars, the circumstances under which relief may be obtained under SDCL 10-18-1 are narrower than the grounds for which relief may be obtained under the pay and protest method:

Title 10 provides two avenues of relief when a tax is improperly levied against a person or entity—pay and protest (SDCL 10-27-2) and abatement of an erroneous tax assessment (SDCL 10-18-1). The pay-and-protest provisions afford taxpayers broad relief within a limited window (thirty days), while the erroneous tax assessment statute provides much narrower relief over a longer time period (four years). Reading these provisions in context indicates the Legislature intended SDCL 10-18-1 to be construed narrowly, applying only to the situations listed therein in light of the longer period for recovery. A narrow reading is justified because SDCL 10-27-2 provides taxpayers with broader grounds for relief, albeit for a shorter period of time.

Hunt Companies, 2019 S.D. 26, ¶ 24, 927 N.W.2d at 900.

- [¶14.] The resolution of the principal issue in this appeal turns on our construction of SDCL 10-18-1(3). The circuit court held that obtaining exempt status is an essential predicate to establishing eligibility for a tax abatement because the tax can only be considered "invalid" if it was assessed on property which is, in fact, "exempt from the tax." If the property has not been determined to be exempt at the time of the application for abatement, the court reasoned, the request for abatement falls outside the scope of SDCL 10-18-1.
- [¶15.] We believe the circuit court correctly applied the text of SDCL 10-18-1(3). By the time the Commission and the court considered Wings' abatement request for the 2014 and 2015 tax years, the exempt status for each tax year had already been denied and finally determined. Regarding Wings' 2014 exempt status, Wings timely applied for a tax exemption, but the Board denied the application, and Wings never appealed the Board's decision. As to Wings' 2015 exempt status, the Board denied Wings' application because it was not timely filed. Although Wings did appeal this determination to the Office of Hearing Examiners, it did not prevail. In both instances the decisions were final, leading to the inescapable conclusion that Wings' property was not "exempt from the tax" when the Commission and the circuit court considered Wings' abatement request. SDCL 10-18-1(3). The circuit court correctly reached the same conclusion:

As a threshold matter, an abatement pursuant to SDCL 10-18-1(3) requires a showing that Wings' property was exempt from property taxes for tax years 2014 and 2015, and not merely that it should have been exempt or that it is now exempt.

[¶16.] Wings reads the relevant text of SDCL 10-18-1(3) differently and argues that the statute authorizes it to litigate anew the exempt status issue in

connection with its claim "that the assessment or tax . . . is invalid[.]" However, this argument does little to address when the determination of exempt status must be made—before or after the abatement application. We believe the plain text of SDCL 10-18-1(3) resolves this question with its requirement that the existing exempt status of the property, not its putative exempt status, must form the basis for a claim that the tax is invalid. Accepting Wings' interpretation would significantly alter the meaning of the statute. In that event, SDCL 10-18-1(3) would provide that a county commission can abate or refund taxes where a taxpayer alleges the tax is invalid because the taxpayer believes the property should be exempt.

[¶17.] Neither party has suggested that SDCL 10-18-1(3) contains an ambiguity, but even if we were to look beyond the text, we believe our interpretation is supported by broader legal considerations. Chief among them is the idea that Wings' argument implicitly allows for collateral attacks on final determinations of property tax exemption applications. Wings has not cited any authority which would permit such a belated challenge on a final administrative determination, and our own research has not revealed any. In addition, allowing real-time relitigation of exempt status as part of an abatement request would effectively displace the other, more specific statutes described above, which govern the application process for religious and charitable organizations seeking exemption. See Martinmaas v. Engelmann, 2000 S.D. 85, ¶ 49, 612 N.W.2d 600, 611 ("When the question is which of two enactments the legislature intended to apply to a particular situation, terms

of a statute relating to a particular subject will prevail over the general terms of another statute.").

[¶18.] As illustrated by the facts here, the procedural statutes in SDCL chapter 10-4 produce a final resolution of an applicant's exempt status sooner, rather than later, which, in turn, serves the salutary purpose of settling the expectations of taxpayers and taxing authorities. See Hunt Companies, 2019 S.D. 26, ¶ 25, 927 N.W.2d at 900 (recognizing that the narrower circumstances under which relief is available under SDCL 10-18-1 is supported by the fact that "the State possesses a strong interest in ensuring the timely collection of taxes, finality in assessments, and the regular functioning of counties"); see also Agar Sch. Dist., 1997 S.D. 31, ¶ 23, 561 N.W.2d at 324 ("The purpose for the strict limitations on tax refunds is 'to permit taxing districts which have made levies for their needs to receive the contemplated revenue whereby they will not be crippled in operation . . . ""). Indeed, these considerations lie at the heart of our cases recognizing the "narrow" grounds for relief under the statutory abatement procedure.

