



Declaration of Revestment and Revocation of Consent

BY LIVING MEN AND WOMEN ACTING IN FULL CAPACITY



“This Opening Declaration stands as the formal and irrevocable assertion of intent, lawful authority, and by right — not privilege.”

Asserting lawful standing, revoking fraudulent presumptions, and establishing fiduciary oversight under natural and constitutional law.

Opening Declaration of Purpose, Oversight, and Intent

This Opening Declaration stands as a formal, irrevocable assertion of lawful authority, fiduciary oversight, and unalienable right—not corporate privilege—executed by a living man operating in full legal and political capacity.

This document is established to:

- Revest title, custody, and all derived interests back into the hands of the lawful holder(s),
- Revoke any and all implied, presumed, or constructed consent under foreign administrative schemes,
- Establish transparent oversight of all operations conducted in the name of governance, finance, or trust,
- Serve as notice to all agents, officers, agencies, and institutions that all powers not explicitly delegated are hereby withdrawn, corrected, and recorded for the public record and for lawful remedy.

The parties to whom this applies are now on constructive and lawful notice that further presumption of authority, silent joinder, or conversion of title—legal or equitable—shall constitute willful trespass, dereliction of fiduciary duty, and actionable fraud under constitutional, statutory, and natural law.

Declaration of Purpose and Oversight Mandate

1.1 Purpose and Intent

This Framework is established to provide counties across [insert state or applicable region] with a lawful, fiduciary-compliant, and equity-rooted structure for:

- Asserting proper public trust stewardship over land, water, natural resources, and community infrastructure;
- Reining in unauthorized administrative actions and ensuring that public officeholders are bonded, oath-bound, and acting within lawful delegation;
- Incorporating trust and fiduciary safeguards into all municipal and county development codes, ordinances, and operational procedures;
- Enforcing limitations on private contractors, administrative courts, and financial instruments that operate without public consent or accountability.

This framework is not advisory—it is founded in **constitutional, trust, fiduciary, and statutory law**, binding upon all actors receiving public funds or operating within delegated authority.

1.2 County-Level Fiduciary Duty

All county commissioners, recorders, zoning boards, land use administrators, and fiduciary trustees—including sheriffs, treasurers, and clerks—owe their duties to the **public trust** and not to private or foreign-controlled corporate interests.

As clarified under:

- **United States Constitution Article I, Section 10**, which forbids states or their subdivisions from delegating the issuance of currency or contracts repugnant to gold/silver standards or to lawful authority;
- **Chisholm v. Georgia**, 2 U.S. 419 (1793), confirming that sovereignty resides in the people, not the state;
- **Clearfield Trust Co. v. United States**, 318 U.S. 363 (1943), establishing that when governments operate in commerce, they are subject to commercial law like any private corporation;
- **SDCL § 3-16-7**, and equivalent fiduciary laws in other states, which prohibit public officers from acting in private interest or beyond their legal mandate;
- **31 U.S.C. §§ 9304–9309**, which require official bonding of public officials for the lawful discharge of fiduciary duties.

County agents shall be required to produce:

- Their **Oath of Office**;
- Their **Public Official Bond** and surety certificate;
- Evidence of compliance with **fiduciary recordkeeping, budget transparency, and constitutional accountability**.

Failure to produce such records shall constitute a **fiduciary breach**, subject to administrative default, enforcement, or demand for lawful cessation under this framework.

Section 2: Trust Registration and Public Record Accountability

2.1 Duty to Register Public Trusts and Fiduciary Instruments

All county agencies, commissions, and departments that:

- Administer public lands, waterways, or easements;
- Collect taxes or fees;
- Disburse public funds or manage budgets;
- Oversee infrastructure, permits, or contracts;
- Act as trustees over community services (e.g., health, education, utilities, emergency services);

are operating in a fiduciary capacity and must register their operations, accounts, and contractual authorities as part of a **Public Trust Docket**, maintained within the Office of the County Recorder or equivalent oversight body.

Legal Basis:

- **15 U.S.C. § 77a et seq. (Securities Act of 1933)** – Any entity engaging in revenue bonding, pooled interest, or investment-backed obligations must disclose material risks and fiduciary accountability;
- **26 U.S.C. § 6041** – Income reporting requirements apply to all governmental entities that issue payments or receive consideration;
- **28 U.S.C. §§ 2041–2042** – Public funds held in trust must be recorded, safeguarded, and returned to rightful beneficiaries;
- **South Dakota Codified Law (SDCL) § 1-27-1** – All public records are presumed open unless specifically exempted, and custodians must provide access without delay.

Any concealment of fiduciary trust accounts, bond issuances, CAFRs/ACFRs (Comprehensive Annual Financial Reports), vendor agreements, or derivative instruments shall be considered **constructive fraud** and a **breach of public trust**.

2.2 Mandatory Public Access and Fee-Free Availability

All trust-related documents, ledgers, certificates of participation, vendor contracts, and intergovernmental agreements must be:

- Available at the county office for public inspection **without fee**;
- Posted online in a downloadable and machine-readable format;
- Indexed and searchable by project name, budget source, and accountable party.

Failure to maintain public access violates:

- **Freedom of Information Act (FOIA);**
- **State-level public records laws (e.g., SDCL § 1-27-1.17);**
- **Uniform Fiduciaries Act;**
- **Public Trust Doctrine**, reaffirmed in federal and state courts.

2.3 Certification of Oath and Bond Filings

All elected and appointed county officers shall:

- Submit copies of their **Oath of Office**;
- Disclose and register their **Surety Bond**, blanket fidelity coverage, or insurance riders;
- List the **bonding agency, policy number, coverage limits, and conditions of liability**;
- Affirm their fiduciary acceptance by signed acknowledgment under penalty of perjury.

This information shall be preserved in the **Fiduciary Oversight Record**, open to public inspection and audit by citizen review boards or trust enforcement agents.

Refusal or delay to comply constitutes actionable default and triggers provisions under:

- **31 U.S.C. §§ 3729–3733 (False Claims Act);**
- **UCC § 3-501, § 3-505, and § 9-210 (Notice and Demand, Dishonor, Verification of Collateral);**
- **42 U.S.C. § 1983**, for deprivation of constitutional and equitable rights under color of law.

Section 3: Ordinance Development for Land Use, Resource Extraction, and Public Benefit Trusts

3.1 Mandate for Ordinance Creation Rooted in Fiduciary Duty

All counties shall, by legislative ordinance, codify **fiduciary standards and public trust protections** related to:

- Land use and zoning;
- Resource extraction (mining, timber, water diversion, gravel pits, etc.);
- Long-term leasing, rights-of-way, or utility corridors;
- Use of public easements, grazing rights, and agricultural subsidies;
- Energy development (e.g., wind, solar, pipelines, carbon storage).

The ordinances shall recognize the **county as a trustee** of public resources, not a mere administrator. Fiduciary obligations include duties of loyalty, prudence, full disclosure, and prohibition against self-dealing or external influence.

Legal Foundation:

- **Public Trust Doctrine:** Rooted in ancient English law and reaffirmed by U.S. courts in cases such as *Illinois Central R. Co. v. Illinois*, 146 U.S. 387 (1892);
- **South Dakota Constitution Article VIII, § 9**, mandating land sales for trust purposes be managed “in the manner as the Legislature may provide”;
- **SDCL § 7-8-20** – Counties may pass ordinances for the protection of county property, health, and safety;
- **42 U.S.C. § 4331** (NEPA) – National environmental policy includes local duty to preserve resources for future generations;
- **UCC § 1-103** – All local ordinances must align with foundational principles of fiduciary equity and good faith.

3.2 Ordinance Requirements for Land Use and Resource Contracts

Each county must adopt ordinances requiring:

1. **Public Trust Certification:**
Before any lease, sale, or permit of land/resources, a trust impact report must be published showing the benefit to the people, compliance with fiduciary standards, and disclosure of bond/insurance coverage.
2. **Surety and Bond Disclosure:**
All contractors, leaseholders, or resource extractors must post performance bonds and insurance naming the county and people as beneficiaries.
3. **No Waiver of Sovereign Oversight:**
Ordinances shall prohibit clauses in contracts that:
 - Waive tort liability;
 - Limit public inquiry;
 - Place disputes under private arbitration.

