



Recommendations of the Government Structures Committee

April 20, 2009

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Recommendations

Focus 2020 Government Structures Committee

I. Vision Statement and Introduction

Committee Vision Statement: To examine, identify, and endorse the forms of government that give the City of Mitchell and Davison County the best opportunity to maximize responsiveness, strategic thinking, and professionalism.

No one can doubt local government's importance. When examining the City of Mitchell's \$33 million budget or at Davison County's 82 employees, it is clear that these are large enterprises that add significant value to our community and its citizens. Additionally, as W.O. Farber wrote in the South Dakota Journal of County Government in 1954, "local governments are important because they are close to the people and afford the most direct opportunity for participation by citizens in public affairs. The real testing ground for democracy is at the local level."

That is one reason that the members of the government structures committee were honored to serve. As interested citizens or as former local government officials, we each saw an opportunity to help improve our community by offering a few recommendations to the leaders of our local governments and to the people they serve.

In formulating those recommendations, members of our committee spoke with experts from SDSU, DWU, the City of Vermillion, the City of Aberdeen, Brookings County, Hughes County, the Secretary of State's Office, the South Dakota Municipal League, the South Dakota Association of County Officials, the South Dakota Association of County Commissioners, and many citizens from our area. We also attempted to survey every elected and appointed official from both our city and county governments. In the end, seventeen local officials returned our four-page survey, the results of which influenced the committee's work significantly.

Our most important finding was that the local governments in our area work. They are not perfect, of course, but in conversations with others from across the state, it became clear to us that our area has been well-served by city and county government. Both entities possess dedicated employees and elected leaders, and few in our community, even when being critical, try to claim that either entity is broken. There are a number of areas of possible improvement, but a drastic overhaul of our city and county government is not necessary. With that in mind, the government structures committee offers its recommendations.

Focus 2020 Government Structures Committee Members – Tim Bottum, Gary Butterfield, Dusty Johnson, Kyle Musick, Dave Muth, Steve Peschong, Tona Rozum, Lyle Swenson, Mike Vehle

II. Davison County Government

Davison County is 435 square miles and is home to three towns and around 20,000 residents. The current commission is composed of five members elected by district. There are five department heads elected countywide (auditor, register of deeds, sheriff, states attorney, and treasurer) and a number of department heads appointed by the county commission, including Emergency Management Director, Director of Equalization, and Veterans Affairs Officer. The county employs 82 employees and has an annual budget of \$8.6 million. A county organization chart can be found in appendix E.

Recommendations for Davison County

1. Establish a “county mayor” elected countywide

(Requiring passage of a home rule charter by county voters)

Nearly every business, non-profit, school, and city has someone “in charge,” a person with executive authority and responsibility over the organization. For the most part counties in our country developed differently. The Davison County Commission elects a chairman, for example, but he or she has few unique powers compared to his or her colleagues. Running the weekly meetings is likely the chairman’s most important unique responsibility. Additionally, the chair or the county commission is elected to the commission only by the voters of his or her ward. While it can be assumed that each county commissioner tries in good faith to look out for the best interests of the whole county, being elected by just one geographic portion of the county makes them (by design) more responsive to the needs of that area.

The committee believed that the citizens of Davison County would be better served by a countywide elected commission chairman that would have a countywide perspective, as well the ability to oversee and direct the activity of appointed department heads. For instance, it is typical for commissioners to take meeting time to discuss and vote on routine travel requests and equipment purchases. A county mayor could handle those operational approvals, allowing the county commission’s time to be spent instead on the important strategic and policy direction of Davison County.

The committee’s proposal would maintain a five-member county commission, with one member elected at-large, meaning that the county would need to be redrawn into four county commission districts, rather than the existing five. An alternative to this approach would be to maintain five county commissioners elected by district, with the county mayor being an additional office, holding a veto, but no vote on the commission.

Because either organizational change is not among the default options for county governance in state law, Davison County would need to adopt a “home rule” charter, giving it greater flexibility in how it is structured and managed. Such a change would need to be approved by the voters as part of a county-wide vote. As note by our state constitution (see appendix B): “A chartered governmental unit may exercise any legislative power or perform any function not denied by its charter, the Constitution or the general laws of the state . . . Powers and functions of home rule units shall be construed liberally.”

Some members of the committee felt strongly that Davison County needs a full-time professional, in the form of a county administrator or county manager, to manage day-to-day county affairs. Hughes County employs a county manager, and other counties, including Brookings, Minnehaha, Meade and Lawrence, utilize a commission assistant or county administrator. Despite the strengths of such an approach, the majority of the committee felt that a “county mayor” approach should be tried first. Appendix G contains an overview of county government in South Dakota.

Timeline: Begin drafting charter– November 2009; Charter draft completed – March 2010; Vote on home rule – June 2010; Effective date of home rule charter – November 2010; Election of county mayor – November 2010 (3 commissioners are up for election in 2010, making it a good year to make this transition)

Proposed champion/implementer: Davison County Commission

Potential Costs: A “county mayor” should receive compensation higher than that received by the other commissioners. An addition \$1,000 - \$2,500 annually should be sufficient.

2. Hold county commission meetings in the evenings

No recommendation in this report had as much widespread support from the committee, surveyed local leaders, and citizens volunteering their opinions as moving county commission meetings to the evenings. Moving meetings to the evenings would allow more people with jobs or daytime commitments to be involved with or follow firsthand commission meetings. Evening meetings would likely increase the number of people able to run and serve, as well.

There are, as with any change, some challenges that would need to be resolved. Concerns were raised about possible overtime for county employees needing to attend evening meetings, for instance. The concerns raised are legitimate, but they are all relatively easy to resolve, as evidenced by the fact that school board and city council meetings across the state are held at night, and that approach seems to work well.

Timeline: Change made – January 2010

Proposed champion/implementer: Davison County Commission

Potential Costs: None expected. There could be possible overtime for county employees if hours cannot be adjusted during that work week.

3. Improve the county’s strategic planning process

As noted by Jim Collins in *Good to Great and the Social Sectors*, an important difference between good public organizations and great public organizations is their willingness and ability to plan strategically for the future. Of course strategic planning can be difficult in an organization where those in charge (elected officials) work part-time, serve staggered terms, and are likely in office for only a few years. Davison County current does significant planning in many areas, most notably budget and public works. There is room for improvement, however. The county’s current planning process does not result in a comprehensive, integrated, and strategic planning document. Broad community goals are not developed and used to guide the work of the county. Community input on the planning process is

welcomed, but not actively sought. The plans developed would also be of more value if they were developed in coordination with city government.

Strategic planning processes are done by a number of county governments across the country. Developing the first such strategic plan for Davison County would be time-consuming and perhaps expensive, but would pay dividends. An example of a high-quality local government strategic plan can be found at cityofevanston.org/global/strat1.shtml. The City of Evanston, IL has a comprehensive long range strategic plan consisting of 13 goals that relate to three stated community values: Economic Viability, Strengthening Community, and Environmental Sustainability. In addition to presenting each goal in detail, they also detail the 9 month process that the city manager led to solicit input and create the five year strategic plan intended to achieve the vision of making Evanston, IL “The Most Livable City in America” (see appendix D). The City of Evanston uses the following process to guide their work:

PHASE I – The Foundation

- Framing the issues and opportunities
- Data development: Demographic trends - Society and municipal trends - Financial projections - Service level projections - Business climate - Economic development trends - Housing trends and projections - School trends and projections - Human services trends and projections
- Benchmarking - A couple communities to compare to
- Citizen input session
- Employee input survey

PHASE II – The Direction

- Data and SWOT analysis workshop
- Strategic planning sessions – broad direction (city council only)
- Staff update session on broad direction
- Strategic planning session – specific direction (city council and key staff leaders)

PHASE III – The Implementation

- Staff implementation session – action planning
- Strategic plan document creation
- Final review workshop

Timeline: Committee formed to establish timeline and desired format – August 2009; Committee blueprint presented to commission – December 2009; Planning process begins – March 2010; Planning process completed – December 2010

Proposed champion/implementer: Davison County Commission

Potential Costs: Significant use of staff, commission, and community time, but limited out-of-pocket expenses, except for the first such integrated strategic plan, in which outside assistance might be helpful. Such assistance would likely cost several thousand dollars.

4. Televised commission meetings

Some local officials complained to the committee about how critical citizens often are, especially when those citizens don't have all of the facts. They also complained that the local media had too much power in shaping what the public thought about local government officials and actions.

Interestingly enough, a number of citizens told our committee they were concerned about the lack of information they felt they received from city and county elected officials and employees. They believed that a better job could be done communicating with the public.

As a result, the committee recommends that county commission meetings be televised. A number of commissions across the state (including Pennington and Minnehaha) televise meetings. Pennington County tapes its meeting and then televises them after the fact. Minnehaha County, on the other hand televises meetings live, which is a more complex process, but has a number of advantages for citizens. Representatives from those counties indicated that televising meetings does require an investment upfront (generally of a few thousand dollars), but that ongoing operational expenses were relatively minor. Minnehaha County indicated that they get a significant amount of technical assistance from Midcontinent Communications and the City of Sioux Falls, which also televises meetings live.

The county might find willing strategic partners in Mitchell Technical Institute and with video providers such as Mitchell Telecom and Midcontinent Communications. The video providers might be interested in having commission meetings be a part of their Video On Demand libraries. That would allow those who have a conflict to watch the meeting at their convenience.

Given the desire of county officials for citizens to have more information, and the desire of citizens to have more information, televising meetings seems like an important step.

Timeline: Initiate discussions with MTI, video providers, and city – January 2010; Equipment purchased – July 2010; First televised meeting – September 2010

Proposed champion/implementer: Davison County Commission

Potential Costs: Upfront: Likely less than \$5,000 for video and audio equipment, with strategic partners possibly willing to assist with those costs. Operational: Limited costs associated with staff time, and eventual replacement costs for equipment. Pennington County has been using its equipment for more than ten years.

5. Improve county website

Increasingly the citizens of Davison County are getting information from the Internet. While the current Davison County website contains some good information (official duties, how to contact offices, and commission meeting agendas), it could be better. For instance, citizens can't pay their taxes on-line, can't contact commissioners on-line, and can't view the packet of information prepared for county commission meetings on-line.