[¶19.] Whether the determinations of Wings' exempt status for the 2014 and 2015 tax years were right or wrong when they were made is no more before this Court than it was before the circuit court. The decisions denying the exemption requests were unquestionably final by the time Wings submitted its application for abatement. Consequently, the circuit court did not err when it concluded Wings did not qualify for an abatement under SDCL 10-18-1(3).

#### Estoppel by a Public Official

[¶20.] As it relates to the 2015 tax year, Wings argues on appeal that the circuit court should have overlooked its late application for exemption because Lori

acted on advice from a County official who told her not to file the application until the 2014 request had been determined. This argument is not sustainable for two principal reasons.

- [¶21.] First, Wings did not present an estoppel theory to the circuit court, and the court's memorandum opinion makes clear that it did not perceive such a request being before it. We generally do not address arguments, particularly ones that are fact intensive like an estoppel claim, for the first time on appeal, and we decline to do so here. See Sunflour R.R., Inc. v. Paulson, 2003 S.D. 122, ¶ 21, 670 N.W.2d 518, 523 ("This Court does not decide issues which are raised for the first time on appeal.").
- [¶22.] Even if the argument had been presented to the circuit court, however, Wings could not prevail on its estoppel claim for the additional reason that it was not sufficiently developed during the court trial. Although Lori testified she "was told" not to file the 2015 application for exempt status, there is no additional testimony or evidence describing who advised her, when, or even whether the person was a County official.
- [¶23.] In its appellate brief, Wings attempts to account for some of this missing information by using inferential logic to allege that the source of the advice must have been a County official. However, we think the effort cannot take the place of a properly developed trial record establishing the factual details necessary to support such a claim. See Toben v. Jeske, 2006 S.D. 57, ¶ 11, 718 N.W.2d 32, 35 ("Our review is restricted to facts contained within the settled record. . . . '[A]ll parties are obligated to see that the settled record contains all matters necessary for

the disposition of the issues raised on appeal, [and] the ultimate responsibility for presenting an adequate record on appeal falls upon the appellant.") (second alternation in original).

#### Conclusion

- [¶24.] The circuit court correctly recognized that Wings was not exempt from property taxes for 2014 and 2015, and therefore, the Commission lacked authority to consider an abatement under SDCL 10-18-1(3). Moreover, Wings' estoppel argument is unreviewable because it was raised for the first time on appeal and is otherwise not sufficiently developed in the record. We affirm.
- [¶25.] JENSEN, Chief Justice, and KERN and DEVANEY, Justices, and GILBERTSON, Retired Chief Justice, concur.
- [¶26.] MYREN, Justice, not having been a member of the Court at the time this action was submitted to the Court, did not participate.

# OGLALA LAKOTA COUNTY SUPPLEMENT TRANSFER #1

# March 10, 2021

				ACCOUNT TO		GRANT	Descripton
MR#	DATE	AMOUNT		SUPPLEMENT	ACCOUNT	<b>≺-</b> N	
	2/10/2021		\$1,500.00	\$1,500.00 Commissioner	10100X4110111	Z	Under Budgeted between provisional and annual
	2/10/2021	\$	100.00	100.00 Judicial System	10100X4261130	Z	Under Budgeted between provisional and annual
	2/10/2021 \$	€	8,305.00	Auditor	10100X4110141	Z	Under Budgeted between provisional and annual
	2/10/2021	\$	635.00	Auditor	10100X4120141	Z	Under Budgeted between provisional and annual
	2/10/2021	\$	1,335.00	Auditor	10100X4130141	Z	Under Budgeted between provisional and annual
	2/10/2021 \$	\$	7,673.00	7,673.00 Treasurer	10100X4110142	Z	Under Budgeted between provisional and annual
	2/10/2021 \$	\$	200.00	200.00 Crt Appt Atty	10100X4262153	Z	Under Budgeted between provisional and annual
	2/10/2021 \$	\$	462.00	DOE	10100X4110162	Z	Under Budgeted between provisional and annual
	2/10/2021	€9	570.00	DOE	10100X4260162	Z	Under Budgeted between provisional and annual
	2/10/2021	49	2,305.00	ROD	10100X4110163	Z	Under Budgeted between provisional and annual
	2/10/2021	49	197.00 ROD	ROD	10100X4120163	Z	Under Budgeted between provisional and annual
	2/10/2021 \$	€9	404.18	404.18 Predator	10100X4290166	Z	Under Budgeted between provisional and annual
	2/10/2021 \$	↔	1,295.00	Sheriff	10100X4110211	Z	Under Budgeted between provisional and annual
	2/10/2021	49	3,188.00	Coroner	10100X4228213	Z	Under Budgeted between provisional and annual
	2/10/2021	₩.	800.00	Coroner	10100X4260213	Z	Under Budgeted between provisional and annual
	2/10/2021	\$	500.00	500.00 Care of Poor	10100X4261411	Z	Under Budgeted between provisional and annual
	2/10/2021 \$		269,946.00 Hwy	Hwy	20100X4251311	Z	Under Budgeted between provisional and annual
	2/10/2021	↔	4,810.00	4,810.00 Hwy Lease	20100X4340810	Z	Under Budgeted between provisional and annual
		\$	\$304,225.18				-

