

Bond Case Briefs

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MUNICIPAL CORPORATIONS - SOUTH DAKOTA

Bohn v. Bueno

Supreme Court of South Dakota - February 7, 2024 - N.W.3d - 2024 WL 483676 - 2024 S.D. 6

Citizens applied for writ of mandamus against city officials after city finance officer declined to certify their petition to hold election to remove position of city manager from city's government.

The Circuit Court granted summary judgment for city. Citizens appealed.

The Supreme Court held that:

- Citizens' petition was in the required form under State Election Board regulation;
- Finance officer lacked authority to inquire into the petition's subject matter;
- Finance officer had a clear duty to certify petition and present it to city council;
- Petition was authorized under statute governing petitions for employment of a city manager;
- Petition's citation to incorrect statute did not preclude election pursuant to correct authorizing statute;
- Citizens were not entitled to statutory appellate attorney fees;
- Citizens were not entitled to attorney fees for frivolous or malicious defense; and
- Citizens were prevailing parties entitled to costs.