Modern citizens have become accustomed to conducting almost every conceivable business transaction on-line when dealing with banks, retailers, shippers, service providers, and others. As a result, many counties similar in size to Davison County have worked hard to bring a great deal of information and interactivity to their websites. Budget constraints may mean that the county courthouse can only be open five days a week, nine hours a day, but citizens could benefit tremendously by being able to

conduct more county business in the evenings and weekends. As a result, the committee recommends that Davison County work to integrate the following information or services to their website:

Tier 1 (near-term)

- Post complete county commission packet on-line in advance of the meeting
- Provide commissioner contact information
- Post all campaign finance filings for elected officials
- Directory of all services performed by the county with links to the proper procedures and documents required for that particular service
- Pay taxes and fees on-line

Tier 2 (longer-term)

- Continue building on GIS progress, culminating in the ability to view information on specific parcels of property by street address, such as past sale prices, assessed value, and voting districts (see information below)

Brookings County is an example of a county that has successfully implemented a GIS system that is accessible to the public as a portal to view property records. Brookings County utilizes a software program called "Beacon" and Director of Equalization Joyce Dragseth estimates that Brookings County "would need 1 ½ to 2 extra people in our office without Beacon. So the expense pays for itself in staff, wages, benefits, etc." Brookings County receives more than 100 hits a day on that program, and each request on an average is 11-12 parcels.

Currently, Brookings County is allowing free viewing of basic information. Citizens can search by address or parcel number and receive owner, legal, value, taxes and map location on the GIS system. The county also offers a fee-based website which opens up many other layers for those subscribers to use. With the fee based, they receive all of the above, plus photos, sketches, sale information, sales comparison abilities, soil information, GIS photography and other enhancements. The contract for the fee based is \$25 set up fee (user name and pass word maintenance within our offices) and \$300 / year for up to 5 users. This pricing covers the monthly website maintenance fees. A number of counties in SD use the Beacon software, including Brown, Corson, Custer, Fall River, Harding, McCook, Meade, Moody, Spink, and Union.

Although there are some areas of potential improvement, it should be noted that county government has been working hard to make better use of technology in recent years. Recently a significant amount of information has been converted into GIS programs, some tax information is available on-line (including parcel number, taxes, and special assessments), and a tremendous amount of work has been done to digitalize all county deeds. These efforts rarely make headlines, but are impressive nonetheless.

Timeline: Tier 1 implemented – October 2009; Report on Tier 2 costs – December 2009; Tier 2 implemented – December 2010

Proposed champion/implementer: Davison County Commission

Potential Costs: Tier 1 – Significant staff time, but limited out-of-pocket costs. Tier 2 – Upfront costs possibly significant, but resulting in on-going savings, as suggested by Brookings County. A full report on costs should be conducted by county government.

6. Move to twice a month meetings

Some citizens have suggested that county commission meetings should meet less often than weekly, as a number of medium and large-sized county commissions in South Dakota do (including Clay, Custer, Hughes, Lake, Lincoln, Lawrence, Meade, Pennington, and Yankton counties). A “county mayor” would conduct much of the executive oversight that the county commission itself now does each week at its meetings. In the opinion of at least one expert contacted by the committee, weekly meetings have a tendency to encourage operational, rather than strategic thinking by boards and commissions.

Timeline: Change made – January 2009

Proposed champion/implementer: Davison County Commission

Potential Costs: No additional cost

7. Evaluate and report on other proposals

The committee found merit in a number of ideas (see below), but because of limited, time, resources, or understanding did not recommend that they be implemented by Davison County. Instead, these proposals should be fully evaluated by the county commission over the course of the next several months and findings stemming from that evaluation process should be released.

- **Finance officer** – Under state law 7-7-1.2 (see appendix B), county commissions may, by ordinance, “combine two or more county offices and that one person shall be elected to, and perform the duties of, the combined offices.” At least four South Dakota counties have chosen to combine offices in that manner, creating a county elected finance officer. Brookings County and Perkins County combined the treasurer and auditor, Buffalo County combined the auditor and the register of deeds, and Hughes County combined the treasurer, auditor, and register of deeds.

Each of these counties combined offices when an incumbent officeholder had announced their retirement. If Davison County were to combine any elected offices, they should similarly wait until one or more current officeholders decide not to run for reelection.

Such a move should not be done under the belief that it will save money. The committee does not believe that such a move will reduce the number of staff or save money, but does see the potential for greater effectiveness and for increased coordination between the offices. If one finance officer were able to oversee more than one office, he or she might find a way to share resources or staff in a way that even the best manager might be able to if focused on only one office. Taking two or three elected positions and converting them to a single elected official (with the extra positions being converted into staff positions) might result in the county being able to pay that single official (a county finance officer) a higher salary. Given the amount of

work performed by the officials and the important tasks for which they are responsible, additional compensation would be appropriate.

- **Consolidation taskforce** – Many citizens have suggested to the committee that significant resources could be saved through greater consolidation and coordination of county and city resources. The committee believes that both entities are relatively well run and did not identify areas where significant resources were being inefficiently used. It was beyond the scope and ability of the government structures committee to perform a thorough analysis of consolidation of county-city services or offices, however. Combing through millions of dollars worth of materials and operations to locate efficiencies is difficult to do, and poor recommendations, if implemented, can cost more money than they save. As a result, such an analysis must involve significant time and a great deal of involvement from the experts who understand the areas under consideration, the potential savings, and the possible downsides to consolidation.

Because greater efficiency can be found in almost any multi-million dollar operation, it is possible or likely that greater cooperation between city and county government (and perhaps between those entities and the school district or with other local governments in our area) could save money. The county could work with the city to appoint a consolidation task force, involving personnel from at least the public works and law enforcement areas.

- **Liaison to City** – Citizens and local officials alike expressed an interest in greater cooperation between city and county government. The committee discussed recommending that the county commission appoint one of its members or a county employee as the official liaison to the city council. Such a person might be able to improve communication and cooperation between the two governments, perhaps resulting in more effectiveness and efficiency. The committee did not have a clear understanding of where such effectiveness and efficiency would come from, however, and given limited staffing resources at the county level, decided to offer this as a possibility, rather than as a recommendation.

Timeline: Proposals discussion begins – June 2009; Findings reported – March 2010

Proposed champion/implementer: Davison County Commission

Potential Costs: No additional cost

III. City of Mitchell Government

Mitchell city government currently features an aldermanic form of government with a mayor and eight city councilors chosen from four wards. There are seven department heads and a city attorney hired by the mayor. The annual operating budget is \$33 million and in 2008 the city had 177 employees. The seven departments are Public Safety; Public Works; Parks, Recreation and Forestry; Human Resources; RSVP; Golf and Cemetery; and Finance. A city organization chart can be found in appendix F.

Recommendations for the City of Mitchell

1. Hire a city manager (majority, but not unanimous support)

(As proposed, requiring passage of a home rule charter by city voters)

There are fourteen first class municipalities in our state, most of which are managed by a full-time executive, whether a city manager, city administrator, or full-time mayor. Sioux Falls, Rapid City, and Watertown have full-time mayors. Aberdeen, Brookings, Yankton, Vermillion, and Sturgis have city managers. Pierre and Brandon have city administrators. Only Mitchell, Huron, Spearfish, and Madison among first class cities have no full-time executive overseeing city operations.

Over the course of our city's history, many mayors have invested substantial time into their work, and the committee was told from a number of sources that numerous mayors, including Bud Williams and Lou Sebert worked (or are working) near-full-time hours. As a community, we should be thankful for their efforts, but it is too much to expect that everyone willing and qualified to serve as mayor will be able to invest so much time for part-time compensation.

The committee was unanimous in believing that the City of Mitchell deserves a full-time executive. It was split, however, on which approach would be best. The majority supported a professional appointed executive, while a sizable minority favored instead a full-time mayor (appendix H contains an overview of the different forms of municipal government in South Dakota).

Professional, specialized, and trained management has worked well for almost every school district in our country for decades. A city manager would be similar in many ways to a school superintendent. That person would be accountable to the city council and would oversee operations of city government. City managers often have extensive managerial experience or education and are well-compensated. A city manager for the City of Mitchell could be paid in excess of \$100,000 a year.

Nationally, the city manager form of government (also called the council-manager form) is the most popular for communities of Mitchell's size. According to *The 2009 Municipal Yearbook*, of the 1,828 cities with populations between 10,000 and 25,000, 966 (53%) feature city managers, while 690 (38%) feature the mayor-council form of government. City managers are even more popular among cities with populations 25,000-50,000 (63% manager) and 50,000-100,000 (64% manager). In South Dakota, five cities utilize the council-manager form, with another fourteen featuring mayor-councils that have hired city administrators to perform much the same work a city manager would.

The committee members supporting a city manager argued that a professional tasked with overseeing the entire city is needed to find efficiencies within and among departments, assist the city council in setting and attaining goals, and to manage an organization as large as the city. They also emphasized that city managers usually have specialized training in how to manage a city, and were likely to be more responsive to the council and community because they could be removed from their position at any time (as opposed to a full-time mayor).

Moving to the city manager concept would usually require an election to change the city's form of government. Such an election would lock the city into that form of government as set forth in state law (see chapter 9-10 in appendix B). Instead, the committee would prefer to pass a home rule charter (also required for recommendation two below), which would grant the city more flexibility, including retaining the right of city voters to elect their mayor, as is currently done.

If the citizens did not want to pass a home rule charter, the council could instead hire a city administrator. Administrators operate under a job description set by the council, are usually paid slightly less than managers, and would not require a change in the form of government or home rule charter.

Other Opinions

Those committee members opposed to a city manager agreed that greater executive oversight was necessary, but raised concerns about the council-manager form of government (including high salary costs, short average tenure, and the manager's likely lack of longstanding connection to the community). It was noted the Internet and experts contacted by the committee suggested that the average tenure of a city manager is between four and five years.

Instead, those opposed to a city manager favor a full-time mayor. The salary for a full-time mayor would likely be substantially below that of a city manager (likely \$70,000 - \$90,000) and would still allow for greater oversight of strategic planning and important activities, projects, and operations. A full-time mayor would be connected to the community and would have the popular support necessary to effectively govern. It was also suggested that more community members would be able to serve as mayor if the position came with full-time pay. Concerns raised about the full-time mayor concept included whether or not the change would result in any better leadership than the city enjoys today and the fact that a full-time mayor would likely not bring any municipal expertise, training, or education into the position.

Timeline: Begin drafting home rule charter – July 2009; Council votes to submit charter to the voters – March 2010; Vote on home rule – June 2010; Begin city manager search – February 2011; Home rule charter effective date – June 2011; Hiring of city manager – June 2011.

Proposed champion/implementer: Mitchell City Council

Potential Costs: Expenses in excess of \$150,000 a year for salary and benefits of a city manager. Some in-kind staff time during the charter drafting and transition period.

2. Establish two at-large council seats

(Requiring passage of a home rule charter by city voters)

Just as the committee felt that electing at least one at-large county commissioner would bring a broader perspective to the governance of the county, it also felt that some at-large representation on the city council would be beneficial. As a result, the committee is recommending the “Sioux Falls” model, utilizing two at-large council seats. Rather than expand the size of the council, the committee is recommending that the city be redrawn into three wards with two members each. Added to the two at-large seats, the council would still contain eight members.

Because having a hybrid of ward and at-large council members is not among the default options for city governance in state law, the City of Mitchell would need to adopt a “home rule” charter, giving it greater flexibility in how it is structured and managed. As note by our state constitution: “A chartered governmental unit may exercise any legislative power or perform any function not denied by its charter, the Constitution or the general laws of the state . . . Powers and functions of home rule units shall be construed liberally.” Such a change would need to be approved by the voters as part of a city-wide vote. A number of cities (including Aberdeen, Brookings, Pierre, Sioux Falls, and Watertown) have enacted home rule charters in South Dakota. The charter adopted by the voters of the City of Watertown is attached as an example in appendix C.

Timeline: Begin drafting home rule charter – July 2009; Council votes to submit charter to the voters – March 2010; Vote on home rule – June 2010; Home rule charter effective date – June 2011; Election of at-large members – June 2011.

Proposed champion/implementer: Mitchell City Council

Potential Costs: No on-going additional costs. Some in-kind staff time during the charter drafting and transition period.

3. Improve the city’s strategic planning process

Strategic planning can be difficult in an organization where those in charge (elected officials) work part-time, serve staggered terms, and are likely in office for only a few years. Despite that fact, the City of Mitchell already does a significant amount of planning. Departments have five or ten-year plans and those plans are usually updated annually. There is room for improvement, however. The city’s current planning process does not result in a comprehensive, integrated, and strategic planning document. Broad community goals are not developed and used to guide the work of the city. Community input on the planning process is welcomed, but not actively sought. The plans developed would also be of more value if they were developed in coordination with county government.

Strategic planning processes are done by a number of county governments across the country. Developing comprehensive, integrated, and strategic plan for the City of Mitchell would be time-consuming and perhaps expensive, but would pay dividends. An example of a high-quality local government strategic plan can be found cityofevanston.org/global/strat1.shtml. The City of Evanston, IL has a comprehensive long range strategic plan consisting of 13 goals that relate to three stated community values: Economic Viability, Strengthening Community, and Environmental Sustainability. In

addition to presenting each goal in detail, they also detail the 9 month process that the city manager led to solicit input and create the five year strategic plan intended to achieve the vision of making Evanston, IL “The Most Livable City in America” (see appendix D). The City of Evanston uses the following process to guide their work:

PHASE I – The Foundation

- Framing the issues and opportunities
- Data development: Demographic trends - Society and municipal trends - Financial projections - Service level projections - Business climate - Economic development trends - Housing trends and projections - School trends and projections - Human services trends and projections
- Benchmarking - A couple communities to compare to
- Citizen input session
- Employee input survey

PHASE II – The Direction

- Data and SWOT analysis workshop
- Strategic planning sessions – broad direction (city council only)
- Staff update session on broad direction
- Strategic planning session – specific direction (city council and key staff leaders)

PHASE III – The Implementation

- Staff implementation session – action planning
- Strategic plan document creation
- Final review workshop

Timeline: Committee formed to establish timeline and desired format – August 2009; Committee plan presented to commission – December 2010; Planning process begun – March 2010; Planning process completed – December 2010

Proposed champion/implementer: Mitchell City Council

Potential Costs: Significant use of staff, commission, and community time, but limited out-of-pocket expenses, except for the first such integrated strategic plan, in which outside assistance might be helpful. Such assistance would likely cost several thousand dollars.

4. Require municipal candidate campaign finance filings

School board and county officials are required to file campaign finance reports prior to their election, disclosing how much money they raised and from whom. No such requirement exists for those running for city council or mayor.

A number of cities require that candidates file campaign finance reports and doing so is not difficult. The City Mitchell could simply adopt the state's reporting requirements into their city code.

Because of the incredible power wielded by the city council and the mayor, it is not unreasonable to ask for some level of disclosure surrounding who is funding campaigns and at what level. The government structures committee recommends that the city adopt campaign finance reporting requirements and make those reports available on its website.

Timeline: Prepare new campaign finance rules – September 2009; Council approves new rules – October 2009; Filings in effect for June 2010 elections.

Proposed champion/implementer: Mitchell City Council

Potential Costs: Some limited staff time to make available, process, and post reports on-line.

5. Televising city council meetings

Some local officials complained to the committee about how critical citizens often are, especially when those citizens don't have all of the facts. They also complained that the local media had too much power in shaping what the public thought about local government officials and actions.

Interestingly enough, a number of citizens told our committee they were concerned about the lack of information they felt they received from city and county elected officials and employees. They believed that a better job could be done communicating with the public.

As a result, the committee recommends that city council meetings be televised. A number of city councils across the state (including Sioux Falls, Rapid City, Aberdeen, Watertown, Brookings, Yankton, Pierre, Huron, and Vermillion) televise meetings, with many communities also making video of the meetings available on-line. Representatives from some of those cities indicated that televising meetings does require an investment upfront, but that ongoing operational expenses were relatively minor. The city might find willing strategic partners in Mitchell Technical Institute and with video providers such as Mitchell Telecom and Midcontinent Communications. The video providers might be interested in having council meetings be a part of their Video On Demand libraries. That would allow those who have a conflict to watch the meeting at their convenience.

Given the desire of city officials for citizens to have more information, and the desire of citizens to have more information, televising meetings seems like an important step.

Timeline: Initiate discussions with MTI, video providers, and county – January 2010; Equipment purchased – July 2010; First televised meeting – September 2010

Proposed champion/implementer: Mitchell City Council

Potential Costs: Upfront: Likely less than \$5,000 for video and audio equipment, with strategic partners possibly willing to assist with those costs. Operational: Limited costs associated with staff time, and eventual replacement costs for equipment.

6. Improve city website

The City of Mitchell website deserves praise. A tremendous amount of information is available to citizens, including personalized contact information for mayor and council, detailed minutes of meetings, committees and their members, past and present audit reports, a staff directory, and a number of detailed and impressive city maps (including wards, garbage pick-up, road plans, and zoning).

Citizens can even conduct some transactions on-line, like registering for parks and recreation programs. That type of interactivity provides real value to citizens.

As good as the city's website is, however, a number of improvements could be made. The committee makes the following recommendations:

Tier 1 (important and low cost)

- An easy-to-find and -use budget area of the website. Post greater information on the budget process, budget proposals, and year-to-date budget information
- Post complete city council packet on-line in advance of the meeting
- Make certain that the meeting minutes record city councilor votes, rather than noting merely that the "motion carried."
- Directory of all services performed by the county with links to the proper procedures and documents required for that particular service
- Improve outreach to families considering relocating to Mitchell. Today, information relevant to current residents, tourists, and those considering relocating to Mitchell are lumped together under a single heading of "Visitors". If the MADC's "Move to Mitchell" site is intended to be the main source of information for potential new residents, it should be promoted in a better way from the main city website.
- Payment of city utilities, taxes, and fees on-line

Timeline: Tier 1 implemented – October 2009

Proposed champion/implementer: Mitchell City Council

Potential Costs: Tier 1 – significant staff time, but limited out-of-pocket costs.

7. Revise City Committees

There are more than three dozen committees listed on the city's website covering a wide variety of duties and issue areas. The work of these committees could be improved with some clean-up, clarification, and transparency.

Some committees, like the Mitchell Area Arts Council, are required by the city code but don't appear to exist. Committee members are supposed to serve set terms, but in some cases the terms have not been honored. The committees do not routinely provide notice of their meetings to the public and their minutes are not posted on-line. Although such committees may not be required under law to provide public notice, they play an important role and should inform citizens of their meetings and their actions.

The Governmental Structures Committee recommends that the mayor instruct staff to prepare a plan to revise and reform the committee structure and that the city council adopt such a plan.

Timeline: Staff instructed to prepare plan – November 2009; Plan presented to city council – January 2010; Plan adopted – April 2010.

Proposed champion/implementer: Mitchell City Council

Potential Costs: Some limited staff time required to prepare report, provide meeting notices, and post meeting minutes.

8. Evaluate and report on other proposals

The committee found merit in a number of ideas (see below), but because of limited time, resources, or understanding did not recommend that they be implemented by the City of Mitchell. Instead, these proposals should be fully evaluated by the city council over the course of the next several months and findings stemming from that evaluation process should be released.

- **Consolidation taskforce** – Many citizens have suggested to the committee that significant resources could be saved through greater consolidation and coordination of county and city resources. The committee believes that both entities are relatively well run and did not identify areas where significant resources were being inefficiently used. It was beyond the scope and ability of the government structures committee to perform a thorough analysis of consolidation of county-city services or offices, however. Combing through millions of dollars worth of materials and operations to locate efficiencies is difficult to do, and poor recommendations, if implemented, can cost more money than they save. As a result, such an analysis must involve significant time and a great deal of involvement from the experts who understand the areas under consideration, the potential savings, and the possible downsides to consolidation.

Because greater efficiency can be found in almost any multi-million dollar operation, it is possible or likely that greater cooperation between city and county government (and perhaps between those entities and the school district or with other local governments in our area) could save money. The city could work with the county to appoint a consolidation task force, involving personnel from at least the public works and law enforcement areas.

It should be noted that even in the absence of such a committee, city government leaders do work to find efficiencies and are often successful. One recent example is a move made by Public Works director Tim McGannon to reclassify a number of positions following the retirement of a senior manager within the department. The move is expected to save \$71,000 over the next two years.

- **Liaison to County** – Citizens and local officials alike expressed an interest in greater cooperation between city and county government. The committee discussed recommending that the city council appoint one of its members or a city employee as the official liaison to the county commission. Such a person might be able to improve communication and cooperation between the two governments, perhaps resulting in more effectiveness and efficiency. The committee did not have a clear understanding of where such effectiveness and efficiency would come from, however, and given limited staffing resources at the city level, decided to offer this as a possibility, rather than as a recommendation.

Timeline: Proposals discussion begins – June 2009; Findings reported – March 2010

Proposed champion/implementer: Mitchell City Council

Potential Costs: No additional cost

APPENDIX A

Timeline of Recommendations

Davison County

Completion Date	Recommendation or Action
June 2009	Begin discussions on non-recommended proposals (7)
August 2009	Strategic planning committee formed (3)
October 2009	Tier 1 website improvements made (5)
November 2009	Begin drafting charter (1)
December 2009	Report on Tier 2 website costs completed (5)
December 2009	Strategic planning committee blueprint presented to Commission (3)
January 2010	Evening meetings begin (2)
January 2010	Twice a month meetings begin (6)
January 2010	Initiate partner discussions on televised meetings (4)
March 2010	Charter draft completed (1)
March 2010	Strategic planning process begins (3)
March 2010	Report Commission findings on non-recommended proposals (7)
July 2010	Video and audio equipment purchased (4)
June 2010	Public vote on home rule (1)
September 2010	First televised meeting (4)
November 2010	Effective date of charter (1)
November 2010	Election of county mayor (1)
December 2010	Planning process for 2011 completed (3)
December 2010	Tier 2 website improvements made(5)

APPENDIX A

Timeline of Recommendations

City of Mitchell

Completion Date	Recommendation or Action
June 2009	Begin discussions on non-recommended proposals (8)
July 2009	Begin drafting charter (1, 2)
August 2009	Strategic planning committee formed (3)
September 2009	Prepare new campaign finance rules (4)
October 2009	Tier 1 website improvements made (6)
October 2009	Council approves new campaign finance rules (4)
November 2009	Staff instructed to prepare committee reform plan (7)
December 2009	Strategic planning committee blueprint presented to Commission (3)
January 2010	Committee reform plan presented to council (7)
January 2010	Initiate partner discussions on televised meetings (5)
March 2010	Council votes to submit home rule to voters (1, 2)
March 2010	Strategic planning process begins (3)
March 2010	Report Commission findings on non-recommended proposals (8)
April 2010	Committee reform plan adopted (7)
July 2010	Video and audio equipment purchased (5)
June 2010	Public vote on home rule (1, 2)
September 2010	First televised meeting (5)
November 2010	Effective date of charter (1)
November 2010	Election of county mayor (1)
December 2010	Planning process completed (3)
February 2011	Begin city manager search (1)
June 2011	Home rule charter effective date (1,2)
June 2011	Hiring of city manager (1)
June 2011	Election of at-large council members (2)

Applicable Constitutional Provisions and State Laws

SOUTH DAKOTA CONSTITUTION

ARTICLE IX – LOCAL GOVERNMENT

§ 1. Organization of local government.

The Legislature shall have plenary powers to organize and classify units of local government, except that any proposed change in county boundaries shall be submitted to the voters of each affected county at an election and be approved by a majority of those voting thereon in each county. No township heretofore organized may be abolished unless the question is submitted to the voters of the township and approved by a majority of those voting thereon in each township.

§ 2. Home rule.

Any county or city or combinations thereof may provide for the adoption or amendment of a charter. Such charter shall be adopted or amended if approved at an election by a majority of the votes cast thereon. Not less than ten per cent of those voting in the last preceding gubernatorial election in the affected jurisdiction may by petition initiate the question of whether to adopt or amend a charter.

A chartered governmental unit may exercise any legislative power or perform any function not denied by its charter, the Constitution or the general laws of the state. The charter may provide for any form of executive, legislative and administrative structure which shall be of superior authority to statute, provided that the legislative body so established be chosen by popular election and that the administrative proceedings be subject to judicial review.

Powers and functions of home rule units shall be construed liberally.

§ 3. Intergovernmental co-operation.

Every local government may exercise, perform or transfer any of its powers or functions, including financing the same, jointly or in co-operation with any other governmental entities, either within or without the state, except as the Legislature shall provide otherwise by law.

§ 4. Local initiatives to provide for cooperation and organization of local governmental units.

On or after January 1, 2001, the voters of any unit **Focus 2020 Governmental Structures - 27** right to initiate proposals for cooperation within or between local governmental units, either within or without the state, except as the Legislature shall provide otherwise by law. Such proposals may include combining, eliminating, and joint financing of offices, functions, and governmental units. Such proposals shall be adopted if approved at an election by a majority of the votes cast thereon in each affected unit. A number not less than fifteen percent of those voting in the last preceding gubernatorial election in each affected jurisdiction may by petition initiate the question of whether to adopt the proposal at the next general election.

State Law: Chapter 6-12.

LOCAL GOVERNMENT: HOME RULE CHARTERS

6-12-1. Home rule charters - Expenses and cost of charter - Election.

Whether initiated by the voters or provided by the governing boards, counties and first and second class municipalities are authorized to expend from their general funds expenses in connection with the preparation and sponsorship of a charter proposal and shall pay the cost of election conducted on the question of adoption or amendment of a charter.

6-12-2. Home rule charters - Vote - Alternatives.

When a governing board or a combination of governing boards propose to provide a home rule charter they may either initially submit the proposed charter to a vote or may submit to a vote the question of whether a charter should be initiated and present alternatives as issues upon the same ballot as to the composition and selection of a charter commission to draft the proposed charter.

6-12-4. Home rule charters - Governmental structure established in charter.

A charter, to be valid, must establish therein the form of governmental structure under which the home rule unit will function.

6-12-5. Home rule charters - Standards as stringent as state law.

Neither charter nor ordinances adopted thereunder may set standards and requirements which are lower or less stringent than those imposed by state law, but they may set standards and requirements which are higher or more stringent than those imposed by state law, unless a state law provides otherwise.

6-12-6. Home rule charters - Restrictions on powers.

The power of a home rule unit does not include the power to:

- (1) Enact private or civil law governing civil relationships except as incident to the exercise of an independent county or municipal power;
- (2) Define and provide for the punishment of a crime, but this limitation shall not abridge the power of a home rule unit to provide punishment for the violation of ordinances or charter provisions by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months or by both such fine and imprisonment;
- (3) Abridge laws relating to elementary and secondary education;
- (4) Change assessment practices and procedures relating to ad valorem taxation of property;
- (5) Exempt itself from providing the necessary personnel and facilities to perform services required by general law to be performed by a like unit or units of local government;
- (6) Deny referendum on ordinances or bylaws provided by chapter 9-19;
- (7) Regulate rates or conditions of service of any public utility regulated by the South Dakota Public Utilities Commission.

6-12-7. Home rule charters - Time of election on charter.

When a commission has been selected or appointed to draft a proposed charter or an amendment to a charter, an election on the question must be held within one year after initiation of the proposed action.

6-12-8. Home rule charters - Special election - Exception.

A special election shall be called on any question involving a home rule charter unless another election is scheduled within one hundred twenty days of the initiation of the action.

6-12-8.1. Home rule charters - Definition - "Initiation of the action."

For purposes of §§ 6-12-7 and 6-12-8, an initiation of the action means the point at which the governing body or combination of governing bodies have passed a motion to either submit the proposed charter to a vote or to submit to a vote the question of whether a charter should be initiated pursuant to § 6-12-2.

6-12-9. Home rule charters - Election - Preparation - Notice.

If there is no scheduled election qualifying under § 6-12-8, elections will be noticed and ballots will be prepared to accommodate absentee voting under the general election law, and if it is on the question of adopting of a charter or an amendment which has been drafted and approved by the initiators, such election shall be held within sixty days after its filing.

6-12-10. Home rule charters - Elections - Application of general election laws.

Except as provided in §§ 6-12-7 to 6-12-9, inclusive, general election laws shall govern elections on questions of adoption, amendment or repeal of a charter.

6-12-11. Home rule charters - Filing charter with secretary of state - Violation - Effect.

The person charged with the conduct of an election concerning a question on adoption of a charter or amendment thereto shall, within thirty days after the canvass and return thereon, file with the secretary of state a certified copy of a charter or amendment adopted. Any person violating the provisions of this section is guilty of a Class 2 misdemeanor, but the failure of such person to so file shall not invalidate any election on such a question or a charter or amendment adopted pursuant thereto.

6-12-14. Home rule charters - Taxing power limited.

No county, city, or other governmental unit, including governmental units chartered under S.D. Const., Art. IX § 2, unless otherwise specifically provided by statute, may, enact or increase, in any form a tax, fee, or charge that is: related to the state lottery; similar to a tax which provides revenues to the state; or similar to state licensing or regulatory fees enacted by statute or adopted by rule. The provisions of this section do not prohibit any tax or fee enacted and imposed on or before March 1, 1996.

6-12-15. Home rule charters - Scope of section 6-12-14.

Nothing in § 6-12-14 is intended to authorize any county, city, or other governmental unit chartered under S.D. Const., Art. IX § 2, to enact or increase a tax, fee, or other charge that is denied by its charter, the Constitution, or the general laws of the state.

State Law: Chapter 6-17

COOPERATION BETWEEN LOCAL GOVERNMENT ENTITIES

6-17-1. Local government coop - Definitions.

Terms used in this chapter mean:

- (1) "Governing body," the board of commissioners, the common council, the executive board, or other name by which a local government entity is controlled, concerned, or affected;
- (2) "Local government entity," the State of South Dakota, county, municipality, or special governmental district authorized by the laws of South Dakota or any of the states that border South Dakota;
- (3) "Person in charge of an election" or "person charged with the conduct of an election," the county auditor in all cases except local elections for a municipality, school district, township, or other political subdivision, in which case it is the officer having the position comparable to the auditor in that unit of government if not specifically designated by law;
- (4) "Publish" or "publication," publication in the official newspaper of the local government entities concerned or affected; or if no official newspaper is available, publication in a legal newspaper published in the local government entity, if any; or, if no legal newspaper is published within the local entity, publication in any legal newspaper that serves the local government entity;
- (5) "Resolution of cooperation or consolidation" or "resolution," any initiated measure made for the purpose of initiating, effecting, or carrying out an intention to cooperate in providing services or functions, or combining services or functions between local governmental entities.

6-17-2. Local government coop - Resolution for governmental cooperation to be initiated by voters -- Filing of petition - Number of signatures required.

The right to propose a resolution of cooperation or consolidation to the government of a local government entity rests with the registered voters of the local government entity. Any resolution proposed under this chapter shall be referred to a vote of the registered voters of the local government entity by the filing, with the entity's person in charge of an election, of a petition signed by a number of voters equivalent to fifteen percent of those voting in the last preceding gubernatorial election in the local government entity. A petition to propose a resolution shall be filed with the person in charge of an election of each of the affected local government entities before an election may occur.

6-17-3. Local government coop - Majority vote required to approve resolution of cooperation = Effective date.

No initiated resolution of cooperation may become operative unless approved by a majority of the votes cast in each of the affected local government entities. If so approved, the

resolution takes effect one hundred eighty days after the election or other date as specifically stated in the resolution or within one hundred eighty days after the election as the affected local government entities may agree.

6-17-4. Local government coop - Subject matter of initiated resolution.

An initiated resolution may propose combining or consolidating any local government functions including those that may be necessary for the immediate preservation of the public peace, health, or safety or for the support of any government or existing public institutions.

6-17-8. Local government coop - Election officials duty on receiving petition - Governing board action - Submission to voters.

When a petition to initiate a resolution is filed with a person in charge of an election, that person shall present it to the local government entity governing board at its next regular or special meeting. The local person in charge of an election shall certify that the minimum number of signatures required pursuant to § 6-17-2 have been filed.

