

CHAPTER 24:52:10

DEADWOOD HISTORIC PRESERVATION FUND

Section

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24:52:10:01. Definitions. Terms defined in § 24:52:00:01 have the same meaning in this chapter. In addition, terms used in this chapter mean:

(1) "Allowable costs," preservation fund expenditures meeting the conditions of SDCL 42-7B-5 and 42-7B-46 and this chapter;

(2) "Board," the State Historical Society Board of Trustees created by SDCL 1-18-12.2;

(3) "Deadwood historic preservation plan," the document entitled "Deadwood, South Dakota: Comprehensive Historic Preservation Plan" published March 2001, and its associated document entitled "Deadwood Downtown Design Guidelines" published March 1991 by the Deadwood Historic Preservation Commission, 108 Sherman Street, Deadwood, South Dakota 57732;

(4) "Deadwood preservation commission," the historic preservation commission of the city of Deadwood created under SDCL 1-19B;

(5) "Preservation fund," the historic preservation and restoration fund established for the city of Deadwood in SDCL 42-7B-46.

Source: 19 SDR 122, effective February 25, 1993; 26 SDR 168, effective June 25, 2000; 28 SDR 182, effective July 10, 2002.

General Authority: SDCL 42-7B-4(10), 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-46.

24:52:10:02. Purpose of fund expenditures. The Deadwood preservation fund shall be used to conduct a historic preservation and restoration program for the city of Deadwood pursuant to this chapter. The Deadwood historic preservation plan, design guidelines, Deadwood planning and zoning regulations, Deadwood city ordinances, supporting historic preservation in Deadwood shall be considered by the Deadwood preservation commission, the city commission, and the board to decide the allowability of expenditures.

Source: 19 SDR 122, effective February 25, 1993; 28 SDR 182, effective July 10, 2002.

General Authority: SDCL 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-5, 42-7B-46.

24:52:10:03. Professional standards required. The city shall employ persons professionally qualified in the areas of history, historic preservation, archaeology, and architectural history consistent with 36 C.F.R. Part 61, Appendix A - Professional Qualifications Standards (March 9, 1999) and shall assign those persons to manage programs funded by the Deadwood preservation fund.

Source: 19 SDR 122, effective February 25, 1993; 24 SDR 73, effective December 4, 1997; 36 SDR 103, effective December 8, 2009.

General Authority: SDCL 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-5, 42-7B-46.

24:52:10:04. National historic preservation standards required. Activities funded with Deadwood preservation funds must be consistent with the provisions of chapter 24:52:07.

Source: 19 SDR 122, effective February 25, 1993.

General Authority: SDCL 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-5, 42-7B-46.

24:52:10:05. Expenditures to be consistent with SDCL 1-19B. Expenditures of Deadwood preservation funds must be consistent with the provisions of SDCL chapter 1-19B.

Source: 19 SDR 122, effective February 25, 1993.

General Authority: SDCL 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-5, 42-7B-46.

24:52:10:06. Expenditures not to damage historic materials without justification. Expenditures from the preservation fund may not support projects which destroy, damage, remove, or alter historic structures, features, or material, including archaeological artifacts or features, associated with the history of Deadwood unless the project is:

- (1) Justified under the standards recognized in this chapter;
- (2) Conducted by professional historic preservation personnel; and
- (3) Consistent with applicable permits, mitigation procedures, and curatorial measures required by statute and rule.

Source: 19 SDR 122, effective February 25, 1993.

General Authority: SDCL 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-5, 42-7B-46.

Cross-References: Archaeological permits, ch 24:52:08; Presentation of historical property -- Procedures, SDCL 1-19A-11.1.

24:52:10:07. History of Deadwood to be protected and promoted. Activities assisted by the preservation fund must support, protect, and promote the history of Deadwood and its historical features and qualities and may include activities to gather, store, and disseminate information on the history of Deadwood.

Source: 19 SDR 122, effective February 25, 1993.

General Authority: SDCL 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-5, 42-7B-46.

24:52:10:08. Allowable costs -- Nonconstruction. The following nonconstruction cost categories are allowable expenditures from the preservation fund:

(1) Administrative costs:

(a) Personnel services: Personnel salaries, benefits, and other personnel services expenditures to the extent that they protect, promote, and preserve historic resources consistent with this chapter;

(b) Contractual services: The cost of maintaining office and operational services through contract for functions carried out by preservation personnel;

(c) Travel: Transportation, lodging, per diem, and other costs associated with the travel of preservation personnel and the travel of others in support of historic preservation;

(d) Capital assets: Expenditures for equipment for operations in support of historic preservation activities. If significant periods of use of such equipment are devoted to work not directly benefiting historic preservation, the cost of purchase and operation shall be prorated between historic preservation and other funds;

(e) Supplies and materials: The costs of office supplies used to support preservation personnel;

(2) Curation of documents and artifacts: Repair, storage, and preservation of historical documents, photos, artifacts, and other materials related to the history of Deadwood and its environs;

(3) Historical interpretation: The preparation, presentation, and exhibition of historic preservation information used to educate the public on the subject of Deadwood history, preservation, and restoration;

(4) Historical and archaeological research: Costs associated with excavations, research, and other activities which locate, protect, and interpret historical and archaeological materials relating to the history of Deadwood;

(5) Legal expenses: Legal fees and associated costs that are in the direct interest of the preservation of historic property in Deadwood;

(6) Lobbying: The provision of information to legislative bodies and elected officials if the policies supported and the positions taken support the preservation of historic resources in Deadwood;

(7) Marketing: Research, data analysis, promotional materials or productions, and advertising, advertising campaigns, or costs associated with the organization, administration, or production of marketing activities if those materials and products focus on the historic character, historical development, or historic images of Deadwood;

(8) Growth management: Growth management activities, including plans for the physical development of the city and its broader environs, plans for the city's historic preservation program, and plans and specifications for facilities construction, including costs of expert technical or procedural advice, if such activities conform to historic preservation standards, policies, and plans;

(9) Preservation commission education: Support for educational information, seminars, workshops, and travel in the interest of assisting preservation commission members to study historic preservation. Each commission member shall receive training annually on historic preservation;

(10) Management of historic property: Costs of managing individual historic properties, including personal services, operating expenses, and other expenses associated with protecting or promoting historic property. Expenditures for operating property may include any activity or enterprise designed to support historic property or historic preservation in Deadwood;

(11) Real estate costs: Purchase of all or a partial interest in historic property; purchase of all or a partial interest in nonhistoric property if there is a direct and materially significant benefit to a particular historic structure or feature;

(12) Public education and public relations: Production charges, travel expenses, and other costs which directly benefit the preservation program in Deadwood by increasing the level of information generally known about historic restoration and preservation. This includes the production or providing of information on the history and preservation of Deadwood for people outside of Deadwood and providing information on historic preservation, growth management, and associated subjects;

(13) Technical support: The retention of expert or uncommon skills to support the city's historic preservation program;

(14) Visitor management: Expenditures for planning, preparation, and production of facilities and activities to accommodate visitors in Deadwood if those expenditures result in direct and material benefit to the historic qualities of the city; and

(15) Costs of city government substantively based on a formula mutually agreed upon by the city and the board related to historic preservation and allowable cost categories in this chapter.

Source: 19 SDR 122, effective February 25, 1993; 28 SDR 182, effective July 10, 2002.

General Authority: SDCL 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-5, 42-7B-46.

Cross-References:

Society of American Archivists: Basic Manual Series Archives and Manuscripts Conservation, 1983.

Administration of Photographic Collections, 1984.

Maps and Architectural Drawings, 1982.

24:52:10:09. Allowable costs -- Construction. The following construction costs are allowable:

(1) Restoration: Expenditures for restoration, rehabilitation, preservation, reconstruction, and stabilization of historic properties, structures, and features in Deadwood if they are in conformance with the applicable standards;

(2) Public improvements: Public improvements, involving the whole of infrastructure installation, repair, and improvements; public facilities; public fixtures; and recreational installations to the extent that they support, enhance, and protect the historic buildings, sites, properties, and features of Deadwood.