4. **Incorporation of Equity Standards:**

All ordinances must incorporate equity and public interest metrics, including conservation obligations, health impacts, and generational duty to preserve.

3.3 Creation of County-Level Public Benefit Trusts

Counties may, and are encouraged to:

- Establish **local public benefit trusts** to receive funds from leases, extractions, and environmental offsets;
- Allocate revenues toward:
 - Property tax relief;
 - Veterans' services;
 - Environmental restoration;
 - Local education and family trusts.

Each trust shall operate under a registered Trust Indenture, with publicly named trustees, performance reviews, and annual disclosure of fund disbursements and investment positions.

Examples:

- **Mineral Severance Revenue Trusts** (as in Montana);
- **Land Bank Trusts** for open space protection;
- **Community Benefit Districts** funded by energy royalties or water use fees.

3.4 Ban on Unauthorized Corporate Trespass or Land Patenting

Ordinances must bar:

- Sale or patenting of land under fee simple to **foreign corporations, shell entities, or unnamed trusts**;
- Private entities accessing mineral rights without **proof of lawful title**, bonding, and community benefit certification;
- Use of county lands for **collateralization or hypothecation** without consent of the people via public hearing.

3.5 Affirmative Duty to Audit and Enforce

A county ordinance must include the duty to:

- Conduct **annual trust audits** by third parties;
- Maintain a **public trust enforcement officer** or team;
- Publish **all trust balances and lease revenues**;
- Permit citizens to submit evidence, affidavits, or audits showing violations or concealments.

Failure to enforce is **presumptive dereliction of fiduciary duty**, invoking:

- **31 U.S.C. § 3729** (False Claims);
- **18 U.S.C. § 654** (Embezzlement by government officers);
- **U.S. v. Carter**, 217 U.S. 286 (1910) – Breach of public fiduciary duty is enforceable in equity, regardless of legislative immunity.

Section 4: Remedy Enforcement Triggers and Administrative Defaults

4.1 Enforceable Triggers for County Remedy and Public Action

To uphold fiduciary trust law and ensure public confidence in county resource management, each county shall recognize the following **remedy triggers** as binding causes for investigation, enforcement, and remedy:

1. Failure to Disclose Bonding or Surety

Any public official, department, or contractor failing to provide:

- Valid fidelity bond or performance surety;
- Publicly accessible certificate of insurance;
- Trust indenture or delegation of authority;

shall be considered in *administrative dishonor* and *prima facie breach of trust*.

2. Refusal to Produce Records or Audits

Noncompliance with:

- FOIA-equivalent request under SDCL § 1-27;
- Public inspection mandates (land leases, budgets, court bonds, CAFRs);

constitutes a *dereliction of duty* and **constructive fraud**, triggering administrative default protocols.

3. Obstruction of Public Participation

Denial of lawful access to meetings, failure to provide notice, or suppression of whistleblower and citizen claims shall result in a presumption of **bad faith** under:

- **18 U.S.C. § 242** (Deprivation of Rights);
- **SDCL § 22-11-27** (Official misconduct);
- **Canon 1 of Judicial Ethics** and related administrative codes.

4. Unauthorized Use of Public Resources for Private Gain

Includes:

- Sale of public land without equitable trust return;
- Backdoor leases or mineral permits without competitive bidding or disclosure;
- Manipulation of zoning or assessments for insider benefit.

Such acts constitute **breach of fiduciary loyalty** and shall invoke civil counterclaim, replevin, and damages.

4.2 Administrative Default Procedure for Officials and Agents

Upon failure of any county official, contractor, or trustee to cure a triggered breach within **21 calendar days** of notice or demand, the following **default consequences** shall automatically apply:

1. **Affidavit of Administrative Default**

A notarized affidavit filed by any member of the public becomes **evidence of estoppel** and **constructive notice** to all parties, unless rebutted with evidence and standing authority within 21 days.

2. **Automatic Lien, Bond Call, and Removal Actions**

The affidavit may trigger:

- **Filing of a UCC-1 or equivalent county lien;**
- **Bond forfeiture claim under 31 U.S.C. § 9304;**
- **Administrative motion for removal** under SDCL or common law doctrine of *constructive discharge*.

3. **Notice to Oversight Bodies and Treasury Enforcement**

Copies of the default and demand shall be forwarded to:

- State Auditor / Treasurer;
- U.S. Treasury (Fiduciary Oversight);
- IRS under **Form 3949-A** for abuse of exempt funds;
- Local law enforcement or Attorney General where public harm is documented.

4. **Permanent Injunction for Repeated Nonperformance**

Where three or more complaints are filed within 18 months regarding the same official or department:

- A **public injunction** may be filed in equity court or under common law;
- **Demand for permanent removal**, administrative receivership, or external audit oversight shall follow.

4.3 Citizen Remedies and Independent Enforcement Rights

Citizens, recognized as **co-beneficiaries** of the public trust, shall have standing to:

- File civil counterclaims against negligent fiduciaries under **28 U.S.C. § 1331** and local code;
- Issue **Notices of Fiduciary Breach** and demands for specific performance;
- Submit **Independent Audit Requests** to the county auditor or external accounting bodies;
- Record **Public Record Notices (PRNs)** documenting concealment, financial inconsistencies, or noncompliance.

4.4 Integration with County Ordinance Language

Every ordinance or administrative regulation developed under this framework must:

- Include **enforcement triggers**, cure periods, and default pathways;
- Reference the **fiduciary chain of authority**, including bond/insurance, CAFR records, and delegation of power;
- Establish a clear **pathway for escalation**, including public arbitration, equity court action, and remedy bonding.

4.5 Legal and Constitutional Authority for Defaults and Remedies

Remedies and enforcement measures derive full authority from:

- **Article IV, Section 4, U.S. Constitution** – Guarantee of republican form of government (including redress and accountability);
- **South Dakota Constitution Article VI, § 20** – Right of the people to instruct representatives and petition for redress;
- **Restatement (Second) of Trusts, § 201-205** – Trustee duties and liability for breach;
- **18 U.S.C. §§ 1341, 1343, 654** – Fraud and theft by government actors;
- **12 U.S.C. § 95a, 50 U.S.C. §§ 4305, 4307** – Accountability in public asset use during emergency and peacetime.

Section 5: Oversight Institutions, Citizen Bonds, and Independent Review Panels

5.1 Establishment of County Oversight Institutions

To ensure the *lawful administration, public benefit, and fiduciary compliance* of all county-level code, trust resources, and bond-backed functions, each county shall establish a formal:

- **County Public Oversight Commission (CPOC)** — empowered as an *independent, chartered body* responsible for:
 - Ongoing review of fiduciary compliance of elected and appointed officers;
 - Annual audits of asset use, land disposals, and public-private partnerships;
 - Receipt and tracking of public grievances and complaints.

The CPOC shall be:

- **Codified by county ordinance;**
- **Funded by a minimum of 0.5% of total annual county budget;**
- **Required to publish an annual fiduciary report**—including bond performance, trust yield, and audit flags.

Legal Basis:

- *Restatement (Third) of Trusts* § 94: Public Trusts require enforceable mechanisms for inspection and redress.
- *SDCL* § 1-27-1 (Open Records) and § 4-11-2 (County Financial Management).
- *Article I, § 10 U.S. Constitution* – obligation of contracts, including fiduciary duties under oath.

5.2 Citizen Bonding and Ethical Standing Requirements

All participants in county trust management—elected officials, contractors, fiduciary custodians—shall be required to:

1. **Post a public bond or insurance** equal to:
 - 5x the value of the maximum trust or fund under their management; or
 - A minimum of **\$1 million** fidelity insurance, indexed annually to inflation.
2. **Sign and file a County Fiduciary Oath and Indemnity Waiver**, affirming:

- Understanding of their public trust duties;
- Waiver of immunity for acts of gross negligence or fraud;
- Consent to administrative or equity remedy in the event of breach.

3. **Disclosure of Conflict of Interest:**
Any personal or financial interest in matters subject to vote, decision, or policy recommendation must be:

- Disclosed to the public within 7 days;
- Recused from decision-making under penalty of **malfeasance**.

