

# Robinson casts ideas about voting rights

# City makes plans to replace Market Street water tower

**By Travis Gulbrandson**  
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There are two schools of thought regarding Section 5 of the Voting Rights Act of 1965.

The first is that the legacy of discrimination makes continuing efforts like Section 5 necessary, while the second says that Section 5 has outlived its necessity.

The issue is complicated, said Professor Reginald L. Robinson of the Washburn University School of Law in Topeka, KS. "I don't know what the answer is. I think it's a great question to explore," he said.

Robinson made these remarks during a trip to the University of South Dakota School of Law, where he spoke as part of the annual DiscoverLaw Thurgood Marshall Program on Wednesday, March 14.

There are two key provisions of the Voting Rights Act – Section 2 and Section 5. "Section 2 generally just says, 'Don't discriminate.' Section 5 is a remarkable piece of legislation," Robinson said.

Section 5 makes it impossible for certain states – or counties within certain states, such as Shannon and Todd counties in South Dakota – to change any procedure in regard to voting without the OK of a three-judge panel of the United States District Court in Washington, DC.

"It is intrusive," Robinson said. "It asserts the federal government power into decision-making that historically has been seen as absolutely the providence of state and local governments."

Prior to the enactment of the Voting Rights Act of 1965, some states – particularly in the South – would change their laws to bar African-Americans and other minorities from voting, or even registering to vote.

For example, although the 1961 census of Dallas County, AL, found that its population was 57 percent African-American, only 130 of those potential voters were registered, Robinson said.

"(Congress) wanted to shift the balance in these jurisdictions that had this negative history," he said. "Instead of placing minority voters in the position of waiting until some new thing was put in place ... and then prove after the fact that this thing violated voting rights in any permissible way, Section 5 shifts that balance, puts the burden on the jurisdiction to show that their proposed voting change is non-discriminatory, and show that before the thing goes into effect."

Section 5 initially was meant to last only five years, but it has received multiple extensions through Congress, the most recent of which took place in 2006.

It is set to expire in 2031, although that may change, Robinson said.

"A shot is fired across the bow in 2009, and the shot that is fired across the bow comes from the U.S. Supreme court in a case called Northwest Austin Municipal Utility District No. 1 v. Holder," Robinson said.

The case does involve not discrimination, but a Texas water district

that wanted to move a voting location from a private home to a public school. Under Section 5, they were required to seek preclearance from the Justice Department.

Robinson said that the Supreme Court "decided not to tackle the big question," but did voice some concerns.

"The nutshell that captures the essence of the court's concern is, things have changed," he said. "We have had substantial increases in minority registration and voting, even in these covered jurisdictions. There's been a sea change with regard to the election of minority candidates, even in these states there has been over the years a decrease in the number of times the justice department objects to a proposed voting change."

Positive changes notwithstanding, Robinson said disparity continues to exist with regard to voting, which makes the issue more complicated.

"In some ways, the challenge for the court is going to be, 'Do we make our own independent judgment of whether this evidence justifies continued life for Section 5, or do we defer to Congress's judgment?'" he said.

"In these covered jurisdictions, the presence of Section 5 is a really meaningful thing. It has wide present-day implications for anybody who cares about voter participation, that folks have the opportunity to pursue with regard to voting," he said.

**By Travis Gulbrandson**  
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The city of Vermillion anticipates opening bids for a new water tower in August.

The news was announced at the regular city council meeting Monday night when the councilors approved several resolutions relating to the project.

"For several years the city has been reviewing options for replacing or rehabilitating the Market Street water tower," assistant city engineer Jason Anderson said. "After reviewing options, replacing the aging Market Street tower with a new 500,000-gallon water tower has been determined to be the best option."

The city requested and received an engineering agreement from Banner and Associates for preliminary, final design, bidding, construction and post-construction services for the project.

The agreement, which was approved Monday, is a time and material contract, with a total cost not to exceed \$161,300, Anderson said.

The design portion of the agreement is estimated at \$73,200 and the construction administration portion at \$88,100.

"We're trying to do the project so that we get the best possible project that we can for the least possible cost," said city manager John Prescott.

Prescott went on to thank Banner and Associates for their assistance.

"I would say we probably spent more time negotiating this agreement than we have some other ones that have come before the city, and so as a staff we're comfortable," he said.

"While \$161,000 is nothing to sneeze at, this is an amenity that should last our community up to 100 years."

Construction and improvements are scheduled to be completed by August 2014.

The council members also approved a water rate adjustment for 2013-2015 and authorized prepayment of a 1999 State Revolving Fund (SRF) loan for financing the project.

Finance officer Mike Carlson said the city had applied to the Department of Environment and Natural Resources (DENR) for an SRF loan in January 2011.

In March 2011, the city was notified that an SRF loan of \$1,532,000, with 10 percent principal forgiveness for 30

years at 2.25 percent had been approved.

Carlson said the city hoped to utilize grant funds to reduce the impact on water rates.

"Since that time we have made two applications for community development block grants for additional grant assistance with this project," he said. "The first time, we were notified that there was no funding for this project at this time, (and they) asked if we wanted to be considered at the next round of funding."

The city council approved a resolution requesting consideration in December 2011, but was informed the next month there were no funds.

As a result, there will be an increase in the water rates, Carlson said.

"As the condition for the loan was that the city has rates in place to provide for the debt service on the new loan at 110 percent, our revenue new income at 110 percent debt service by repaying this 1999 loan, it'll free up some debt service and allow smaller rate increases to meet that requirement," he said.

The increase for 2013 is estimated at 1.99 percent for customers using 670 feet of water per month, which amounts to about 54 cents per month, Carlson said.

