

***Historical Summary of Ruling from SD Supreme Court, Gary Lippold and Jane Murphy, and the City of Sturgis vs. Meade County Board of Commissioners and Buffalo Chip Campground, LLC.***

*On February 11, 2015, twenty-six, self-reported, residents of Meade County submitted a petition to the Meade County Commission seeking municipal incorporation of the Buffalo Chip Campground. This petition was withdrawn due to a boundary of the proposed area being too close to the city limits of Sturgis.*

*On February 20, 2015, seventeen, self-reported, Meade County residents submitted a new petition for the incorporation. This petition contained a discrepancy between the legal description of the proposed boundary and the official map showing the proposed boundary. Later the same day, the City of Sturgis passed a resolution to annex the Sturgis Municipal Airport which is located east of the City of Sturgis.*

*On February 23, 2015, the resolution annexing the Sturgis Municipal Airport was filed, confirming it is part of the Sturgis municipal city limits.*

*On February 26, 2015, seventeen Meade County residents filed an amended version of the February 20 petition and a "new" petition for incorporation of Buffalo Chip City. On February 27, 2015, the Meade County Commissioners held a public hearing and voted 3-2 to grant the amended petition and scheduled an election for those living within Buffalo Chip after hearing comments from petitioners stating that one did not live there but planned on parking an RV there in the future, others stating that they planned to live there in the future, another stating she lived in Deadwood and another stating she lived and worked in Spearfish. The Commission voted to call an election despite the Buffalo Chip Campground being adjacent to the City Limits of Sturgis which was in violation of state law.*

*On March 27, several Meade County residents asked the Meade County State's Attorney to appeal the Commission's decision. This request was denied.*

*On March 31, 2015, Landowners appealed the Commission's order to the circuit court. The City of Sturgis joined in the appeal. On April 20, 2015, the Campground moved to intervene and the circuit court consolidated the cases.*

*On April 29, 2015, The City of Sturgis filed a motion to stay the election and requested a hearing before the circuit court. On May 1, 2015, the circuit court held a teleconference with the City Attorney and denied the motion for a stay believing it could afford complete relief to Sturgis even after the election and incorporation of the Buffalo Chip if the Board's decision were later reversed.*

*On May 7, 2015, the election occurred. On May 13, 2015, the County Commission declared Buffalo Chip City formally incorporated.*

*On January 11, 2016, the South Dakota Municipal League moved to intervene in the suit. On March 4, 2016, the circuit court denied the motion but permitted the Municipal League to file an amicus brief.*

*The Buffalo Chip moved to dismiss the City's request for appeal. On March 28, 2016, the request to dismiss was denied.*

*On May 11, 2016, the circuit court held a one-day bench trial. On May 20, the court issued a written opinion, and on August 24, the court issued detailed findings of fact, conclusions of law, and a judgment reversing the Meade County Commission's decision of incorporation. In reversing the Commission's decision, the court found serious deficiencies in the filings as well as error in the Commission's procedural process. The court found the "lots" listed as residences on the incorporation documents were small patches of dirt, which were unoccupied except during the Sturgis Motorcycle Rally. The court found the amended petition filed by the Buffalo Chip was "rife with false information." The court concluded the area to be incorporated contained less than 100 legal residents and less than 30 legally registered voters as required by SDCL 9-3-5. The court also found that petitioners provided legally inadequate notice of the amended petitions and the Commission did not provide adequate legal notice of its intent to consider the amended petition. The amended petition and census were also inaccurate, contained false information, and failed to comply with the requirements of SDCL chapter 9-3.*

*As part of the August 24, 2016 judgment, the circuit court declared the Commission's decision a nullity and ordered that "all actions of any kind or character undertaken by the Town of Buffalo Chip, SD are void ab initio."*