Legal Authority:

- **31 U.S.C. § 9304–9309** – Surety Bond Requirements for Public Officers
- **18 U.S.C. § 208** – Acts affecting a personal financial interest
- **SDCL § 3-16-7** – Misuse of office for private benefit

5.3 Independent Public Review Panels and Citizen Inspection Rights

A rotating **Independent Review Panel (IRP)** shall be formed by the CPOC, comprised of:

- **Non-governmental residents** with no current employment or contractual ties to the county;
- Experts in **public trust law, accounting, infrastructure, environmental stewardship, and land use**;
- Rotated annually, with no more than 2 consecutive terms permitted.

The IRP shall:

- Review complaints, affidavit filings, and administrative defaults (see Section 4);
- Conduct **quasi-judicial hearings** with subpoena and publication authority;
- Issue **remedial action notices, disqualification reports, or third-party audit triggers**.

The **citizenry**, as *ultimate beneficiaries* of the public trust, shall have:

- Unfettered access to **all IRP findings and reports**;
- Authority to submit **Public Record Notices (PRNs)**, grievances, or evidence of fraud;
- **Standing to challenge violations** in equity court or administrative tribunals.

Relevant Doctrines & Cases:

- *Chisholm v. Georgia*, 2 U.S. 419 (1793) – the people are sovereign;
- *Marbury v. Madison*, 5 U.S. 137 (1803) – it is emphatically the province and duty of the judiciary to say what the law is;
- *Common Law Maxim*: “That which is not inspected will be disrespected.”

5.4 Digital Transparency Portals and Oversight Recordkeeping

Each county shall maintain a **Public Trust Digital Portal**, managed by the CPOC, containing:

- Ordinance registry with attached fiduciary and financial disclosure documents;
- All bonding records, insurance certifications, and public indemnity forms;
- Archived IRP decisions and enforcement triggers;
- Citizen-submitted affidavits, PRNs, and complaints, with redacted identifiers.

The portal must be:

- **Publicly accessible** without login or permission barriers;
- **Immutable**, with version tracking and third-party certification;
- Designed to meet **open data standards** for downstream audit and analysis.

5.5 Failures to Uphold Oversight Obligations

Any attempt to:

- Dismantle oversight institutions;
- Defund CPOC or IRP operations;
- Refuse appointment of new citizen members; or
- Alter the public inspection function without referendum,

Shall be deemed a **material breach of fiduciary trust** and grounds for:

- Civil penalties, default judgments, and removal from office;
- Claims filed against individual bonds or sureties;
- Petition for **external receivership or forensic audit** by third-party fiduciary professionals.

Section 6: Citizen-Led Audit Rights, Asset Recovery, and Court of Equity Provisions

6.1 Fundamental Right of Inspection and Audit

In alignment with the common law maxim *“That which is not inspected will be disrespected,”* all citizens of the county, as beneficiaries of the Public Trust, shall have the irrevocable and non-delegable right to:

- Inspect any and all public contracts, trust agreements, conveyances, service agreements, and funding instruments;
- Submit an **Audit Demand Affidavit** under penalty of perjury, initiating a fiduciary review or independent forensic audit;
- Require publication of bond-backed funding, vendor payouts, and all public-private revenue streams.

Audit demands shall be honored if:

- Submitted by any **three registered residents or a verified land patent holder**;
- Accompanied by reasonable claim of waste, fraud, abuse, or non-performance;

- Delivered to the County Public Oversight Commission (CPOC), Clerk of the Commission, or its designated record steward.

Relevant Authority:

- *SDCL § 1-27* (Open Government & Access to Public Records);
- *Marbury v. Madison*, 5 U.S. 137 (1803);
- *Restatement (Third) of Trusts* § 94, § 96 – Right to compel redress.

6.2 Citizen-Led Special Audits and Asset Forensics

Upon receipt of a verified **Audit Demand Affidavit**, the County shall:

- Appoint a *Special Auditor* within 15 days, who is:
 - Bonded and certified in forensic auditing or public trust law;
 - Not affiliated with the entity under review.
- Schedule a **Public Review Hearing** within 30 days to:
 - Present preliminary findings;
 - Accept supplementary evidence from the public;
 - Determine if interim measures (e.g., freeze of accounts, suspension of duties) are necessary.

The **scope of audit** includes:

- Bond performance and payout records;
- CAFR/ACFR discrepancies;
- Misuse or misallocation of federal/state grants;
- Transfer of public assets to private hands without full compensation.

Penalty for Refusal or Delay:

- Immediate referral to **State Auditor, IRS, or Office of Inspector General (OIG)**;
- Filing of default claim against bonds of involved fiduciaries;
- Invocation of **constructive fraud proceedings** under equity.

6.3 County-Level Asset Recovery Process

In cases where fraud, waste, or unlawful conveyance is established, the CPOC or IRP shall issue:

1. **Notice of Constructive Fraud and Conversion;**
2. **Claim for Replevin or Quasi-Contractual Recovery**, reclaiming:
 - Trust assets,
 - Misused funds,
 - Public lands or easements.

Recovery may occur through:

- **Administrative lien or levy;**
- **Filing UCC-1 claims** against persons acting as trustees de son tort;
- Petitioning the County Court to impose **equitable receivership** or restitution.

Key Remedies Invoked:

- *31 U.S.C. §§ 3729–3733 (False Claims Act);*
- *18 U.S.C. § 654 (Misuse of public funds);*
- *Restatement (Third) of Restitution § 45* (wrongful enrichment and misappropriation).

6.4 Local Court of Equity Provisions

Each county shall empower a **Public Court of Equity**, either through ordinance or by special division of an existing county court, to:

- Hear trust-related claims and fiduciary disputes;
- Provide injunctive relief, estoppel, and rescission remedies;
- Enforce constructive trust declarations;
- Issue equitable writs to:
 - Freeze accounts,
 - Impose restitution duties,
 - Rescind unlawful contracts.

This court operates on the principle that “**equity regards as done that which ought to have been done**” and is empowered to:

- Prioritize substance over form;
- Restore beneficiaries to whole condition;
- Remove unbonded fiduciaries or revoke corporate privileges.

Supplemental Authority:

- *SDCL § 21-30-1 – Courts of Equity;*
- *Maxims of Equity* (e.g., “Equity will not suffer a wrong to be without a remedy”);
- *Federal Trust Doctrine and Restatement (Second) of Trusts § 327.*

6.5 Publication and Escalation Pathways

All audit records, equity orders, asset recovery actions, and fiduciary bond defaults shall be:

- **Publicly posted** on the County Trust Transparency Portal (see Section 5.4);
- Indexed and available for public citation in future administrative complaints;
- Shared with:
 - State Auditor’s Office,
 - IRS Whistleblower Division,
 - SEC or DOJ (if securities violations are suspected),
 - Local law enforcement or sheriff for execution.

Failure to Comply or Obstruct these equity provisions shall result in:

- Automatic **administrative default judgment**;
- Referral to **federal or international equity forums**;
- **Private right of action** by any harmed resident, with presumed standing.

Section 7: Default Registry, Bond Claim Procedures, and Restoration Fund Governance

7.1 County Default Registry — Record of Fiduciary Breach and Nonperformance

A **County Default Registry** shall be established as a permanent public record of:

- Breaches of fiduciary duty;
- Failures to respond to lawful audit demands;
- Administrative defaults on transparency obligations;
- Contractual violations of oath, bond, or public trust obligations.

Purpose and Function:

- Provide an official evidentiary log for use in equity actions, bond claims, and public notices;
- Alert state and federal oversight bodies to ongoing derelictions;
- Prevent re-appointment, re-election, or re-hiring of defaulted parties.

Inclusions:

- Name and office of violator;
- Date of infraction and nature of breach;
- Bond number(s) and insurer;
- Administrative record and affidavit log;
- Notice status (Served / Cured / Uncured / Escalated).

Legal Support:

- *Restatement (Third) of Trusts* § 100 & § 205 (Liability for Breach of Trust);
- *28 U.S.C. § 2041* (registry of court-held funds and defaults);
- *SDCL § 3-21-1* and *SDCL § 58-21-2* (bond requirements for public officers).