#### OGLALA LAKOTA COUNTY RESOLUTION #2021-5 Supplemental Budget 2021, #1

WHEREAS, SDCL 7-21-22 provides that the Board of County Commissioners may adopt a supplemental budget, and whereas, as due and legal notice has been given, the following Supplements to expenditures for 2021 Budget be approved as follows: General Fund: Commissioners Salaries 10100X411011, \$1,500.00; Judicial System 10100X4261130, \$100.00; Auditor Salaries 10100X4110141, \$8,305.00; Auditor FICA 10100X4120141, \$635.00; Auditor Retirement 10100X4130141, \$1,335.00; Treasurer Salaries 10100X4110142, \$7,673.00; Court Appointed Attorney Fees 10100X4262153, \$200.00; Director of Equalization Salaries 10100X4110162, \$462.00; Director of Equalization Supplies 10100X4260162, \$570.00; Register of Deeds Salaries 10100X4110163, \$2,305.00; Register of Deeds FICA 10100X4120163, \$197.00; Predatory Animal Control 10100X4290166, \$404.18; Sheriff Salaries 10100X4110211, \$1,295.00; Coroner Autopsies 10100X4228213, \$3,188.00; Coroner Supplies 10100X4260213, \$800.00; Care of Poor 10100X4261411, \$500.00; Hwy Fund: Hwy Road Projects 20100X4251311, \$269,946.00; Hwy Lease 20100X4340810, \$4,810.00 Means of finance to be cash, and

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners to adopt a Supplemental Budget #1 for 2021.

Dated at Fall River County, South Dakota this 10<sup>th</sup> day of March 2021.

Anna Takes the Shield
Oglala Lakota County Board of Commissioners

ATTEST:

Sue Ganje

Fall River County Auditor's Office



#### 2021 SHORT COURSE REGISTRATION FORM THE LODGE AT DEADWOOD - MARCH 23-25, 2021

EARLY-REGISTRATION
DEADLINE IS POSTMARKED BY MARCH 12, 2021

#### **CONTACT INFORMATION**

BUSINESS NAME	PHONE			
PRIMARY CONTACT	EMAIL _			
ADDRESS	CITY/STA	TE/ZIP		
R	EGISTRATION			
REGISTRATION TYPE	QUANTITY	PAID BY 3/12/2021	PAID AFTER 3/12/2021	TOTAL
COUNTY HIGHWAY EMPLOYEES		\$100 each	\$150 each	
GOVERNMENT ( DOT, LTAP EMPLOYEES )		\$100 each	\$150 each	
8-FT VENDOR BOOTH ( INCLUDES ONE FREE CONFERENCE BADGE )		\$400 each	\$500 each	
VENDOR / CONSULTANT / CONTRACTOR		\$150 each	\$200 each	
SPOUSE / SIGNIFICANT OTHER		\$20 each	\$50 each	
2	9 10 11			
6	12			
DΛ	YMENT TYPE			
☐ Credit Card ☐ Check - Make payabl	e to SDACHS LL P	urchase Order No	•	
Credit Card Number Exp.	Date		Security Code	
Name on Card Signa	ature		Phone Number	
Address City,	State		Billing Zip Code	

Mail Completed Registration Form and payment to: SDACHS, DJ Buthe, Secretary/Treasurer, 2124 E. 60<sup>th</sup> St. North, Sioux Falls, SD 57104 Registration forms with credit card or purchase order payment method may be emailed to buthe.engineering@gmail.com

<sup>\*</sup> A 3.5% convenience fee will be assessed to each credit card transaction.



#### SOUTH DAKOTA ASSOCIATION OF COUNTY HIGHWAY SUPERINTENDENTS 2124 E. 60<sup>TM</sup> STREET NORTH SIOUX FALLS, SD 57104

February 10, 2021

RE: 44th Annual SDACHS "Short Course" Registration

Dear Highway Superintendent,

The SDACHS will be hosting the 2021 "Short Course" in Deadwood at The Lodge at Deadwood Gaming Resort on March 23-25, 2021. We are expecting 200-225 in attendance this year which will consist of Highway Superintendents, County Commissioners, SDDOT and LTAP Officials, Spouses, and Vendors!

SDACHS members rely on the annual Short Course for information on the latest innovations in bridge and roadway construction, engineering technology, safety, computer software, and many other products affiliated with Counties and transportation. The Short Course delivers 9 technical sessions and an exhibitor expo with over 50 vendors. Our vendors know that our members manage over 3,700 bridges and 35,000 miles of roadway. In 2021 alone, our members have over \$215 million of combined budget to maintain our equipment and infrastructure. By attending the Short Course, you will have plenty of networking opportunities to learn about products, equipment, or services!

SDACHS encourages your participation in our signature event by completing the enclosed Registration Form and mailing it to: DJ Buthe, SDACHS, 2124 East 60<sup>th</sup> Street North, Sioux Falls, SD 57104.

soon in Deadwood,

DJ Buthe Secretary-Treasurer





### 2021 Short Course Program

Date	Start	End	Event
	10:00 AM	5:00 PM	Attendee Registration The Lodge at Deadwood Convention Center
y 2021	11:00 AM	1:00 PM	SDACHS Executive Committee Meeting (Lunch Provided)  Russell Meeting Room
Tuesday March 23, 2021	3:00 PM	6:00 PM	Exhibitor Expo  Hors d'oeuvres & Door Prizes @ 4 PM  Pine Crest Ballroom
	6:00 PM	10:00 PM	Dinner on your own  TrueNorth Steel Social Hour  TrueNorth Suite, 4 <sup>th</sup> Floor
	7:00 AM	11:00 AM	Registration and Breakfast Buffet The Lodge at Deadwood Convention Center
	8:00 AM	9:15 AM	Welcome and Keynote Speakers  Brian Gustad, President, SDACHS  Kevan Stone, Executive Director, National Association of County Engineers
	9:15 AM	10:30 AM	SDDOT Local Government Assistance Tammy Williams
	10:30 AM	11:00 AM	Coffee Break and Vendor Displays The Lodge at Deadwood Convention Center
	11:00 AM	12:00 PM	Public Speaking  Moderator: Dirk Rogers
Wednesday March 24, 2021	12:00 PM	1:15 PM	Lunch Buffet and Vendor Displays The Lodge at Deadwood Convention Center
	1:15 PM	2:15 PM	SD LTAP Various Topics Spring Flooding Considerations & Budget SDLTAP training and technical assistance
Σ	2:15 PM	2:45 PM	Coffee Break and Vendor Displays The Lodge at Deadwood Convention Center
	2:45 PM	3:45 PM	Disasters and Resilient Pavement  Jason Reaves, South Dakota Concrete Pavement Association
	3:45 PM	5:00 PM	Culvert Lining Infra Track, Inc.
	5:30 PM	6:30 PM	President's Reception The Lodge at Deadwood Convention Center
	6:30 PM	7:30 PM	Dinner Banquet The Lodge at Deadwood Convention Center
	7:30 PM	9:00 PM	Evening Entertainment Sponsored by Clark Engineering
	7:00 AM	8:00 AM	Vendor Breakfast Buffet Pine Crest Ballroom
	8:15 AM	9:15 AM	Tires OK Tire
Thursday March 25, 2021	9:15 AM	10:30 AM	SD LTAP Various Topics Gravel Quality Emergency & Rural Workzone Signing
Thu	10:30 AM	11:00 PM	Coffee Break and Vendor Displays The Lodge at Deadwood Convention Center
	11:00 AM	11:45 AM	Superintendent Roundtable  Dirk Rogers, Brown County
	11:45 AM	12:15 PM	Closing Business Meeting & Door Prize Drawings Pine Crest Ballroom