The local government entity governing boards shall submit the resolution to a vote in the next general election after filing in all affected local government entities. The filing in all affected local government entities shall occur not later than the second Tuesday in August of a general election year for the question to appear on that year's ballot.

6-17-13. Local government coop - Local government entity authorized to initiate resolution.

A local government entity governing board may propose and adopt a resolution under this chapter and directly present it to the people for a vote as allowed under this chapter without resorting to the petition process.

6-17-15. Local government coop - Liberal construction of petitions.

Any petition filed pursuant to this chapter may be made up and signed and shall be liberally construed as provided by the statute governing an initiated law.

State Law: Chapter 7-8.

COUNTIES: COMMISSIONERS

7-8-1. County commissioners - Number and terms - Terms.

Each organized county shall have a board of commissioners consisting of not less than three nor more than seven members, each of whom shall be elected at a general election only and whose term of office shall be four years commencing on the first Tuesday of January following election. Any commissioner who represents an even-numbered district shall run for election at the general election at which the President is elected; any commissioner who represents an odd-numbered or unnumbered district shall run for election at the general election at which the Governor is elected.

7-8-2. County commissioners - Commissioners elected by district - Moving from district - Failing to attend meetings.

The nomination and election of county commissioners shall be by a vote of the voters of the district of which such candidate is a resident voter. However, if any county commissioner moves from the district to which such person was elected or if any county commissioner fails to attend the commission meetings for four consecutive months, the office shall be declared vacant and such vacancy shall be filled pursuant to chapter 3-4.

7-8-3. County commissioners - Change in number of commissioners - Petition - Election.

The number of county commissioners of any county may be increased to five or seven or reduced to five or three. If fifteen percent of the registered voters of the county, based upon the total number of registered voters at the last preceding general election, petition the board of county commissioners for an increase or decrease in the number of county commissioners, the board shall submit the question to a vote of the voters of the county at the next general election. Notice of the submission of such question shall be given in the notice of the general election.

7-8-10. County commissioners - Decennial revision of districts - At-large elections.

The board of county commissioners, at its regular meeting in February of each year ending in the numeral 2, after giving notice by publication for one week in the official newspapers of the county, shall change the boundaries of the commissioner districts if such change is necessary in order that each district shall be as regular and compact in form as practicable and it shall so divide and redistrict its county that each district may contain as near as possible an equal number of residents, as determined by the last preceding federal decennial census; or the board may, at its discretion, choose to have all of its commissioners run at large.

7-8-11. County commissioners - Continuance in office when elected before decennial redistricting - District represented - Elections in other districts.

Upon such redistricting, as to any member or members of such board whose term or terms of office extend for an additional two years beyond the next election, the tenure of office shall not be affected, and in redistricting the county such board shall designate the district or districts to be represented by such member or members, the district or districts so designated to be a district or districts which would elect a commissioner at the next general election following that to be held in the year of such redistricting. Such commissioner may or may not be a resident of the district he is designated to represent. Each district for which representation is not provided by such designation or designations shall, at the next ensuing general election, elect a commissioner, the term of office to be determined as provided in § 7-8-1.

7-8-15. County commissioners - Chairman - Selection - Duties.

At the first meeting of the board of county commissioners in each year it shall select one of its number as chairman, who shall act as such during the year in which he is elected or until his successor is elected, and in case of vacancy from any cause whatever the board shall elect another chairman.

It shall be the duty of the chairman to preside at the meetings of the board; and sign all orders and claims approved by the board.

7-8-16. County commissioners - Open meetings - Place - Joint county-municipal planning sessions.

The board of county commissioners shall hold its sessions as an open meeting and transact all business in a public manner. Meetings shall normally be held at the court house or at the usual place of holding court; however the board may occasionally hold its sessions at any other suitable place at the county seat or at other locations within the geographic county area if the meetings are held in a public place and if notice of the meeting is published once a week for at least two successive weeks before the meeting in the legal newspaper or newspapers of the county in which the meeting is to be held. Joint county-municipal planning sessions may be held at any suitable location within the county. All matters pertaining to the interests of the county shall be heard by the board in session only, but it may continue any business from any regular session to an intermediate day.

7-8-17. County commissioners - Recording of votes.

Whenever any board of county commissioners shall act upon any petition, adopt any resolution, make any appointment to fill any vacancy in a county office, or enter any final order in any proceedings pending before any such board, the members shall vote by yeas and nays and a record of such votes shall be kept by the county auditor who shall include the same in the published report of the minutes containing the record of any such action, resolution, appointment, or order.

7-8-20. County commissioners - General powers.

In addition to others specified by law, the board of county commissioners shall have power:

- (1) To institute and prosecute civil actions in the name of the county, for and on behalf of the county;
- (2) To make orders respecting the care and preservation of all property belonging to the county and to sell any real property of the county when authorized by law so to do;
- (3) To levy a tax not exceeding the amount authorized by law, and to liquidate indebtedness;
- (4) To audit the accounts of all officers having the care, management, collection or disbursement of any money belonging to the county or appropriated for its benefit;
- (5) To construct and repair bridges; to open, lay out, vacate, and change highways; to purchase or acquire grounds for courthouse, jail or other building sites, locate or relocate the courthouse on such sites; to establish election precincts in its county and appoint the judges of election; and, as a board of equalization, to equalize the assessment roll of its county in the manner provided by law;
- (6) To furnish necessary blank books, blanks, and stationery for the county auditor, register of deeds, county treasurer, state's attorney, sheriff, and other elected or appointed county officers, to be paid out of the county treasury; also a fireproof safe or vaults, when in its judgment the same shall be advisable, in which to keep all the books, records, vouchers, and papers pertaining to the business of the board;
- (7) To superintend the fiscal concerns of the county and secure their management in the best possible manner;

- (8) To regulate the transaction of business in alcoholic beverages, the use and consumption thereof, to establish the number of on-sale licenses which may be issued, provide for reasonable classification of on-sale licenses and to fix the fees to be charged for the various classifications which shall be uniform within each class, all consistent with the provisions of Title 35. The secretary of revenue and regulation shall be promptly furnished certified copies of all ordinances and resolutions or amendments thereto adopted relating to the exercise of these powers;
- (9) To make ordinances prohibiting the sale or exhibition of any obscene matter; however, no county resolution shall be effective in any incorporated area within said county;
- (10) To do and perform such other duties and acts as it is or may hereafter be required to do and perform;
- (11) To provide additional compensation to the county treasurer, county auditor, county register of deeds, state's attorney and sheriff. This compensation shall be in addition to the salaries prescribed in §§ 7-7-9.1, 7-7-12 and 7-12-15;
- (12) To provide office space, in addition to that provided in the county courthouse, for state's attorneys, appointed officials of the county and other employees;
- (13) To receive and administer grants, loans and assistance and to enter into agreements for cooperative action, with or on behalf of any public agency or nonprofit organization, to establish, promote and support community development;
- (14) To enact ordinances to regulate and prevent the placing of ashes, dirt, garbage or any offensive matter in any highway or public ground or in any body or stream of water within the county, but outside of an incorporated municipality or outside of the one mile limits of any incorporated municipality;
- (15) To enact ordinances to regulate and compel the cleansing, abatement or removal of any sewer, cesspool or any unwholesome or nauseous thing or place;
- (16) To license and regulate transient merchants, hawkers, solicitors, peddlers, itinerant vendors, and every person retailing tangible personal property or services, unless such business is carried on exclusively within the boundaries of a municipality or is carried on through home solicitation or from a fixed permanent location and place of business in this state where such goods and services are offered on a continuing basis;
- (17) To enact by ordinance, for any portion of the county which is zoned, certain building codes pursuant to § 11-10-5.
- (18) To prohibit or restrict open burning, after consultation with local fire officials and law enforcement officials, in order to protect the public health and safety.

State Law: Chapter 7-7.

COUNTIES: COUNTY OFFICERS IN GENERAL

7-7-1.2. Combining county offices. The board of county commissioners may, by ordinance, combine two or more county offices and that one person shall be elected to, and perform the duties of, the combined offices.

7-7-1.3. First election of officer for combined office--Term--Salary. If a majority of those voting shall approve the question at the special election pursuant to § 7-7-1.5 or if the offices are combined pursuant to § 7-7-1.2, an officer shall be nominated and elected at the next general election to the combined office in the same manner provided by law for the election of other county officers. Such officer shall hold office for a term of four years commencing on the first Monday of January following his election. The salary of the elective officer shall be the higher of either office combined.

State Law: Chapter 7-8A.

COUNTIES: OPTIONAL FORM OF GOVERNMENT

7-8A-1. Optional form of government - Adoption.

The electors of any county may adopt a board of county commissioners-appointed manager form of county government provided for by this chapter.

7-8A-2. Optional form of government - Board as governing body - Election.

In each county adopting an optional form of county government, the board of county commissioners shall be the governing body of the county and shall exercise all powers authorized by law and the state constitution applicable to counties except as otherwise provided by this chapter. The board shall be elected in the same manner as provided by chapter 7-8.

7-8A-3. Optional form of government - County manager - Duties - Qualifications.

The board of county commissioners-appointed manager form of government shall be that form in which the chief administrative officer is the county manager. The county manager shall be the administrative head of the county and is responsible for the proper administration of the affairs of county government. The county manager shall be appointed solely on the basis of his training, experience and administrative qualifications and need not be a resident of the county. He shall serve at the pleasure of the board at a salary set by the board.

7-8A-4. Optional form of government - County manager - Appointment.

The board of county commissioners may appoint as county manager any county officer or employee deemed to be qualified by reason of his training, experience and administrative qualifications. If any county officer or employee is appointed county manager, the officer or employee shall resign his office or position and terminate his responsibilities before assuming the office of county manager.

7-8A-5. Optional form of government - County manager - Duties.

The county manager shall:

- (1) Provide for the proper execution of all orders, resolutions and regulations established by the board;
- (2) Attend all meetings of the board and recommend measures for adoption;

- (3) Prepare and submit to the county board a proposed annual budget and long-range capital expenditure program, along with a financial plan for raising revenue, for such a period as the board may direct;
- (4) Administer the provisions of the budget when adopted by the board;
- (5) Keep the board fully advised of the financial condition and needs of the county and make such other reports from time to time as required by the board or he deems necessary;
- (6) Appoint and hire qualified staff to assist in the proper administration of the county affairs; and
- (7) Perform such other duties as may be required of him by the board.

7-8A-6. Optional form of government - Election to adopt.

The board of county commissioners, by ordinance, or upon receiving a petition signed by not less than fifteen percent of the registered voters in the county, based upon the total number of registered voters at the last preceding general election, shall submit to the electors the question of whether to adopt an optional form of county government authorized by this chapter. The procedures set forth in chapter 7-18A shall govern such initiated measure and election.

7-8A-7. Optional form of government - Election to discontinue.

A petition to discontinue an optional form of county government authorized by this chapter may be submitted to the board for submission to the electors of the county at an election, in the manner provided for the petition of an optional form of county government under the provisions of § 7-8A-6.

7-8A-8. Optional form of government - Effect of adoption or discontinuance.

The adoption or the discontinuance of an optional form of county government, as provided in this chapter, does not affect any act or contract affirmed or ratified.

State Law: Chapter 9-10.

MUNICIPALITIES: CITY MANAGER

9-10-1. City manager - Petition for city manager - Election.

If a petition signed by fifteen percent of the registered voters of any first or second class municipality as determined by the total number of registered voters at the last preceding general election is presented requesting that an election be called to vote upon the proposition of employing a city manager, the governing body shall call an election for that purpose to be held within sixty days from the date of filing such petition with the auditor.

The election shall be held upon the same notice and conducted in the same manner as other city elections. The vote upon the question of employing a city manager shall be by ballot which conforms to a ballot for statewide question except that the statement required to be printed on the ballot shall be prepared by the municipal attorney.

9-10-3. City manager - Employment after approval by voters.

When authorized by a majority vote of all voters voting at a special election to be called for that purpose, the governing body of any first or second class municipality shall employ a city manager and fix his compensation.

9-10-4. City manager - Mayor and aldermen in first or second class municipality.

In first or second class municipalities under the aldermanic form employing a city manager, a mayor and aldermen shall be elected as for such municipalities not employing a city manager.

9-10-5. City manager - Commissioners - Number - election - Terms.

In all commission-governed municipalities employing a city manager the number of commissioners shall be nine, whose terms of office shall be three years. At the first election thereof there shall be elected nine commissioners, three to serve until the next annual election, three to serve until the second annual election thereafter, three to serve until the third annual election thereafter, and thereafter at each annual municipal election there shall be elected three commissioners for a term of three years each.

9-10-6. City manager - Commissioners - Special election after employment of manager - Mayor - Powers.

Within sixty days after an election directing the employment of a manager in any commission-governed municipality, a special election shall be called and held to elect the nine commissioners. A plurality vote in the election of commissioners is sufficient to elect the commissioners.

The commissioners shall qualify as provided by law and organize by electing a commissioner to act as mayor until the first regular meeting of the board in the month following the first annual election of commissioners. At the first regular meeting in the month following the annual election, the commissioners shall elect a commissioner to act as mayor for a term of one year.

The board has the same powers conferred upon the board of commissioners in a commission-governed municipality pursuant to chapter 9-9. Except as otherwise provided in this chapter, the board shall be governed by the provisions of the law relating to a commission-governed municipality.

9-10-7. City manager - Mayor - Powers and duties.

The duties and power of the mayor of any first or second class municipality employing a city manager shall be as follows:

- (1) He shall be the presiding officer of the council or commission, and in municipalities having the aldermanic form of government he shall have the powers and duties of an alderman at large;
- (2) He shall be the recognized head of the municipality for service of civil process and for military and ceremonial purposes;
- (3) He may take command of the police of the municipality, appoint special police, and govern the municipality by proclamation during times of public danger or emergency, and

during such times he shall have such powers and authority to call for assistance, as are given to the mayor by § 9-29-17;

(4) He shall have such further authority and perform such further duties as may be prescribed by ordinance or resolution not inconsistent with the provisions of this chapter, but in no case shall he have the right of veto.

9-10-8. City manager - Regular and special meetings.

The governing body of any first or second class municipality employing a manager shall hold its regular meetings on the first Monday of each month at such hour as may be fixed by it. It may prescribe by ordinance the manner in which special meetings may be called and may also so change the date of its regular monthly meetings and so provide for regular meetings oftener than once a month.

9-10-9. City manager - Officers - Employees - Appointment.

The auditor, attorney, library board of trustees, and the treasurer shall be appointed by the governing body and may be removed at any time by such governing body.

The auditor and the treasurer shall each appoint all deputies and employees in his office.

All other officers and employees, including all members of boards and commissions, except as otherwise provided by law, shall be appointed by the manager and may be removed by him.

9-10-10. City manager - Qualifications - Appointment - Residence - Former member.

The manager shall be chosen by the governing body on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of accepted practices in respect to the duties of his office. At the time of his appointment he need not be a resident of the city or state, but during his tenure of office he shall reside within the city.

No person elected to membership on the governing body shall be eligible for appointment as manager until one year has elapsed following the expiration of the term for which he was elected.

9-10-11. City manager - Removal - Procedure.

The manager shall be appointed for an indefinite term but may be removed by majority vote of the members of the governing body. At least thirty days before such removal may become effective, the manager shall be furnished with a formal statement in the form of a resolution passed by a majority vote of such governing body stating the intention of such governing body to remove him, and the reasons therefor. He may reply in writing to such resolution. If so requested by the manager, the governing body shall fix a time for a public hearing upon the question of his removal, and the final resolution removing him shall not be adopted until such public hearing has been had.

Upon passage of a resolution stating the governing body's intention to remove the manager, such governing body may suspend him from duty, but his pay shall continue until his

removal shall become effective as herein provided. The action of the governing body in removing the manager shall be final.

9-10-12. City manager - Absence - Disability - Suspension.

In case of the absence or disability of the manager or in case of his suspension as provided in § 9-10-11, the governing body may designate a qualified administrative officer of the first or second class municipality to perform the duties of the manager during such absence, disability, or suspension.

9-10-13. City manager - Responsibilities - Appointing and removing officers and employees.

The manager shall be responsible to the governing body for the proper administration of all affairs of the first or second class municipality placed in his charge. To that end, except as otherwise provided by law, he shall have power to appoint and remove all officers and employees in the administrative service of the municipality and may authorize the head of any department or office responsible to him to appoint and remove subordinates in such department or office. Appointments made by or under the authority of the manager shall be made without definite term on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform.

9-10-15. City manager - General powers.

The manager shall have the following further powers and duties:

- (1) He shall see that the laws and ordinances are enforced;
- (2) He shall supervise the administration of the affairs of the first or second class municipality;
- (3) He shall make such recommendations to the governing body concerning the affairs of the first or second class municipality as may seem to him desirable;
- (4) He shall keep the governing body advised of the financial condition and future needs of the first or second class municipality;
- (5) He shall prepare and submit to the governing body an annual budget not later than August first of each year;
- (6) He shall see that all terms and conditions imposed in favor of the first or second class municipality or its inhabitants in any contract or franchise to which the municipality is a party are faithfully kept and performed;
- (7) Except when the governing body may be considering his removal the manager shall be entitled to be present at all meetings of such governing body and its committees, and to take part in their discussions;
- (8) He shall sign all warrants for the payment of money, and the same shall be countersigned by the auditor, but no warrant shall be issued until the claim therefor has been approved by the governing body, except as may be otherwise provided by ordinance or resolution;
- (9) He shall have the right to prepare and introduce ordinances and resolutions and take part in the discussions on all matters coming before the governing body, but shall have no vote;
- (10) The manager shall have such further powers and duties as may be prescribed by ordinance or resolution.

No contract of the manager for the payment of money in excess of two hundred dollars, except for current necessities, shall be binding upon the first or second class municipality unless the payment shall be approved by the governing body.

9-10-16. City manager - Administrative functions through manager - Violations - Removal from office.

Except for the purpose of inquiry the governing body and its members shall deal with the administrative service solely through the manager, and it is a Class 2 misdemeanor for any member of the governing body to give orders to any subordinate of the manager. Upon conviction of a violation of this section, the court in which such conviction is had may in its discretion enter an order removing the member of the governing body so convicted from his office.

State Law: Chapter 9-11.

MUNICIPALITIES: CHANGE OF FORM OF GOVERNMENT

9-11-3.1. Change in form — Application to circuit court for change in classification of municipality — Publication and posting of notice.

If the population of a municipality, as shown by the last preceding federal census, increases or decreases causing the municipality to pass into a different class of municipality pursuant to § 9-2-1, the municipality may, through its governing body, apply to the circuit court having jurisdiction for a judgment authorizing the classification change. Upon the presentation of the application, the court shall establish a time and place for hearing the application. Notice of the hearing shall be given by publishing the order once a week for two successive weeks, the last publication to be not less than ten days prior to the day of the hearing, Not less than ten days prior to the date of the hearing, the notice of hearing shall also be posted in three public places in the municipality.

9-11-4. Change in form - Judgment affecting change - Filing.

Upon such hearing, if the facts warrant the granting of the application, the court shall make and enter its judgment changing the status of the municipality to that of a municipality of the appropriate class, pursuant to § 9-2-1. The court shall establish the time when the change shall be effective and determine the manner in which the change shall be made.

A certified copy of the judgment shall be filed in the office of the register of deeds of the county wherein such municipality is situated, and also in the Office of the Secretary of State.

9-11-5. Change in form - Change by election.

The voters of any municipality may change its form of government or change the number of its commissioners, wards, or trustees by a majority vote of all electors voting at an election called and held as provided. Any municipality under special charter may adopt any form of government as provided in this title.

9-11-6. Change in form - Petition - Signatures - Election.

If a petition signed by fifteen percent of the registered voters of any municipality, as determined by the total number of registered voters at the last preceding general election, is presented to the governing body requesting that an election be called for the purpose of voting upon a question of change of form of government or upon a question of the number of wards, commissioners or trustees, the governing body shall call an election to be held within fifty days from the date of the filing of the petition with the municipal finance officer. At that election the question of the change of form of government or the number of wards, commissioners or trustees, or both, shall be submitted to the voters. No signature on the petition is valid if signed more than six months prior to the filing of the petitions. If the petition is filed on or after January first prior to the annual municipal election and within sufficient time to comply with the provisions of § 9-13-14, the question may be submitted at that annual municipal election.

The election shall be held upon the same notice and conducted in the same manner as other city elections.

9-11-9. Change in form - First election of officers after change.

If an election changes the form of government or number of commissioners, wards, or trustees is approved, at the next annual municipal election or at a special election called by the governing board and held pursuant to § 9-13-14, officers shall be chosen under the changed form of government.

9-11-10. Change in form - Ordinances, rights and liabilities after change.

Any ordinance, resolution, contract, obligation, right, or liability of the municipality shall continue in force and effect the same as though no change of government has occurred.

Charter of the City of Watertown

PREAMBLE

We the people of the City of Watertown, in order to establish a more representative and effective city government, do adopt this Charter in accordance with the Home Rule power granted in Article IX, Section 2 of South Dakota Constitution and the procedural requirements of SDCL Chapter 6-12.

ARTICLE I – POWERS OF THE CITY

Section 1.01. Powers of the City. The city shall have all powers possible for a city to have under the Constitutions of this state and of the United States. It is the intention of this Charter to confer upon the city every power it may have under law, as fully and completely as though the power was specifically mentioned.

Section 1.02. Construction. This Charter shall be construed liberally in favor of the city and the specific mention of particular municipal powers in other sections of this Charter does not limit the powers of the city to those so mentioned.

Section 1.03. Intergovernmental Relations. The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more states or any state division or agency, or the United States or any of its agencies, or any township, county or municipality.

The city retains and reserves its right to Joint Exercise of Governmental Powers as set forth in SDCL Title 1. Further, the city adopts and ratifies each and every contract and agreement entered into by virtue of that power under any prior city organization or form of government.

Section 1.04. Limitations. Except to the extent otherwise authorized by SDCL Title 9, as such Title 9 exists at the time of the adoption of this Charter, nothing in this Charter shall be construed to permit the city to do any of the following:

- 1 . Levy a personal or corporate income tax,
2. Issue more liquor licenses,
3. Permit increased gaming, or
4. Incur additional debt, or any other act prohibited by SDCL 6-12-6 as it exists at the time of the adoption of this Charter.

Section 1.05. New Taxes. Any new form or type of taxation, which is approved by the city council, must be referred to a vote of the people before it can become effective. This does not apply to new or increased fees or increases in existing taxes, including by way of illustration, and not in limitation, sales, use or other ad valorem taxes on internet sales or purchases.

ARTICLE II – CITY COUNCIL

Section 2.01. General powers and duties.

All powers of the city shall be vested in the city council, except as otherwise provided by law or this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law. The council shall act as a part-time, policy making and legislative body, avoiding management and administrative issues.

Section 2.02. Composition, eligibility, election and terms.

a. *Composition.* There shall be a city council composed of the mayor elected at large and two aldermen elected from and by the voters of each ward of the City of Watertown.

b. *Eligibility.* No person is eligible to be nominated, elected or appointed as a mayor or as an alderman unless such person is a citizen of the United States, a voter of and resident of the City of Watertown, and, if an alderman, a voter of and resident of the ward for which such person is to hold office.

c. *Terms.* The terms of council members and the mayor shall be for two (2) years, unless the City of Watertown adopts an ordinance establishing the term of office not to exceed five (5) years. The mayor and aldermen shall hold office until successors are elected and qualified.

d. *Continuation in office.* The present city council and mayor, upon the successful adoption of this Charter by the voters of the City of Watertown, shall continue in office for the remainder of their respective terms and may seek reelection if not prohibited by the terms of this Charter.

e. *Powers and duties.* The council by ordinance shall establish the powers and the duties of the council and of the mayor in addition to those assigned by this Charter.

Section 2.03. Mayor.

The mayor shall preside at all meetings of the council but shall have no vote except in case of a tie. The mayor shall perform such other duties as may be prescribed by the laws and ordinances, and take care that such laws and ordinances are faithfully executed. The mayor shall annually and from time to time give the council information relative to the affairs of the City of Watertown, and shall recommend for their consideration such measures as the mayor may deem expedient. In addition, the mayor shall also have those powers enumerated in Article III below.

Section 2.04. Compensation-Expenses. The city council shall determine the annual salary of the mayor and council members by motion. The mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Section 2.05. Prohibitions.

a. *Holding other office.* Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other city office or city employment during the terms for which the member was elected to the council. No former council member shall hold any compensated appointive office or employment with the city until one year after the expiration

of the term for which the member was elected to the council. Nothing in this section shall be construed to prohibit the council from selecting any current or former council member to represent the city on the governing board of any regional or intergovernmental agency or from completing an unexpired term of the mayor.

b. *Appointments and removals.* All appointive officers of the City of Watertown shall be appointed by the mayor subject to the approval of the council. Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the mayor or any subordinate of the mayor is empowered to appoint, but the council may express its views and fully and freely discuss with the mayor anything pertaining to appointment or removal of such officers and employees.

c. *Interference with administration.* Except for the purpose of inquiries and investigations under section 2.09, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the mayor solely through the mayor, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.06. Vacancies; forfeiture of office; filling of vacancies.

a. *Vacancies.* The office of a council member or mayor shall become vacant upon the person's death, resignation, removal from office or forfeiture of office in any manner authorized by law.

b. *Recall.* The power of recall of the mayor or council members shall be allowed as set forth in SDCL Title 9, as amended from time to time.

c. *Forfeiture of office.* The mayor or a council member shall forfeit that office if the mayor or council member:

1. Lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law.
2. Violates any expressed prohibition in section 8.02 of this Charter.
3. Fails to maintain residency within the city limits, or in the case of council members elected by ward, fails to maintain residency within that ward.
4. Is convicted of a felony.
5. Fails to attend at least fifty percent (50%) of the regular meetings of the council during a fiscal year, or three consecutive regular meetings of the council, without being excused by the council. Excuses shall be liberally granted.

d. *Filling of vacancies.* A vacancy in the office of mayor or in the city council shall be filled by appointment by the remaining members of the city council until the next annual municipal election. If appointment is for replacement of a council member, the appointment must be a person from the same ward.

Section 2.07. Judge of qualifications.

The city council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. It shall determine its own rules of procedure, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the aldermen elected thereto, may expel a member. The council shall have the power to set additional standards of conduct for its members beyond those specified in the Charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least 7 days in advance of the hearing. Decisions made by the council under this section shall be subject to judicial review.

Section 2.08. City finance officer.

The city council shall appoint an officer of the city who shall have the title of city finance officer. The city finance officer shall give notice of council meetings to its members and the public, keep the minutes of its proceedings and perform such other duties as are assigned by this Charter or by the council or by state law.

Section 2.09. Investigations. The city council may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be an ordinance violation punishable by a fine and/or jail sentence to be established by ordinance.

Section 2.10. Independent audit.

The city council shall provide for an independent annual audit of all city accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding five years, but the designation for any particular fiscal year shall be made no later than 120 days before the expiration of such fiscal year. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

Section 2.11. Procedure.

a. *Meetings.* The council shall hold its regular meetings on the first Monday of each month and at such other times and places as the council may prescribe by rule. If the council meets more than once a month, it may designate which meeting is the regular monthly meeting. If it does not so designate one, the first meeting of the month is the regular monthly meeting. Special meetings may be called in the manner prescribed by ordinance.

b. *Rules and journal.* The city council shall determine its own rules and order of business and shall provide for keeping of an accurate journal of its proceedings. This journal shall be a public record.

c. *Voting.* Voting, except on procedural motions, shall be by roll call and the ayes and no shall be recorded in the journal. A majority of the aldermen shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absentees under such penalties as may be prescribed by ordinance. Each council member shall have an equal vote; the mayor shall only vote as necessary to break a tie. All actions of the council shall be by a majority of those present, unless otherwise provided by state statute, ordinance or this Charter.

Section 2.12. Action requiring an ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city council shall be by ordinance which:

a. Adopt or amend an administrative code or establish, alter, or abolish any city department, office, or agency;

b. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

c. Levy taxes, or impose or increase fees; and

d. Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

Section 2.13. Ordinances and resolutions in general. City ordinances and resolutions shall be introduced, published, enacted, recorded, and codified as provided in state law; however, the city council may by ordinance amend such requirements.

Section 2.14. Emergency ordinances. To meet a public emergency affecting life, health, property or the public peace, the city council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except as provided in Section 5.06b. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least two-thirds of the council members present shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to

Section 5.06b shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 2.15 Charter Revision Commission. Pursuant to the November 4, 2008 election, every five (5) years, commencing in 2014; the City Council shall establish a Charter Revision Commission for the limited and exclusive purpose of determining which, if any, provisions of the Watertown Home Rule Charter should be amended. The rules governing the Home Rule Charter Revision Commission are contained in "*Chapter 7.19 Home Rule Charter Revision Commission,*" of the Revised Ordinances of the City of Watertown.

ARTICLE III. – MAYOR

Section 3.01. Executive power.

The chief executive officer of the City of Watertown shall be a mayor.

Section 3.02. Election and qualifications of mayor.

The mayor shall hold office for a term of not less than two nor more than five (5) years, as determined by ordinance. A person may hold office for more than one term.

Section 3.03. Mayor's duties and responsibility.

The mayor shall preside at all meetings of the council but shall without limitation vote in the case of a tie. The mayor shall have such duties and obligations as set forth in section 2.03 above, and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law.

Section 3.04. Mayor's power to veto.

If the mayor disapproves of an ordinance, the mayor may veto the same by filing his or her written objection thereto with the auditor within ten (10) days after its passage upon second reading. If the mayor disapproves of a resolution, the mayor may veto the same by filing written objection thereto with the auditor within ten (10) days after its passage. Such veto may extend to any one or more items contained in an ordinance making an appropriation, or to the entire ordinance or resolution, and in case the veto extends to a part of an ordinance, the remainder shall take effect.

If the mayor vetoes any ordinance or resolution, it shall be presented by the auditor with the mayor's written objection to the next meeting of the council and may be reconsidered. If it shall pass by a two-thirds vote of all of the aldermen, it shall be published and become effective notwithstanding the mayor's disapproval.

If the mayor shall fail to sign any ordinance or resolution or file written objections thereto within ten (10) days after its passage upon second reading, it shall be published and become a law without the mayor's signature.

ARTICLE IV

Departments, Offices and Agencies

Section 4.01. General provisions. The city council may establish city departments, offices or agencies in addition to those created by this Charter and may prescribe the function of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

Section 4.02. Supervision. All departments, offices and agencies under the direction and supervision of the mayor shall be administered by an officer or employee appointed by the mayor with the approval of the council, and subject to the direction and supervision of the mayor.

Section 4.03. City attorney. There shall be a legal officer of the city appointed by the mayor subject to the approval of the council. The city attorney shall serve as the chief legal advisor to the council and all city departments, offices and agencies. The city attorney shall represent the city in all legal proceedings, or monitor all legal proceedings involving the city, and shall perform any other duties prescribed by state law, by this Charter, or by ordinance.

Section 4.04. Planning. Consistent with all applicable federal and state laws with respect to land use, development, and environmental protection, the city council shall:

1. Designate an agency or agencies to carry out the planning function and such decision-making responsibilities as may be specified by ordinance;
2. Adopt a comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan; and
3. Adopt development regulations, to be specified by ordinance, to implement the plan.

ARTICLE V – Financial Procedures

Section 5.01. Fiscal year.

The fiscal year of the city shall begin on the first day of January and end on the last day of December.

Section 5.02. Submission of budget and budget message.

On or before the first regular meeting in September, the mayor shall submit to the city council a budget for the ensuing fiscal year and an accompanying budget message.

Section 5.03. Budget.