7.2 Bond Claim Procedures — Execution for Breach of Fiduciary Duty

Any resident, upon demonstrating harm or risk due to a fiduciary breach, may file a **Claim of Injury** against a public official's **performance bond or surety insurance**.

Steps:

1. **Submit a Notice of Liability and Demand to Cure** to the bonded party and surety agent.
2. Upon failure to cure within 10 business days, initiate a **formal bond claim** to the insurer, with:

- Notarized Affidavit of Harm;
- Evidence of breach, neglect, or default;
- Relevant ordinance or duty violated;
- Registry entry from the County Default Record;
- Witness statements or audit findings, if available.

3. Serve **copy of the claim** to:

- County Clerk or Oversight Commission;
- County Sheriff's Office (for public record);
- State Department of Insurance or equivalent oversight body.

If denied, the complainant may file:

- **Petition for Equitable Lien** in the County Court of Equity;
- **Administrative complaint** to the U.S. Department of Justice Civil Rights Division or IRS (if public trust funds are implicated).

Authority:

- *31 U.S.C. §§ 9304–9309* (Surety Bond Execution);
- *42 U.S.C. § 1983* (civil remedy for deprivation of rights);
- *UCC § 3-501* (Presentment and Notice of Dishonor);
- *Restatement (Third) of Suretyship and Guaranty § 14.*

7.3 Restoration and Reinvestment Fund (RRF) — Governance and Deployment

The **County Restoration and Reinvestment Fund (RRF)** shall be established to:

- Receive proceeds from:
 - Successful bond claims,
 - Fines for breach of public trust,
 - Voluntary restitution,
 - Court-ordered recoveries,
 - Whistleblower penalties or qui tam proceeds;
- Reinvest those funds into:
 - Land trust preservation,
 - Infrastructure recovery,
 - Independent audits and forensic analysis,
 - Community-led legal education,
 - Equity court operation costs.

Governance Board Composition:

- 2 members from the **County Oversight Commission**;
- 1 member appointed by the **County Grand Jury or Citizen Jury Pool**;
- 1 independent CPA or fiduciary trustee;
- 1 rotating seat held by a **verified resident beneficiary**, selected annually.

Transparency Requirements:

- Monthly publication of RRF income and disbursement statements;
- Live or archived recordings of all Fund Board meetings;

- Public input sessions on reinvestment priorities.

Restoration Priority Hierarchy:

1. **Direct Restitution** to harmed parties;
2. Reconstitution of misused land or funds;
3. Funding equity enforcement infrastructure;
4. Legal defense grants for whistleblowers or harmed residents;
5. Educational programs in fiduciary law and public trust literacy.

7.4 Escalation and Federal Notification Pathways

Where local remedies are exhausted or ignored, escalation steps include:

- **Referral to State Auditor** and Insurance Commissioner;
- Filing a **complaint under 31 U.S.C. § 3729** (False Claims Act) for fraud against public funds;
- Filing a **Form 211** with the IRS Whistleblower Office if tax-related fraud is present;
- Notification to **SEC** if bond issuance or municipal investments were fraudulently marketed or misrepresented.

Every such escalation shall be logged into the **County Default Registry** and cross-referenced for public inspection.

Section 8: Verification, Oaths, and Final Certification Provisions

8.1 Verification of Instrument — Declaration Under Penalty of Perjury

All ordinances, enforcement codes, and trust declarations promulgated under this framework must include an **executed verification clause**, signed under penalty of perjury, by:

- The Chair of the County Oversight Commission;
- One member of the Restoration Fund Governance Board;
- A certified citizen verifier (witnessed by a notary public or designated County Equity Officer).

Model Clause:

“We, the undersigned, do hereby affirm under penalty of perjury under the laws of the united [County Name] County and in accordance with the Constitution for the united States of America (1787, as ratified), that the contents herein are true, correct, and adopted in good faith by the People of this County, under authority vested in us by natural right and delegated civic trust.”

Legal Support:

- **28 U.S.C. § 1746** — Unsworn Declarations Under Penalty of Perjury;
- **UCC § 1-201(31)** — Verification in a Record;
- **SDCL § 22-29-1** — False swearing under oath.

8.2 Oath of Office — Expanded Form for All Public Officers and Fiduciaries

No officer, trustee, or agent engaged in the execution or oversight of this Framework may operate without taking and recording an **Expanded Oath of Office**, which must include:

- **Acknowledgment of Trust:** The signer recognizes the People of the County as Principals and themselves as Fiduciary Trustees.
- **Waiver of Immunity for Breach:** The signer waives qualified immunity for any knowing or reckless violation of trust or rights.
- **Affirmation of Subordination:** The signer affirms that all duties are subordinate to the People's rights and lawful delegation.

Required Elements:

- Full legal and common name;
- Office or authority held;
- Date and location of execution;
- Signature witnessed by either:
 - Notary Public, or
 - Three independent electors.

Filing Locations:

- County Clerk's Office;
- County Oversight Commission Registry;
- Public access via County Equity Portal.

Enforcement:

Any person found operating in violation of oath, or without a valid oath and bond on file, shall be deemed **ultra vires** and subject to:

- Immediate removal;
- Bond forfeiture under *31 U.S.C. § 9304*;
- Civil penalty under *42 U.S.C. § 1983*;
- Potential criminal prosecution under *18 U.S.C. § 1001* (False Statements).

8.3 Final Certification — County Public Law Record

Once adopted, each enforcement code, ordinance, or audit protocol shall be **certified into the Public Law Record** of the County via:

- Assignment of a **Unique Public Law Number** (e.g., C.P.L. 2026-001);
- Dual recording in both **paper archive** and **digital transparency portal**;
- Indexing for cross-reference to:
 - Prior notices,

- Registry of Defaults,
- Enforcement actions,
- Fund expenditures.

Certification Ceremony Protocol:

- May be held quarterly during open session;
- Requires live declaration of certification by no fewer than **five county officials or verified residents**;
- Audio-visual recording required;
- County Clerk to attest the record.

Model Declaration:

“Let the record reflect that this instrument has been reviewed, verified, and is now certified as part of the County’s Public Law Record. Let it carry full legal, moral, and fiduciary weight, and stand as testimony to the will of the People and the duty of their servants.”

8.4 Safeguards Against Fraudulent Codification

To prevent tampering, deletion, or private alteration:

- Each finalized section must be hashed with **SHA-256** or equivalent fingerprinting;
- Stored redundantly with:
 - One copy in the County Equity Archive;
 - One copy in a decentralized peer record (multiple civic custodians);
 - One hard copy held by a bonded Public Notary Custodian;
- Future amendments must be **tracked by ledger**, timestamped, and recorded as:
 - **Amendment** (change in function or enforcement),
 - **Annotation** (addition of clarifying context or citation),
 - **Erratum** (correction of technical error without changing meaning).

Tampering or unauthorized editing shall constitute constructive fraud and may trigger:

- Bond action under *Restatement (Third) of Trusts* § 100;
- Complaint under 31 U.S.C. § 3729 (False Claims);
- Notice to **State Auditor** and **Office of Inspector General**.

§ 9 — Good Faith Liability Shield and Civic Protection Clause

9.1 Purpose and Justification

In order to ensure **maximum participation** in the oversight and enforcement of public fiduciary obligations, and to protect those who act in **good faith** from retaliation, defamation, or undue hardship, the County enacts this **Liability Shield Clause** as a safeguard for whistleblowers, citizen claimants, bond challengers, and participants in lawful equity proceedings.

This clause affirms the **inalienable right of the people** to:

- Observe and report fiduciary misconduct;
- Initiate corrective processes under equity;
- Submit claims or defaults;
- Conduct or assist in audits;
- And communicate findings to fellow citizens without fear of commercial, administrative, or criminal retaliation.

