Procedures for Due Process
Resolutions (2012)
South Dakota Association of County Commissioners

1. Resolutions must be submitted in standard resolution form along with supporting criteria. (see attached sample.)

   a) Justification for the Resolution

   b) Counties Affected by the Resolution

   c) Impact of Resolution

2. Resolutions may be submitted by a county to the SDACC Resolutions Committee and shall be passed and signed by a majority of the members of the board in the county of origin.

3. Resolutions may be submitted by a district to the SDACC Resolutions Committee and shall be passed by a majority of the district counties at a meeting where a quorum is present and signed by the chairperson of the district of origin.

4. The officers and members of the SDACC Board of Directors may submit resolutions at any SDACC Board of Directors meeting where a quorum is present. The resolution shall be passed by a majority vote of the members present.

5. All resolutions except those addressed in Item 4 must be postmarked on or before July 31. Any resolution postmarked after July 31 will be returned to sender. A representative from the county/district of origin should appear before the Resolution Committee to testify in support of the resolution.

6. Resolutions will be reviewed by the South Dakota Association of County Commissioners' Resolutions Committee.

   A. Committee will review form and content.

   B. Committee action shall be:
      1. Pass
      2. Amend Resolution
      3. Include in Policy Statement
      4. Table
      5. Send to membership with no recommendation

7. Resolutions tabled by the committee shall contain a brief statement to support the committee's action.

8. All properly submitted resolutions shall be printed and sent to counties on or before September 1.
   A. Resolutions shall be listed as follows:

Section I	Resolutions the committee passed, including resolutions amended by the committee.
Section II	Resolutions incorporated into Policy Statement.
Section III	Resolutions the committee tabled.

9. Resolutions passed by the committee shall receive first reading at the first business session at the South Dakota Association of County Commissioner's Annual Convention.

10. First reading of resolutions shall be solely for information purposes.

11. Any county desiring to take from the table a resolution that the Resolutions Committee tabled must state their intent during the first reading of resolutions. To remove a resolution from the table requires a majority vote of the members present. Official action is to be taken during the second reading of the resolutions.

12. The second reading of the resolutions shall be part of the regular business session of the South Dakota Association of County Commissioners. The procedure shall be:

    A. Final disposition of resolutions passed by the Resolutions Committee.

    B. Consideration and final disposition of any resolutions introduced by the SDACC Board of Directors.

    C. Consideration and final disposition of any resolutions taken from the table.

13. Any county desiring to introduce a new resolution from the floor may do so during the second reading of the resolutions at the convention by suspending the rules. The resolution shall be prepared and fifty copies provided.

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Comments

* Item 3 - From time to time, the SDACC Board of Directors may be made aware of various situations that require attention and cannot comply with the provision of the due process procedures. This provides the mechanism for such occasions.

* Item 4 - All counties should be provided with a standard resolution form. The Resolutions Committee should only accept resolutions submitted on the standard form. With a standard form, the processing of resolutions would be simplified.

*Item 5 - It is imperative that the SDACC Board of Directors enforce this provision in order to make the procedure work.

*Item 11 - This is known as a 24 hour statement of intent, in order to give the Resolutions Committee time to prepare information to defend their position.

*Item 13 - This procedure grants any county an opportunity to propose a resolution. However, it provides certain safeguards for the Association against frivolous items becoming a major position of the Association.

According to the Association Bylaws, Roberts Rules of Order dictate the procedures for conducting the business of the Association.

The procedure of Suspending the Rules is explicitly defined in Robert's Rules of Order.

The procedure works like this: After all other resolutions are handled the chairman asks" "Are there any other resolutions from the floor?" If a county asks for recognition, the first motion is to suspend the rules for consideration of the resolution. (Must state title of resolution.)

This is not debatable and the chairman calls for a vote to suspend the rules. In order to pass it must have a two-thirds affirmative vote. If the motion prevails, then the debate on the resolution begins and final disposition of the resolution is handled in the same manner as any other resolution.

