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November 28, 2022

Cody J. Miller
Lammers, Kleibacker, & Dawson, LLP
108 N. Egan
P.O Box 45
Madison, SD 57042-0045

OFFICIAL OPINION No. 22-02

Re: Official Opinion Concerning Calculation of Petition Signatures under SDCL 34A-5-42, and Tolling of the Statute of Limitations under SDCL 34A-5-44

Dear Mr. Miller,

In your capacity as a counsel for the Spring Creek Cow Creek Sanitary District you have requested an official opinion from the Attorney General's Office on the following question:

QUESTION:

- 1.) How should SDCL 34A-5-42 be interpreted in calculating the number of petition signatures required to exclude territory from a sanitary district?

ANSWER:

- 1.) SDCL 34A-5-42 should be interpreted to require a number of signatures from resident voters of the sanitary district equal to at least 20% of the votes cast for the member of the board of trustees who received the highest number of votes at the last annual election.