The years 2014 and 2015 will see an increase of 2.28 percent or 63 cents, and 2.54 percent or 72 cents, respectively, he said.

The city council adopted the resolution, but not before council member Steve Ward clarified their reasons for doing so.

"I just want the public to understand that as water rates go up, there is a purpose behind them," he said. "The city has done due diligence in trying to find grant funding, trying to make the water tower replacement as inexpensive as possible, and we reluctantly are agreeing to raise rates to pay for it."

The council members also recognized Duane Schilling, who has worked as a draftsman for the city's engineering department since March 22, 1972.

Schilling is retiring this Friday, at which time he will complete the longest current tenure of any City of Vermillion employee.

"I'd just like to say it's been an honor to work for the city, and I've learned a lot of things from the city, from the engineers I've worked with, and from all the mayors and city managers," Schilling said. "You've all been great."

## Officers discover suicide victim

**By David Lias**  
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A local individual who threatened to use a firearm mid-Tuesday afternoon took his own life, according to Vermillion Police Chief Matt Betzen.

"Yesterday, at 14:06, (2:06 p.m.) we received a phone call from an individual threatening suicide," Betzen told the Vermillion Plain Talk Wednesday morning. "We cordoned off the area and made a safe entry into the residence, and we found him deceased."

"The totality of the circumstances right now does not lead us to believe that there was any foul play or a third party involved," the chief said.

Betzen did not release the name of the deceased.

Vermillion police officers, the Clay County Sheriff's Department and the South Dakota Highway Patrol responded after the person called the local police department.

Local law enforcement personnel blocked off a large portion of Vermillion's Main Street from the corner of Hall and Main, located in the western portion of the city, all the way down the bluff past Valiant Vineyards to the intersection of Main and Cherry streets west of Vermillion.

The incident occurred in a residence located in the vicinity of Bunyan's Restaurant at 1201 W. Main Street.

## South Dakota ag officials to visit China this month

Dual trade missions are taking two South Dakota agriculture officials to China later this month.

South Dakota Secretary of Agriculture Walt Bones will be part of Gov. Dennis Daugaard's trade delegation to China, and Lucas Lentsch, Director of Ag Development in the South Dakota Department of Agriculture, will be part of a U.S. Department of Agriculture trade mission to China.

"At no other time in the history of our country has food production been more in demand. With seven billion people in the world, demand is not going to diminish," Lentsch said. "Opening up trade conversations with the world's most populous country is a great opportunity for South Dakota's agricultural businesses."

The demand for protein, such as pork and whey, is increasing in China, and South Dakota is uniquely positioned to export those products.

The USDA trade mission

will strengthen partnerships between U.S. and Chinese businesses and enhance job growth in the United States. The trade mission is expected to be USDA's largest to date, with representatives from more than 40 U.S. agribusinesses and six state departments of Agriculture accompanying USDA Acting Under Secretary Michael Scuse.

Scuse will lead the trade mission to China from March 23-28, beginning in Chengdu, one of the most important economic, transportation, and communication centers in western China and home of USDA's newest Agricultural Trade Office. Participants will then travel on to Shanghai, a hub of global commerce and the most populous city in the world.

The goal of the mission is to position U.S. participants to enter or expand their presence in China by getting firsthand market information, access to Chinese government decision makers and one-on-one meetings with business

contacts, potential agents, distributors and importers.

China was South Dakota's third-largest trading partner last year, with \$105 million worth of goods exported from South Dakota to China. South Dakota's exports to China have increased 200 percent in the last five years.

The North Dakota Trade Office is assisting South Dakota delegation with the trade mission.

"Working with our friends from North Dakota raises the profile for agricultural exports from this region," said Bones.

Agriculture is South Dakota's No. 1 industry, generating nearly \$21 billion in annual economic activity and employing more than 80,000 South Dakotans. The South Dakota Department of Agriculture's mission is to promote, protect, preserve and improve this industry for today and tomorrow. Visit us online at <http://sdda.sd.gov> or follow us on Facebook and Twitter.

## Clay-Union Foundation needs mentors

The Clay-Union Foundation matches youth age 5-17 in Clay and Union County, and needs to locate mentors to match with youth.

In Vermillion, a 14-year-old boy would like to have an adult male friend, and a 16-year-old girl would like an adult female to spend some time with her.

The program also has a 12-year-old boy near Jefferson who would enjoy outdoor activities, and just spending time with an adult male.

The volunteers spend two

hours per week with their matches, and there are benefits for both the adults and youth in being in a match.

Contact John Gille at (605) 421-5050 or e-mail [jgille60@yahoo.com](mailto:jgille60@yahoo.com) for more information on the program, and to discuss being a strong

role model for these youth.

The Clay-Union Foundation is also seeking program sponsors and businesses that would like to host a tour of their facilities for the members, and Gille can also be reached at the contacts above.

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**ATTENTION TAXPAYERS:**  
Notice of Property Tax Increase of \$20,000 Resolution for Opt Out  
The Governing Board of Pleasant Valley Township does state that the above said Board is unable to operate under the tax limitation measure currently in statute. We therefore OPT OUT of such tax limitation in the amount of \$20,000 starting with the calendar year 2012 taxes payable in the calendar year 2013. This opt out will be for (1) year, which will be through taxes payable in the calendar year 2013. This action has been taken by the board and approved by at least two-thirds vote of the board. The decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days of the first publication of this decision. Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread an excess levy to raise tax dollars in the above stated amount.  
Signed  
Louise Gregoire, Board Chairman  
Ron Huot, Supervisor  
Rick Wolffswinkel, Supervisor  
Dated: March 6, 2012  
Brandi Johnson, Clerk  
Rick Peterson, Treasurer

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