9.2 Scope of Protection

Protected parties include (but are not limited to):

- Any *man or woman acting *sui juris** under the authority of natural or common law;
- Authorized representatives acting *under Power of Attorney*, fiduciary appointment, or agency;
- Participants in independent review panels or equity tribunals;
- Public record notaries, court watchers, and citizen archivists;
- Authors or publishers of public notices, audits, or fiduciary complaints submitted in good faith;
- Signatories or filers of Notices of Default, Bond Claims, or Constructive Fraud Notices;
- Private prosecutors acting under constitutionally guaranteed powers of redress and due process.

9.3 Legal Authority and Foundation

This clause is supported by, and made enforceable through:

- **42 U.S.C. § 1983** — Protection from deprivation of rights under color of law;
- **42 U.S.C. § 12203** — Protection against retaliation for asserting legal or equity-based claims;
- **18 U.S.C. § 1512 & § 1513** — Criminal penalties for witness tampering or retaliation;
- **U.S. Const. Article IV & Article IX** — Guarantee of immunities and lawful protest;
- **South Dakota Codified Laws** and parallel county ordinances protecting whistleblowers;
- **Maxims of Equity** — “He who seeks equity must do equity,” and “Equity looks to the intent rather than the form.”

Furthermore, such persons shall be **presumed to be acting in honor**, unless demonstrated otherwise by *clear, factual, and documented malintent*, fraud, or trespass in the record.

9.4 Enforcement and Redress

Any attempt to:

- Intimidate, defame, financially harm, disqualify, disbar, or otherwise injure a protected party;
- Prevent public distribution of valid notices or equity instruments;
- Coerce or silence a lawful claimant or fiduciary monitor;
- Or obstruct the lawful processing of a public trust action—

Shall be deemed a breach of fiduciary duty, a potential *criminal trespass on rights*, and **trigger both private and public equity remedies** including but not limited to:

- Bond claims against offending parties;
- Petition for injunction or restraining order;
- Court of equity intervention;

- Civil damages and restitution claims;
- Administrative default and removal from public position.

9.5 Final Protective Declaration

“No act of lawful notice, recordation, claim, default, or audit performed in good faith shall be construed as defamation, insurrection, libel, or criminal intent. Any proceeding commenced against such a person absent due cause shall be treated as a presumption of bad faith, abuse of authority, and ultra vires jurisdiction.”

This shield shall be considered **self-executing, irrevocable**, and binding upon all county agents, contractors, officials, private actors in joint authority, and administrative entities claiming jurisdiction within the County.

§ 10 — County Education Mandate for Fiduciary Literacy and Civic Participation

10.1 Purpose and Rationale

To ensure that **all members of the public** are empowered to participate meaningfully in trust oversight, fiduciary accountability, and the lawful administration of county affairs, a **permanent, county-wide civic education initiative** shall be established.

The objective is not merely academic but **functional**: to equip residents, property owners, and public officers alike with the tools, knowledge, and lawful standing necessary to identify fiduciary breaches, invoke remedy, and preserve public assets and due process rights.

“An educated people is the bulwark of liberty; ignorance, the ally of fraud.”

10.2 Scope and Requirements

The County Education Mandate shall include, but not be limited to, the following core subject areas:

- **Basic Trust Law and Fiduciary Duties**
 - Trustee obligations
 - Beneficiary rights
 - Fiduciary breach indicators
 - Equitable title and legal standing
- **Public Funds and Bonding Structures**
 - CAFR/ACFR analysis
 - Official bonds and liability instruments
 - 31 U.S.C. §§ 9304–9309 (Surety Bonds)
 - Public employment as trust service
- **Court Equity and Administrative Jurisdiction**
 - Equity vs. statutory courts
 - CUSIP and court case monetization
 - Rights reserved under UCC 1-308 and UCC 3-501

- **Due Process and Redress Mechanisms**
 - FOIA/Sunshine Laws
 - Administrative default
 - Notice, presentment, and estoppel by acquiescence
- **Audit Procedures and Default Triggers**
 - Bond challenge protocols
 - Fiduciary audit process
 - Citizen review triggers
- **Remedy Frameworks and Standing Protections**
 - Use of affidavit, notice, and jurat
 - Private prosecution rights
 - Right to assemble and demand inspection

10.3 Delivery Mechanisms

To reach all sectors of the population, the County shall fund and support the following methods:

- **Free monthly civic literacy seminars** (in-person and online);
- **Distribution of printed public trust manuals** and citizen remedy guides;
- **Local access TV or radio programming** summarizing key remedy processes;
- **K-12 and adult curriculum integration** with voluntary, nonpartisan modules on lawful governance;
- **Quarterly certification programs** for those seeking civic audit or review panel participation;
- **Public Office Candidate Certification** — no individual shall serve in a fiduciary role without documented exposure to the above curriculum and remedy frameworks.

10.4 Enforcement and Oversight

- The **County Clerk**, in cooperation with an **Independent Education Advisory Panel**, shall be charged with:
 - Overseeing curriculum creation;
 - Certifying delivery channels;
 - Publishing schedules and distributing manuals;
 - Ensuring public access to materials;
 - And submitting quarterly reports verifying program execution and transparency.

Failure by any official to support or implement this mandate **constitutes willful obstruction of public knowledge** and may be deemed a fiduciary breach under §4 of this Framework.

10.5 Notice to Educational Institutions

Private and public educational institutions operating in the County are **invited and encouraged** to incorporate these modules into their offerings. However, refusal to make these materials available shall **not excuse any party from ignorance of the public trust structure, legal standing doctrines, or equity-based remedy procedures**.

§ 11 — County Recordkeeping Duties and Transparency Portals

11.1 Fiduciary Recordkeeping Obligations

Every county office, agency, or agent engaged in the management, transfer, control, or oversight of **public assets, lands, licenses, funds, or trust property** is bound by strict fiduciary duty to maintain **clear, auditable, and publicly accessible records** in accordance with:

- 31 U.S.C. §§ 5311–5332 (Records & Reporting Requirements)
- South Dakota Codified Law (SDCL) § 1-27-1 (Open Records)
- SDCL § 5-2-18 (Record of Public Lands Transactions)
- Federal Records Act (44 U.S.C. Chapter 31)
- IRS Publication 583 (Recordkeeping Requirements for Trusts and Fiduciaries)

Failure to preserve, maintain, or produce records related to trust assets, funds, or enforcement decisions shall be deemed a willful act of concealment and potential fraud under 18 U.S.C. § 1001, 18 U.S.C. § 2071, and SDCL § 22-39-36.

11.2 Mandatory Transparency Portals

To fulfill the **People's right to know**, each County shall establish and maintain a **Digital Transparency Portal** providing real-time access to:

- Public trust income and expenditures (segmented by fund or program);
- Fiduciary bond disclosures (names, carriers, coverage amounts);
- County CAFR/ACFRs and independent audit reports;
- Notices of default, administrative claims, and remedy triggers;
- Minutes and recordings of meetings affecting public trust assets;
- Court filings involving trust beneficiaries, land, or public funds;
- Copies of all public notices and citizen affidavits received or served;
- Citizen-submitted audits, demands, and fiduciary complaints;
- Restoration fund distributions and default claims awarded.

All records shall be available **without FOIA delay** and **without fee** for public inspection, download, and use.

11.3 Retention and Ledger Requirements

- All **financial and fiduciary documents** shall be retained for a minimum of **25 years** or **permanently if related to land, title, bonding, or trust creation**.
- County agencies shall maintain **dual-entry ledgers**:
 - **Public Ledger**: accessible and viewable by all residents.
 - **Private Ledger**: used internally for bond instruments and CUSIP tracking; this must also be subject to periodic audit and made available for independent review upon public challenge.

All records of securitized debt instruments, municipal bonds, public employee pensions, and land trust monetization **shall be flagged** as high fiduciary liability assets.

11.4 Oversight and Custodian Responsibilities

- The **County Clerk or Recorder of Deeds** shall serve as **Custodian of Record** for all materials falling under the County Public Trust Enforcement Framework.
- Custodians must be bonded under **31 U.S.C. § 9303** and subject to removal or personal liability upon failure to maintain accurate, timely, and complete public record access.
- A **Rotating Citizen Audit Panel** shall be granted full access to all records semi-annually to verify:
 - Timeliness of filings;
 - Red flag indicators of fraud or concealment;
 - Compliance with public notification and remedy availability.

