



**Date:** January 25, 2008

**Contact:** Sioux Falls City Attorney's Office, or  
[charterrevisioncomments@siouxfalls.org](mailto:charterrevisioncomments@siouxfalls.org)

**Phone:** (605) 367-8880

***CHARTER REVISION COMMISSION SUMMARY  
PRIOR TO APRIL 8, 2008, BALLOT PROPOSALS***

**Sioux Falls, South Dakota:** The fourth Sioux Falls Charter Revision Commission, appointed in August 2007 by the Mayor with the advice and consent of the City Council, has conducted twelve public meetings over the past five months to assist them in preparing a report of proposed revisions to the City's Charter. The Commission will deliver the proposed revisions to City election authorities for placement on the April 8, 2008, ballot. The current Charter Revision Commission, as compared to previously appointed charter commissions, conducted their meetings in a notably reduced window of time in order to be prepared to timely bring proposed revision issues to voters as a part of the City's general April 2008 election.

During the course of their public meetings, the Charter Revision Commission considered various Charter revision proposals brought forward by city departments, council members, Charter Revision Commission members and/or citizens. After review and discussion about the various proposals, the Commission decided that some of the issues

which were raised warranted further review and were therefore taken under advisement for further research and discussion by the Commission following the upcoming election, approximately four proposed measures were not approved by vote of the Commission, and ten proposed measures were unanimously approved and brought forward for further public consideration and to be voted on by city voters.

The proposed revisions to the Charter, as considered and approved by the Charter Revision Commission, will be presented in the form of Charter Amendments to city voters for their consideration in the upcoming city election. City voters have previously approved a number of revisions to the City Charter in 1996, 2000 and 2004. The City's Charter is the broad governing document for the conduct of local municipal government in Sioux Falls.

# # #

**Charter Amendment Election**  
**- Official Ballot -**  
**April 8, 2008**

The following amendments to the Sioux Falls City Charter have been proposed by the City's Charter Revision Commission.

---

**Instructions to Voters:**

Voters desiring to vote in favor of the amendment should completely blacken the oval (Φ) immediately preceding the word "Yes."

Voters desiring to vote against the amendment should completely blacken the oval (Φ) immediately preceding the word "No."

---

**Amendment A**

Shall Section 2.04 be amended to read:

The annual salary of the mayor and part-time council members is set in section 9.05, and shall be automatically adjusted annually for inflation or deflation, as determined by a generally accepted federal government index (e.g. CPI-U). The mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. The mayor, but not the council members, shall participate in the city's employee benefits programs which are available to other management employees, excluding the city pension system. However, upon taking office the mayor may elect to participate in the Employees Retirement System, if allowed by ordinance, or may elect not to participate in the employee retirement system.

**City Attorney's Explanation of Amendment A**

The proposed change has no effect on either the mayor or council members' salary as previously established by charter. The current charter requires the mayor's participation in the retirement system. This revision would allow future mayors the option to not participate in the Employees Retirement System which would result in a payroll savings.

*Shall the City of Sioux Falls adopt Amendment A?*

Φ Yes

Φ No

## **Amendment B**

Shall Subsection (a) of Section 2.05 be amended to read:

- (a) *Holding other office.* 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 or appointed to the council. No former council member shall hold any compensated appointive office or employment with the city until two (2) years after the expiration of the term for which the member was elected or appointed to the council. Nothing in this section shall be construed to prohibit the council or mayor from selecting any current or former council member to represent the city on the governing board of any regional, national, or other intergovernmental agency.

### **City Attorney's Explanation of Amendment B**

The proposed change simply makes clear in this section that elected council persons should be treated the same as appointed council persons as related to the prohibition of holding other city offices or employment during their terms of office.

*Shall the City of Sioux Falls adopt Amendment B?*

Φ Yes

Φ No

## **Amendment C**

Shall Section 5.04 be amended to read:

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 mayor deems desirable or 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 (2) fiscal years. It shall indicate in separate sections:

- (1) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures;
- (2) