

STATE OF SOUTH DAKOTA
OFFICE OF GOVERNOR
EXECUTIVE ORDER 2011-07

WHEREAS, Building and encouraging community service by the public and private sectors is vital to the long-term prosperity of South Dakota and is an integral part of the state's future; and

WHEREAS, There is a continual need to develop and promote community service initiatives and volunteerism throughout the state of South Dakota; and

WHEREAS, The National and Community Service Act of 1990, as amended (42 U.S.C. § 12501 et seq.) has established requirements for the state to follow to be eligible to receive certain federal funds for community service initiatives; and

WHEREAS, Under the National and Community Service Act, the Governor is authorized to designate a State Service Commission to apply for federal funds, and to implement and administer authorized programs; and

WHEREAS, The South Dakota Nonprofit Association ("SDNA") is a charitable corporation that has been playing a key role in supporting and enhancing nonprofit organizations in South Dakota.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Dakota by the National and Community Service Act (42 U.S.C. § 12638) and SDCL 4-8-17, I hereby order as follows:

Section 1: The South Dakota Nonprofit Association is hereby designated as the South Dakota Commission for National and Community Service under 42 U.S.C. § 12638(a)(2), and subject to the requirements of 42 U.S.C. § 12638 and this Order; provided that this designation shall be effective only upon written notification by the South Dakota Nonprofit Association to the Governor that the South Dakota Nonprofit Association accepts such designation and agrees to amend its bylaws in order to act as the South Dakota Commission for National and Community Service ("State Service Commission"), and otherwise comply with the terms and conditions of this Order, the National and Community Service Act, and associated federal regulations.

Section 2: The State Service Commission shall be established within the South Dakota Nonprofit Association and shall have all the rights of a state commission under the National and Community Service Act.

Section 3: Consistent with state and federal law, the duties and responsibilities of the State Service Commission shall include, but not be limited to:

- (a) Recruiting and mobilizing citizens for volunteer services by identifying service opportunities throughout the state and by recognizing citizens for contributions they make as volunteers and participants in public service programs;
- (b) Serving as the state's lead entity for national and community service and volunteerism, informing the public of the value of the need for greater community service and volunteerism

in South Dakota, calling upon all South Dakotans to become involved in community service, and challenging public and private institutions to create and support community service and volunteer opportunities;

- (c) Partnering with public agencies at the federal, state, county, local, and tribal levels, and with the private not-for-profit sectors, to leverage greater resources and create more opportunities for service and volunteerism;
- (d) Developing and updating annually a three-year service plan for service programs in South Dakota and do such other things as required to make application to the Corporation for National Community Service and to other sources for funding;
- (e) Fulfilling all duties of a state commission outlined in the National and Community Service Act, and associated federal regulations; and
- (f) Preparing and submitting annual reports to the Governor, to include provision for financial and performance audits of activities, accounts, and programs.

Section 4: The South Dakota Nonprofit Association shall amend its bylaws to comply with all of the following requirements:

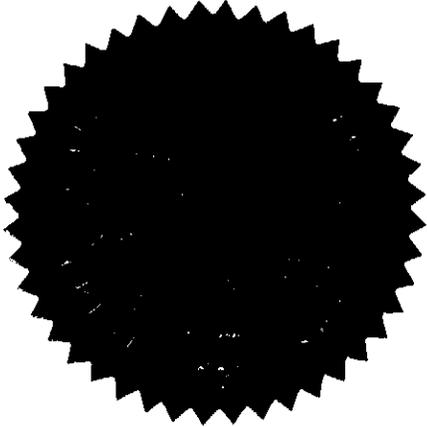
- (a) Creation of a separate State Service Commission Board which will govern the activities as the State Service Commission under the National and Community Service Act, consisting of not fewer than 15 nor more than 25 voting members. All voting members of the State Service Commission Board will be selected by the Governor in compliance with the guidelines described in National and Community Service Act and any implementing federal regulations and this Order. Voting members may be selected from nominations provided by the South Dakota Nonprofit Association, state and local faith-based organizations, private businesses, and individuals interested in promoting public service and volunteerism in South Dakota.
- (b) The voting members of the State Service Commission Board shall include:
 - 1) An individual with expertise in educational, training, and development needs of the youth, particularly disadvantaged youth;
 - 2) An individual with experience in promoting the involvement of older adults in service and volunteerism;
 - 3) A representative of community-based agencies or community-based organizations within the state;
 - 4) The head of the state educational agency or their designee;
 - 5) A representative of local governments in the state;
 - 6) A representative of local labor organizations in the state;
 - 7) A representative of business;

- 8) An individual between the ages of 16 and 25 who is a participant or supervisor in a program as defined by 42 U.S.C. § 12511;
 - 9) A representative of a national service program described in 42 U.S.C. § 12572(a), (b), or (c); and
 - 10) A representative of the volunteer sector.
- (c) Other persons to be selected as voting members of the commission may include:
- 1) Local educators;
 - 2) Experts in the delivery of human, educational, environmental, or public safety services to communities and persons;
 - 3) Representatives of Indian tribes;
 - 4) Out-of-school youth or other at-risk youth; or
 - 5) Representatives of entities that receive assistance under the Domestic Volunteer Services Act of 1973 (42 U.S.C. § 4950, et seq.).
- (d) The representative of the Corporation for National Service designated under 42 U.S.C. § 12651f(c) for the state shall serve as an ex-officio non-voting member of the State Service Commission Board.
- (e) To the maximum extent practical, the voting members of the State Service Commission Board shall be diverse with respect to race, ethnicity, age, gender, and disability characteristics.
- (f) The voting members of the State Service Commission Board shall be selected so that not more than 50 percent plus one of the members will be from the same political party.
- (g) The number of voting members of the State Service Commission Board who are officers or employees of the state shall not exceed 25 percent (reduced to the nearest whole number) of the total membership.
- (h) The voting members of the initial State Service Commission Board shall be divided into three groups of approximately equal size. The initial terms of the three classes shall be staggered, so that the terms of one class of voting members shall expire each year over a three year period. All subsequent gubernatorial selections shall be for three year terms. Board members may serve multiple terms as provided in South Dakota Nonprofit Association bylaws. If a vacancy occurs, a new board member will be selected by the Governor and serve for the remainder of the term for which the predecessor of such member was selected.
- (i) The Chairman and other officers of the State Service Commission Board shall be elected by all voting members of the State Service Commission Board at the first meeting of the board, and annually thereafter.

- (j) Such other provisions for the operation and internal governance of the State Service Commission and State Service Commission Board that are consistent with this Order, the National and Community Service Act, and any implementing federal regulations.

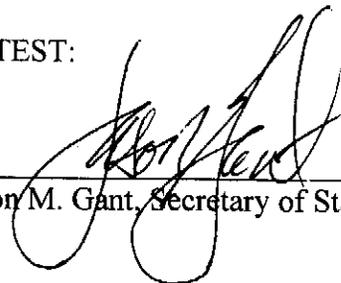
Section 5: This Order shall be construed consistently with and in furtherance of the purposes and definitions of the National and Community Service Act.

Dated in Pierre, South Dakota, this Eleventh day of April, 2011.




Dennis Dugaard, Governor of South Dakota

ATTEST:


Jason M. Gant, Secretary of State