Source: 19 SDR 122, effective February 25, 1993.

General Authority: SDCL 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-5, 42-7B-46.

Cross-Reference: National historic preservation methods required, § 24:52:07:02.

24:52:10:10. Unallowable costs. The following expenditures of Deadwood preservation funds are not allowable:

- (1) Activities not meeting the conditions of SDCL 1-19A-11.1 and chapter 24:52:07;
- (2) Expenditures for growth management activities which do not protect historic properties;
- (3) Lobbying positions which threaten or lead to the deterioration of historic properties;
- (4) The support of activities carried out by institutions which threaten the retention of historic property;
- (5) Costs of city government not related to allowable cost categories; and
- (6) Expenditures not meeting the conditions of § 24:52:10:09.

Source: 19 SDR 122, effective February 25, 1993; 28 SDR 182, effective July 10, 2002.

General Authority: SDCL 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-5, 42-7B-46.

24:52:10:11. Accounting procedures for Deadwood preservation fund. The city and the Deadwood preservation commission shall include procedures which identify the cost categories in §§ 24:52:10:08 and 24:52:10:09 in the city's accounting system. These cost categories shall appear on all vouchers and on other accounting and reporting documents in a manner consistent with applicable state accounting methods.

Source: 19 SDR 122, effective February 25, 1993.

General Authority: SDCL 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-5, 42-7B-46.

Cross-Reference: Accounting manual for political subdivisions, SDCL 4-11-6.

24:52:10:12. Approval for expenditures required. The Deadwood preservation commission shall obtain approval from the board for annual and supplemental budgets containing Deadwood preservation funds. The board shall issue approval if the expenditure is allowable and consistent with SDCL 42-7B-4, 42-7B-5, 42-7B-46, and this chapter. The procedure for approval of expenditures is as follows:

(1) Requests for approval of annual budgets and supplemental budgets and for special approval in subdivision (5) of this section must be in writing and must include justification for line item expenditures including documentation of direct benefit for historic preservation in a format agreed upon by the city and the board;

(2) Except for special approvals allowed in subdivision (5) of this section, board approval of preservation fund budget expenditures must be obtained prior to the approval of the city's annual budget;

(3) The board may approve or deny line items, cost categories, activities, or projects not identified in this chapter;

(4) The board may qualify approvals and set out conditions for the funding and conduct of activities not identified in this chapter or which, in the opinion of the board, may threaten historic qualities in Deadwood;

(5) Special approvals may be given by the board for unexpected emergencies, unanticipated opportunities, or special needs or expenditures not identified in an approved budget but arising throughout the city's fiscal year if those approvals are consistent with this chapter;

(6) The city shall, within 60 days after the close of its fiscal year, submit a comprehensive report to the board on activities, projects, and expenditures made from the Deadwood preservation fund in a format agreed upon by the city and the board.

Source: 19 SDR 122, effective February 25, 1993; 24 SDR 73, effective December 4, 1997; 28 SDR 182, effective July 10, 2002.

General Authority: SDCL 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-5, 42-7B-46.

24:52:10:13. Board may delegate approval authority. The board may delegate all or part of its approval authority under this chapter to the Office of History.

Source: 19 SDR 122, effective February 25, 1993.

General Authority: SDCL 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-5, 42-7B-46.

24:52:10:14. Final decisions on questionable costs. The board shall make final decisions on questionable costs in consultation with the Deadwood preservation commission.

Source: 19 SDR 122, effective February 25, 1993.

General Authority: SDCL 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-5, 42-7B-46.

24:52:10:15. Loan and grant funds. Activities and projects funded through revolving loan and grant funds shall meet the standards outlined in SDCL chapters 1-19A and 1-19B and ARSD Article 24:52.

Source: 28 SDR 182, effective July 10, 2002.

General Authority: SDCL 42-7B-5, 42-7B-46.

Law Implemented: SDCL 42-7B-5, 42-7B-46.