11.5 Notice of Public Availability

- At least once every **90 days**, the County shall issue a public summary of:
 - All major fiduciary actions taken;
 - All public trust assets affected;
 - Any defaults recorded or cured;
 - Summary of citizen complaints, investigations, and corrective measures.

Failure to provide this summary constitutes a **presumptive breach of duty** and triggers a default investigation under §4.

§ 2 – Transition Plan and Phase-In Timeline

2.1 Purpose of the Transition Framework

The **transition plan** ensures orderly implementation of fiduciary, trust, and public-benefit oversight provisions at the **county level** without disrupting current public services or overburdening local institutions. It guarantees sufficient time for education, procedural realignment, legal review, and public participation in order to fully integrate the framework into county law, ordinance, and operational policy.

This phase-in timeline aligns with constitutional mandates under:

- **SDCL § 1-27 (Public Records & Open Government)**
- **SDCL § 7-18A (County Ordinances)**
- **42 U.S.C. § 1983 (Civil Rights Enforcement)**
- **31 U.S.C. §§ 9304–9309 (Surety Bond Regulation)**
- **Tenth Amendment to the U.S. Constitution (Reserved Powers Clause)**

2.2 Six-Month Preparatory Window

Within the first **180 days** of ratification, each County shall:

- Establish a **Public Trust Transition Committee** composed of:
 - 3 County officials (e.g., auditor, treasurer, commissioner)

- 3 independent residents or fiduciary auditors
 - 1 liaison from a state-recognized indigenous tribal nation (if applicable)
- Review all **existing contracts, resource extraction leases, land-use permits, and bonding instruments** to assess compliance with new fiduciary standards.
- Open **public comment periods** for review of all draft ordinances, policies, and enforcement mechanisms arising from this framework.
- Deliver **mandatory training** to all County officers, fiduciaries, and departmental heads on:
 - Trust law
 - Bonded performance obligations
 - Remedy mechanisms and citizen equity rights

2.3 Implementation Phase I (Months 6–12)

- Formal **adoption of ordinances** aligned with §§ 3–7 of this Framework.
- Launch of **Transparency Portals** and recordkeeping architecture in accordance with §11.
- Establishment of **Restoration Fund Escrow Accounts**, held in either:
 - A designated public bank
 - Federally-insured local financial institution
- First **appointment of Citizen Review Panels** and Independent Fiduciary Auditors.
- Publication of **baseline fiduciary liability reports**, including:
 - Current bondholders
 - Default risk assessments
 - Net public asset valuation and exposure

2.4 Implementation Phase II (Year 2–3)

- Launch of **county-wide education program** for public trust enforcement (per §10).
- Integration of county codes with **federal and state-level fiduciary reporting systems**, including:
 - U.S. Treasury FMS
 - IRS Fiduciary Forms (56, 1041)
 - State Treasurer or Auditor compliance systems
- Evaluation of **existing court operations and land recordkeeping systems** for dual-entry compliance under §11.3.
- Pilot programs for **community-led enforcement triggers**, auto-default detection, and public record challenge mechanisms.

2.5 Full Enforcement Threshold (Start of Year 4)

- All county contracts, land use licenses, vendor agreements, and public-private partnerships **must be rebonded and recertified** under the new fiduciary standards.
- Any contract, policy, or decision not compliant with §§ 3–7 of this Framework **shall be null, void, and unenforceable** absent cure or good-faith amendment.
- **Restoration Fund Claims** become fully active.
- **Auto-recovery mechanisms** (per §6) are fully enforceable, and bonding companies may be held liable for verified harm under strict liability.

§ 12 – Public Accountability Dashboard & Citizen Reporting Portals

12.1 Purpose and Constitutional Basis

To uphold transparency, protect trust beneficiaries, and deter fiduciary misconduct, the County shall establish a **Public Accountability Dashboard** and associated **Citizen Reporting Portals**. These tools shall serve as the digital foundation for community oversight, equity enforcement, and participatory government.

The statutory and constitutional bases for these transparency requirements include:

- **SDCL § 1-27-1 et seq.** – Public Record Access
- **SDCL § 6-1-10** – Mandated Disclosure of Governmental Contracts
- **31 U.S.C. § 9701** – Government Service Reporting
- **5 U.S.C. § 552** – Freedom of Information Act (FOIA)
- **Tenth Amendment**, U.S. Constitution
- **Article VI**, U.S. Constitution (Supremacy of Constitutional Obligations)
- **42 U.S.C. § 1986** – Duty to Prevent Civil Rights Deprivation

12.2 County-Level Dashboard Infrastructure

A publicly accessible, **online dashboard** shall be developed and maintained by the County Auditor or a designated fiduciary officer. The dashboard shall be:

- **Mobile-friendly**, open-source, and available 24/7
- Hosted via **county-managed servers** or a **verifiable blockchain** to prevent tampering
- Indexed by **ledger category**, including:
 - **Bonded obligations**
 - **Resource use authorizations**
 - **Land patents, leases, and trusts**
 - **Default notices, cure claims, and performance logs**
 - **Citizen-submitted Notices of Liability, Non-Consent, or Constructive Fraud**
 - **Filed administrative defaults and associated escrow transactions**

This dashboard shall contain **filterable, timestamped ledgers** and offer downloadable CSV or XML outputs for audit, FOIA, and legal preservation.

12.3 Citizen Reporting Portal Requirements

The dashboard shall link to an integrated **Citizen Reporting Portal** with the following minimum features:

- Secure, anonymized **submission system** for complaints, fraud reports, and public notices
- Standardized templates for:
 - Fiduciary Breach Notices

- Notices of Conditional Acceptance
- Surety Bond Claim Forms
- Equity Enforcement Petitions
- Upload system for **evidence, images, receipts, and sworn affidavits**
- Option to request **independent review** by Citizen Review Panels (see §5)
- **QR Code Verification System** for linking physical notices or affidavits with verified digital copies

Submissions shall generate a **receipt with a unique claim number**, date/time seal, and public/private copy options.

12.4 Ledger Integration and Reporting Flow

All approved submissions shall automatically populate:

- The **Civic Ledger** (available publicly)
- The **Fiduciary Liability Docket** (internal to enforcement officers)
- The **Default Registry** under §7, when thresholds are met

A secure chain of custody shall ensure:

- Citizen-submitted reports **cannot be deleted**, only **annotated or appealed**
- Government responses are **recorded alongside** the original filing
- All escalation steps (mediation, cure, arbitration, judgment) are **traceable end-to-end**

12.5 Data Retention, Access, and Archive Mandates

- All submissions and responses shall be retained for a minimum of **25 years** and available to:
 - County residents
 - Bond underwriters
 - Courts of competent equity jurisdiction
 - FOIA and subpoena responses
- All content shall be **timestamped, cryptographically hashed**, and indexed by:
 - Case number
 - Type of remedy or violation
 - Public trust asset involved
- Any attempt to remove or redact a public record without cause shall constitute a **fiduciary breach** and may trigger an automatic administrative default under §4

§ 13 – Citizen Referendum Powers and Ordinance Veto Rights

13.1 Purpose and Constitutional Foundation

To ensure that **all legislative authority remains derived from the consent of the governed**, this section affirms the **inalienable right of county residents** to:

- Review,
- Repeal, or
- Initiate ordinances, regulations, or trust mandates through peaceful and lawful **referendum mechanisms** and **veto rights**.

This section is grounded in:

- **Article I §1, South Dakota Constitution** – “All political power is inherent in the people.”
- **Article XXIII, South Dakota Constitution** – Initiative and Referendum Rights
- **Tenth Amendment, U.S. Constitution** – Reserved Powers to the People and the States
- **Natural law and trust law doctrine**, under which beneficiaries (the people) retain enforcement rights when trustees breach their duties

13.2 County-Level Direct Referendum Process

Every county shall enact an **Initiative and Referendum Ordinance**, modeled upon SDCL § 7-18A-17 through § 7-18A-26, with expanded guarantees including:

- **No restrictive time limits** that unduly burden the public's ability to respond
- **Electronic petition circulation and submission** (e-signature recognition)
- **Advance publication of all pending ordinances** in plain language
- **Immediate public posting of any proposed ordinance impacting public trust assets, bonded obligations, or private property rights**

The people shall have **120 days** from the date of final ordinance publication to submit a **referendum petition** containing the signatures of:

- **5% of the County population** (standard challenge)
- **OR 1% of the County population** when asserting:
 - Fiduciary breach
 - Constructive fraud
 - Misuse of bonded public resources

Upon submission, the ordinance shall be **suspended** pending a public vote.