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the city council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to

show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding two fiscal years. It shall indicate in separate sections:

- a. The proposed goals, objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, program, purpose or activity, and the method of financing such expenditures.
- b. Proposed capital expenditures during the ensuing fiscal year; detailed for each fund by organization unit when practicable, and the proposed method of financing each such capital expenditure.

For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus the fund balance carried forward, exclusive of reserves.

Section 5.04. City council action on budget.

- a. *Budget hearings.* The city council may schedule public hearings at appropriate times and may direct changes in the mayor's proposed budget.
- b. *Adoption.* The city council shall adopt the final budget for the next fiscal year on or before the 30th day of September. If it fails to adopt the budget by this date, the budget proposed by the mayor shall go into effect.

Section 5.05. Appropriation and revenue ordinances.

To implement the adopted budget of the ensuing fiscal year, the city council:

- a. Shall, no later than its first regular meeting in September of each year or within 10 days thereafter, introduce the annual appropriation ordinance for the ensuing fiscal year, in which it shall appropriate the sums of money necessary to meet all lawful expenses and liabilities of the municipality. The ordinance shall specify the function and subfunction as prescribed by the department of legislative audit for which the appropriations are made and the amount appropriated for each function and subfunction, which amount shall be appropriated from the proper fund. It is not necessary to appropriate revenue to be expended from an enterprise or trust and agency fund if the fund is not supported or subsidized by revenue derived from the annual appropriated tax levy. However, an annual budget for these funds shall be developed and published no later than the last day of December of each year, and
- b. Shall adopt any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.

Section 5.06. Amendments after budget adoption.

- a. *Supplemental appropriations.* If during the fiscal year the mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city

council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

b. *Emergency appropriations.* To meet a public emergency affecting life, health, property, or the public peace, the city council may make emergency special appropriations. Such appropriations may be made by emergency ordinance or declaration. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the council may by such emergency ordinance or declaration authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency special appropriation was made.

c. *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the finance officer that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the finance officer shall report to the city council without delay, indicating the steps to be taken. The council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one or more appropriations.

d. *Transfer of Appropriations.* At any time during the fiscal year the city council may transfer part or all of the unencumbered appropriation balance from one department to the appropriation for other departments. The finance officer may transfer part or all of any unencumbered appropriation balances among programs within a department upon approval by the council.

e. *Limitation; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount required by law to be appropriated, or by more than the amount of the unencumbered balance thereof. The emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 5.07. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from, or encumbrance of, the appropriation.

Section 5.08. Administration of budget.

The city council shall provide the procedures for administering the budget.

Section 5.09. Overspending of appropriations prohibited.

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the mayor or the mayor's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of any obligation in violation of the provisions of this Charter shall be void and any payments made illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the city for any amount so paid. Except where prohibited by law, however, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

Section 5.10. Public records. Copies of the budget, and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the city.

ARTICLE VI – Elections

Section 6.01. City elections.

a. *Regular elections.* The regular city election shall be held at the time established by state law or as established by ordinance of the city council.

b. *Registered voter defined.* All citizens legally registered under the Constitution and laws of the State of South Dakota to vote in the city shall be registered voters of the city within the meaning of this Charter.

c. *Conduct of elections.* The provisions of the general election laws of the State of South Dakota shall apply to elections held under this Charter or as set forth in any ordinance adopted by the city council. All elections provided for by this Charter shall be conducted by the election authorities established by law. Candidates shall run for office without party designation. For the conduct of city elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the city council shall adopt ordinances consistent with law and this Charter, and the election authorities may adopt further regulations consistent with law, this Charter, and the ordinances of the council. Such ordinances and regulations pertaining to elections shall be publicized in the manner of city ordinances generally.

Section 6.02. Initiative and referendum.

The powers of initiative and referendum are hereby reserved to the electors of the city. The provisions of the election law of the State of South Dakota, as they currently exist or may hereafter be amended or superseded, shall govern the exercise of the powers of initiative and referendum under this Charter.

ARTICLE VII – Watertown Municipal Utilities

Section 7.01. Management and control.

The management and control of the Watertown Department of Municipal Utilities is vested in the Municipal Utility Board as established by ordinance. The Municipal Utility Board may take any and all action it deems advisable in the furtherance of any utilities or enterprises now existing or hereafter acquired under its control as authorized by the city council by ordinance.

ARTICLE VIII – General Provisions

Section 8.01. Conflicts of interest.

a. *Conflicts of interest.* The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance. Rules or regulations to this end shall include but not be limited to: acting in an official capacity on matters which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by city officials before other city agencies on behalf of private interests. The appearance of impropriety shall be avoided. Municipal officials shall be, at a minimum, restricted from conflict of interest to the same extent that state public officials are bound by state law; provided however, that the city council may adopt an ordinance setting a stricter standard.

Section 8.02. Prohibitions.

a. *Activities prohibited.*

1. No person shall be appointed to, or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, gender, age, disability, religion, country of origin, or political affiliation.
2. No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
3. No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with any test, appointment, proposed appointment or proposed promotion.
4. No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any city election from any city employee.
5. No city employee shall, directly or indirectly, contribute money on behalf of the candidacy of any candidate for nomination or election to any city office. The expression of private or personal views concerning candidates for political office is not prohibited hereby.

b. *Penalties.* Any violation of this section shall be sufficient cause for the suspension, demotion, or termination of the employment of any city employee found to be in violation of this section. The city council shall establish by ordinance such further penalties as it may deem appropriate.

ARTICLE IX – Charter Amendment

Section 9.01. Proposal of amendment.

Amendments to this Charter may be framed and proposed:

- a. In the manner provided by law, or
- b. By ordinance of the city council containing the full text of the proposed amendment (except Sections 1.04, 1.05, 2.01, 2.02, 2.03 and Article III cannot be so amended) and effective upon adoption, or
- c. By report of a charter commission created by ordinance, or
- d. By the voters of the city, when any 15 qualified voters initiate proceedings to amend the Charter by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed charter amendment. Promptly after the affidavit of the petitioners' committee is filed the city finance officer shall issue the appropriate petition blanks to the petitioners' committee. The petitions shall contain throughout their circulation the full text of the proposed charter amendment and must be signed by registered voters of the city in the number of at least 10 percent of those voting in the last preceding gubernatorial election.

Section 9.02. Election.

Upon delivery to the city election authorities of the report of a charter commission pursuant to section 9.01c or delivery by the city finance officer of an adopted ordinance proposing an amendment pursuant to section 9.01b or a petition finally determined sufficient to propose an amendment pursuant to section 9.01d, the election authorities shall submit the proposed amendment to the voters of the city at an election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one (1) or more newspapers of general circulation in the city at least 30 days prior to the date of the election. If the amendment is proposed by petition, the amendment may be withdrawn at any time prior to the thirtieth day preceding the day scheduled for the election by filing with the city finance officer a request for withdrawal signed by at least two-thirds of the members of the petitioners' committee. The election shall be held not less than 60 and not more than 120 days after the adoption of the ordinance or report or the final determination of sufficiency of the petition proposing the amendment. If no regular election is to be held within that period, the city council shall provide for a special election on the proposed amendment; otherwise, the holding of a special election shall be as specified in the state election law.

Section 9.03. Adoption of amendment.

If a majority of the registered voters of the city voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, 30 days after the initial canvas certifying its adoption by the voters.

ARTICLE X – Transition/Separability Provision

Section 10.01. Officers and employees.

a. *Rights and privileges preserved.* Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.

b. *Continuance of office or employment.* All officers, employees and departments currently existing under the City of Watertown administrative structure will remain in that position after the implementation of this Charter unless and until the city council shall take action to the contrary.

c. *Personnel system.* An employee holding a city position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the provisions of Article IV.

Section 10.02. Departments, offices, and agencies.

a. *Transfer of powers.* If a city department, office, board, or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the city department, office, board, or agency designated in this Charter, or if the Charter makes no provision, designated by the city council.

b. *Property and records.* All property, records, and equipment of any department, office, board, or agency existing when this Charter is adopted shall be transferred to the department, office, board, or agency assuming its powers and duties, but in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one (1) or more departments, offices, boards, or agencies designated by the city council in accordance with this Charter.

Section 10.03. Pending matters.

All rights, claims, actions, orders, contracts, and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on, or dealt with by the city department, office, board, or agency appropriate under this Charter.

Section 10.04. State and municipal laws.

All city ordinances, resolutions, policies and regulations which are in force when this Charter becomes effective shall continue, except any ordinance is repealed to the extent it is inconsistent with this Charter or with ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of South Dakota permit, all laws relating to or affecting this city or its agencies, officers or employees, which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

Section 10.05. Separability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 10.06. Effective date.

This Charter shall become effective upon approval by the voters of the City of Watertown.

APPENDIX D

City of Evanston Strategic Plan (Overview)

The Evanston City Council unanimously approved the strategic plan on March 27, 2006. The plan took nine months to develop and will help focus the organization over the next five years. Strategic planning determines where an organization is going, how it's going to get there and measures success over time. It ensures the most effective use of the organization's limited resources by focusing the resources on key priorities.

The Strategic Plan features an overall vision and mission, as well as specific visions for economics, infrastructure, natural resources, partnerships, governance, neighborhoods and social programs. Each of these visions falls under one of three value areas: Economic Viability, Environmental Sustainability and Strengthening Community. The 13 goals of the Strategic Plan address these visions with objectives that support the community's values.

The City of Evanston's Strategic Plan:

Vision: Creating the most livable City in America

Mission: The City of Evanston is committed to promoting the highest quality of life for all residents by providing fiscally sound, responsive municipal services and delivering those services equitably, professionally with the highest degree of integrity.

Values

Economic Viability	Strengthening Community		Environmental Sustainability
Economics	Neighborhoods Social Programs	Partnerships Governance	Infrastructure Natural Resources
Goal #1: Develop economic development strategies...	Goal #11: Define Evanston neighborhoods...	Goal #7: Relationship with Northwestern...	Goal #4: High quality infrastructure and facilities...
Goal #2: Create policies for housing stock...	Goal #12: Provide opportunities for youth...	Goal #8: Create partnerships with schools...	Goal #5: Protect the City's natural resources...
Goal #3: Job skills for Evanston residents...	Goal #13: Access to health care...	Goal #9: Utilize Boards and Commissions...	Goal #6: Influence transportation resources...
		Goal #10: Provide outstanding customer service...	

APPENDIX E

Davison County Organizational Chart

APPENDIX F

City of Mitchell Organizational Chart

APPENDIX G

Overview of County Government in South Dakota

(Beginning on the next page)

APPENDIX H

Overview of Municipal Government in South Dakota

(From South Dakota Municipalities Magazine)

(Beginning on the next page)