

RESOLUTION

WHEREAS, an initiated measure self-titled as “The J.A.I.L. Amendment” has been designated as Amendment E by the Secretary of State and will appear on the November, 2006 general election ballot; and

WHEREAS, Amendment E would abolish the doctrine of judicial immunity, create a special grand jury with an annual budget of over two million dollars, allow for the creation of special court under the jurisdiction of the special grand jury apart from the Unified Judicial System and would allow for jury nullification (a measure previously submitted to and rejected by the electorate); and

WHEREAS, the stated purpose of Amendment E is to correct the abuse of judicial power; and

WHEREAS, the South Dakota and the United States Constitutions and the laws made pursuant to these Constitutions by publicly elected officials currently provide remedies for the correction of any abuse of the judicial power; and

WHEREAS, Amendment E would subject any person or group of persons who exercise judicial authority, including quasi-judicial actions such as members of zoning boards of adjustment, planning commissions, and municipal governing bodies, to limitless liability; and

WHEREAS, Amendment E prevents public money from being used to defend a public official from a claim brought by the special grand jury, subjecting the official to massive personal liability; and

WHEREAS, a number of groups including the South Dakota Republican and Democratic parties, the South Dakota State Bar, the South Dakota Municipal League, and many others have voiced opposition to Amendment E because of the threat it poses to the judicial system and to public officials; and

WHEREAS, the Legislature of the State of South Dakota has unanimously approved House Concurrent Resolution 1004 strongly urging the voters of South Dakota to defeat Amendment E “to protect our system of justice, to protect economic development” and “to protect citizens from frivolous lawsuits”; and

WHEREAS, the Rapid City Common Council has determined that Amendment E would be contrary to the best interests of the City of Rapid City because of the potential damage Amendment E could do to South Dakota’s judicial system and the threat it poses to public servants who serve on many municipal boards, such as the Zoning Board of Adjustment, the Planning Commission, as well as the Rapid City Common Council.

NOW THEREFORE BE IT RESOLVED by the Rapid City Common Council that the Rapid City Common Council joins with the South Dakota Legislature and other groups and strongly urges the voters of South Dakota to reject Amendment E when voting at the 2006 general election.

Dated this _____ day of April, 2006.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)