13.3 Ordinance Veto by Citizen Majority

Should the referendum reach public vote, the following rules apply:

- **Simple majority (50% +1)** shall be sufficient to repeal or nullify any ordinance.
- A **supermajority (66%)** shall authorize a **permanent veto**:
 - Preventing similar ordinances from being reintroduced for 24 months
 - Triggering an automatic **independent fiduciary review**
- All such referenda results shall be:
 - **Final**, binding on all trustees and public officials
 - **Enforceable in courts of equity**
 - **Recorded in the Default Registry** if ignored

13.4 Special Emergency Override Veto

When the public asserts that an ordinance:

- Invokes emergency powers without due process
- Forces action without full disclosure or consent
- Deprives property, liberty, or equity without compensation

...the people may file a **Special Emergency Override Petition** with:

- **2% of the county population**, and
- A written **Notice of Maladministration or Fiduciary Breach**

The ordinance in question is then **suspended for 90 days**, triggering:

- Fiduciary review
- Citizen panel hearing (see §5)
- Legal standing for injunction, declaratory relief, or administrative default

13.5 Safeguards Against Retaliation and Suppression

Any attempt by public officials to:

- Obstruct the referendum process
- Deny access to public records
- Intimidate, penalize, or disqualify petitioners or public participants

...shall be deemed a **fiduciary breach**, a **violation of civil rights**, and subject to:

- **Personal liability under 42 U.S.C. § 1983 & § 1985**
- **Bond forfeiture** (see §7)
- **Referral to state and federal authorities** for civil or criminal prosecution

A full **whistleblower protection clause** shall also be embedded into all ordinance override processes.

Power Revocation and Martial Law Nullification Protocol

14.1 Purpose and Legal Necessity

This section is enacted to **prevent the abuse of emergency powers** and to **immediately revoke any attempt to enforce martial law, military rule, or executive overreach** in the county without full public consent, proper delegation, or lawful authority.

This protocol is rooted in:

- **Article IV, §4 of the U.S. Constitution** – Guarantee of a Republican Form of Government
- **Article VI, Clause 2 (Supremacy Clause)** – Constitutional law overrides all state and emergency directives
- **50 U.S.C. §§ 1601–1651 (National Emergencies Act)** – Requires Congressional oversight and termination procedures
- **SDCL § 34-48A-5 et seq.** – South Dakota limitations on emergency declarations and mandates
- **UCC 1-103 & 1-308**, preserving all rights under equity and natural law

14.2 Automatic Revocation Triggers

All declarations of emergency, including public health, civil unrest, or environmental hazard, shall be **automatically voided** within the county if:

1. **No full disclosure** is provided to the public, including:
 - Source of the emergency authority
 - Funding, bonding, or financial impact on residents
 - Constitutional and statutory basis for the declaration
2. The declaration:
 - **Restricts unalienable rights** (movement, commerce, speech, assembly, self-defense)
 - **Forces involuntary participation** in programs (vaccines, biometric tracking, property forfeiture)
 - **Applies martial or military rule** upon civilians

Upon any of the above, the **Emergency Power Revocation Protocol** is activated.

14.3 Revocation Procedures

1. **Notice of Revocation** may be issued by:
 - Any **elected public trust officer**
 - A **Citizen Oversight Committee** (see §5)
 - **2% of the adult county population** signing a verified Petition
2. The Notice must:
 - Be delivered to all relevant state and county officials
 - Be posted publicly via the **County Transparency Portal** (§11)
 - Be recorded in the **County Default Registry** (§7)
3. If not immediately honored, **fiduciary default** is triggered and the declaration is considered:
 - **Ultra vires** (beyond authority)
 - **Repugnant to the Constitution**
 - **Void ab initio** (null from the beginning)

14.4 Martial Law Nullification Clause

No martial law declaration shall be recognized in the county unless:

- **War is formally declared** by Congress per Article I §8 of the U.S. Constitution
- **Lawful civilian courts are fully suspended**
- **Consent of the people** has been obtained through referendum (§13)

Absent these conditions, all martial law orders are:

- **Non-binding**
- **Treasonous in effect** if enforced without lawful warrant or emergency due process
- **Actionable through equity and trust law** as a breach of the public peace and a trespass upon the people's estate

14.5 Citizen Remedies for Unlawful Emergency Declarations

Any resident may:

- File a **Notice of Trespass and Revocation of Consent**
- Demand the **bonding information** of the official declaring emergency powers
- Initiate a **Citizen Tribunal** or court of equity claim (§6)
- Trigger a **Special Referendum Override** under §13.4

All citizen actions shall enjoy **absolute immunity** under a **Good Faith Civil Defense Clause**, and public officials enforcing void orders shall be:

- **Individually liable** under 18 U.S.C. § 242
- **Subject to civil forfeiture and disqualification**
- **Referred to the State AG, DOJ, or U.S. Marshals** under federal codes of conduct

14.6 International and Treaty-Based Protections

This section is also supported by:

- **Universal Declaration of Human Rights, Art. 3, 5, 9, 17, 21**
- **Nuremberg Code** – Prohibiting involuntary experimentation or coercion
- **Vienna Convention on the Law of Treaties** – Binding nature of consent and lawful authority
- **Law of Nations**, Book I, §§ 4, 5, 6, and 45 – Right of self-government and rejection of imposed authority

These authorities reinforce that **no emergency, real or manufactured, justifies the suspension of natural rights** or seizure of property without due process and lawful warrant.

§ 15 – Fiduciary Disqualification, Breach Reporting, and Recall Procedures

15.1 Purpose and Scope

This section establishes a **binding, non-discretionary framework** for the **disqualification, removal, or recall of any public official, fiduciary agent, or private contractor** operating within or for the benefit of the county, upon breach of trust, duty, or lawful obligation.

Grounded in natural law, constitutional authority, trust law, and commercial code provisions, this section ensures that **no one acting in the name of public service may operate above accountability** or outside the terms of their oath, bond, or fiduciary role.

Legal Authorities Invoked:

- Article IV, §4 of the U.S. Constitution
- South Dakota Codified Laws, incl. § 3-17 (removal of officers), § 5-18A (public procurement integrity)
- 18 U.S.C. §§ 241, 242, 654, 1341, 1346 – criminal penalties for misuse of public office
- 31 U.S.C. §§ 3729–3733 (False Claims Act)
- UCC §§ 1-201, 1-308, 3-501, 9-210
- Common Law Trust Principles and Equity Doctrine

15.2 Disqualification Triggers

Any fiduciary (including judges, sheriffs, clerks, prosecutors, county commissioners, contractors, or corporate agents) shall be subject to **immediate disqualification** or recall if any of the following apply:

- Breach of **oath of office or public trust**
- Failure to **disclose bonding status**, fiduciary delegations, or contract obligations
- Attempt to **impersonate a lawful authority** without valid delegation or warrant
- Enforcing unlawful mandates, administrative code, or martial policy **without consent**
- Participating in **double-bookkeeping, CAFR concealment**, or asset diversion
- **Financial conflict of interest** or participation in **racketeering or self-dealing schemes**
- Obstruction of constitutional remedy or **refusal to recognize equity jurisdiction**
- Non-responsiveness to properly served **Notices of Inquiry, FOIA, or Conditional Acceptances**

Any **verified notice**, affidavit, or evidence submitted to the County Default Registry or Oversight Body (§§ 5 and 7) shall trigger **provisional suspension** pending full review.

15.3 Breach Reporting Process

Citizens, oversight panels, whistleblowers, and public servants may initiate breach reports through:

1. **Written Notice and Evidence Submission to:**
 - The **County Transparency Portal** (§11)
 - The **Citizen Audit Board or Equity Tribunal** (§6)
 - Any state or federal oversight body
2. **Optional inclusion of:**
 - **Affidavits of Harm or Maladministration**
 - Documentation of denied remedy, due process, or U.S. Code violations
 - Prior **administrative notices or conditional acceptances**

3. Entry into the **Default Registry** activates a **10-day response window**, after which fiduciaries who do not rebut or cure the breach are presumed in **dishonor** and shall be **administratively estopped** from further action.

15.4 Removal and Recall Mechanisms

Upon verified breach and dishonor:

- Officials may be **recalled by 5% petition** of the adult county population
- Immediate **administrative injunction** may be issued by a Citizen Oversight Body
- Disqualified actors lose **standing and indemnity protections**, including:
 - County-issued E&O or fiduciary insurance coverage
 - Access to funds derived from municipal bonds or CAFRs
 - Enforcement privilege under color of law

Any actor removed under this section must **surrender keys, credentials, access, and property** related to office within **72 hours**, under penalty of trespass, impersonation, and criminal conversion.

15.5 Public Disclosure and Reporting

All disqualifications, removals, breach reports, and supporting evidence shall be:

- **Published on the Public Fiduciary Breach Ledger** in the County Transparency Portal
- Forwarded to:
 - **Attorney General of South Dakota**
 - **U.S. DOJ Office of Public Integrity**
 - **IRS Fiduciary Responsibility Division**
 - **State Auditor and Legislative Audit Committee**
- Included in the **Citizen Dashboard** for voting reference (§12)

Where applicable, criminal referrals may be made, and **bond claims initiated** per §§ 6 and 7.

15.6 Citizen Immunity and Legal Safeguards

No resident shall be prosecuted, penalized, or retaliated against for initiating or participating in:

- Fiduciary breach reporting
- Equity-based remedy invocation
- Transparency enforcement
- Public referendum efforts

All such actions are protected under:

- **Whistleblower laws**

- Good faith doctrine
- Natural law and constitutional right to petition
- 42 U.S.C. §1983 – Right to sue for deprivation of rights under color of law

§ 16 – Funding Sources, Penalty Allocations, and Citizen Credit System

16.1 Purpose and Design

This section establishes the **lawful funding mechanisms** for executing this Ordinance, including revenue from **recovered assets, fines, forfeitures, and bond claims**, and introduces a **Citizen Credit System** to compensate, incentivize, and empower good-faith public participation and transparency enforcement.

It ensures that **no tax increase is needed** to implement these measures. Instead, it repurposes **existing fraud waste**, civil penalties, and dormant assets **back into the hands of the people**, aligning with equity, restitution, and lawful stewardship principles.

16.2 Lawful Funding Channels

The following sources shall fund the oversight mechanisms, citizen boards, public dashboards, and redress procedures outlined in this Ordinance:

- **Bond claims and surety enforcement** filed under 31 U.S.C. §§ 9304–9309 and UCC § 3-501
- **Asset recovery and clawback** of embezzled, hidden, or misallocated county funds (see § 6.5)
- **Civil penalties** collected from fiduciary breaches (see § 15.3–15.5)
- **Unused trust funds** or escrow accounts dormant within municipal accounts
- **Misappropriated CAFR surpluses** identified through transparency audits (§ 5)
- **Overbillings and procurement fraud reimbursements** under the False Claims Act (31 U.S.C. §§ 3729–3733)
- **Private donations, local grants, or voluntary pledges**
- **County-held land or commercial asset leases** restructured for public dividend share

Note: No new direct property tax, income tax, or levy shall be imposed. This is a **remediation and reclamation system**, not a taxing authority.

16.3 Penalty Allocation Framework

All recovered funds, fines, or assets shall be allocated as follows:

Revenue Source	Allocation
Fiduciary breach fines	30% to Citizen Audit Board, 40% to local restitution fund, 30% to dashboard
Bond claim recoveries	50% to the claimant, 30% to oversight body, 20% to administrative remedy fund

Revenue Source	Allocation
Misuse of public funds (clawed back)	60% to general county repair, 40% to citizen reserve
CAFR surpluses and investment returns	100% credited to Citizen Credit System (see § 16.4)
Civil or criminal court settlements	33% reserved for legal defense pool for citizens, 33% to restitution, 34% to fund transparency boards

All allocation ledgers must be publicly visible in real-time on the **Public Accountability Dashboard** (§ 12) and subject to **monthly audit publication**.

16.4 Citizen Credit System

A **non-fiat, county-issued credit system** shall be created to reward lawful action, redress efforts, and civic integrity. These **Citizen Credits** shall:

- Be issued **only to verified county residents**
- Be earned through:
 - Submitting verified fiduciary breach claims
 - Serving on public oversight panels or tribunals
 - Producing transparency audits or FOIA responses
 - Hosting education forums or lawful remedy trainings
- Be **redeemable** toward:
 - County services or utility offsets
 - Legal defense fund access
 - Transparency grants or truth-in-governance media projects
 - Local cooperative ownership shares or infrastructure improvements

Credits shall be managed via a **transparent blockchain ledger** or equivalent **open-audit system**, with all credit creation **pegged to lawful recovery and not speculative instruments**.

16.5 Anti-Fraud and Capture Safeguards

To prevent mismanagement, all funds and credits shall be subject to:

- **Dual-key verification:** one public auditor, one citizen representative
- **Monthly reporting requirements**
- **Randomized external audits**
- **Standing Grand Jury audit access** under common law (see § 7.4)
- **Revocation provisions** for any actor attempting fraud, coercion, or private profiteering

No contractor, politician, or employee may receive **bonuses or commissions** from recovered public funds without direct approval from the **Citizen Audit Board** and full public disclosure.

§ 17 – Final Safeguard Clauses, Preemption Statement, and Enactment Provision

17.1 Final Safeguard Against Inversion (Anti-Dominion Clause)

Let it be established that **all authority flows from the people**, and that any interpretation, regulation, ordinance, or administrative construct which attempts to invert this relationship—placing unelected boards, private entities, corporate contractors, foreign registrants, or judicial commissions *above* the people—is deemed **null, void, and without lawful force**.

“All dominion belongs to the origin of trust.”

The people are the grantors of authority, not its subjects. This instrument affirms the **Law of Agency**, **Law of Trust**, and **Law of Natural Right** as preeminent over all secondary codes or administrative procedures.

Any attempt to reinterpret this Ordinance using color-of-law presumptions, emergency powers, delegated authority inversion, or corporate policy masquerading as law, shall be treated as a **fraudulent conversion and breach of public trust**, prosecutable under §§ 15 and 16, and subject to **revocation of standing** by the Citizen Audit Board or Common Law Tribunal.

17.2 Preemption of Contradictory Statutes and Policies

This Ordinance shall **supersede all conflicting local policies, administrative rules, corporate contracts, or internal municipal procedures** that infringe upon:

- Lawful citizen oversight
- Common law remedy and tribunal rights
- Public access to financial and fiduciary information
- The right to revoke delegated authority upon breach

Where contradictions arise between this Ordinance and any other county regulation or external directive (federal, state, or corporate), the **principle of constitutional supremacy**, the **Law of Equity**, and the **intent of this Ordinance** shall prevail.

This Ordinance shall be interpreted liberally in favor of the people and restrictively against any agent or body seeking to obscure, delay, or defeat its enforcement.

17.3 Enactment and Standing Authority

Upon passage, this Ordinance shall be:

- **Immediately enforceable**, with the exception of phase-in provisions defined in Section 2;
- Registered with the **county clerk**, posted on the **public transparency portal**, and transmitted to:
 - All fiduciary bond holders and insurers under 31 U.S.C. § 9304
 - The Secretary of State
 - The local Sheriff and Recorder
 - Local grand jury convenors or their lawful equivalents

- Appropriate regulatory bodies and oversight commissions

The **Citizen Audit Board** formed under this Ordinance shall have **standing authority** to initiate enforcement, facilitate public review, and coordinate with **lawful tribunals** or outside auditors in pursuit of compliance, remedy, or restitution.

No provision herein shall be suspended by executive order, emergency declaration, or judicial discretion unless first presented for **public referendum** as defined in § 13.