If the motion to suspend the rules fails for lack of a two-thirds affirmative vote, the resolution is defeated and is not debated.

Each individual resolution offered from the floor goes through the same procedure.

The safeguard for the Association is that to suspend the rules takes two-thirds of the voting member counties present. There must be a quorum.

Distinguish between Resolutions and Policy

Every year it seems that the Legislative Committee and commissioners generally have questions about or are confused on whether a particular issue should be presented as a "Policy Statement" or as an official "Resolution." The legislative platform should be perceived as having two separate levels:

1. Official Resolutions: (Higher Profile)
   Resolutions should call for specific wording changes in the existing South Dakota laws or regulations;
   Resolutions should be addressed specifically to the upcoming legislative session as a specific, one-time request for action;
   Resolutions should be premised on the thought that the SDACC Executive Director, staff, and all SDACC lobbyists would concentrate on preparing a draft of a bill, locating a sponsor, and making sure that the matter starts through the legislative process, i.e., resolutions contemplate 'action' on the part of the SDACC.

2. Policy Statements: (Lower Profile)
   Policy statements should reflect county sentiments about circumstances generally;
   Policy statements should be an opinion or a position on an issue which counties share generally year after year - it could be an opinion in which counties as a large group endorse or reflect the opinion of a district or region;
   Policy statements should be premised on the thought that the SDACC Executive Director, staff, and all lobbyists would be in the role of supporting legislation drafted by any other party (specific counties, cities, state, or federal government). (i.e., policy contemplated 'reaction' from the SDACC.)

With the above mentioned distinction understood, all parties involved would more clearly have a means to distinguish between various requests presented for legislative analysis or support. The distinction would allow a means of sorting through the issues that come up, and of distinguishing the issues once they had been considered or debated.

The Resolutions Committee should consist of one member from each district of the SDACC. The chair of the committee should be appointed by the president of the SDACC.

The Resolutions Committee should meet as needed prior to the convention to complete its mission. The Resolutions Committee should NOT meet during the convention for the purpose of considering new resolutions. The sole intent of the committee during the convention should be to review resolutions that have already been passed by the committee and to develop a presentation to support the committee's position.

If a county cannot submit a resolution in a timely manner prescribed by the guidelines, they will have to wait until the next convention. Expecting the committee to analyze, research and make a professional presentation on last minute resolutions is not acceptable and should not be tolerated by the officers or the Board of Directors of the SDACC.

SAMPLE

Resolution

Drought Disaster Aid

WHEREAS, South Dakota continues to suffer from a natural disaster in the form of severe agricultural drought conditions, including inadequate winter snowfall, meager spring rains, late spring frosts and devastating winds accompanied by high temperatures; and

WHEREAS, said drought conditions are beyond the financial capabilities of the individual counties or the State of South Dakota; and

WHEREAS, federal emergency agricultural disaster assistance is necessary to prevent the imminent demise of family farms and ranches in South Dakota;

NOW THEREFORE BE IT RESOLVED, by _____(District or County) that the President of the United States, the U.S. Congress and the U.S. Department of Agriculture exert any and all efforts to restore the $4 billion of agriculture disaster aid which was earlier deleted from the 2006 Federal Emergency Supplemental Appropriations Bill.

Supporting Criteria

Justification for the resolution: the severe drought conditions and lack of winter snow pack have caused South Dakota farmers and ranchers significant financial hardships. The lack of adequate moisture has force the sale of livestock herds, and also created low crop yield or in some cases, total crop failure. This has had a direct effect on the counties economic stability.

Counties affect by the resolution: 38 counties have passed drought disaster resolutions

Impact of resolution: Increasing Federal Emergency Supplement Appropriations Bill by $4 billion. This would increase the federal disaster payments to South Dakota farmers and ranchers.

SAMPLE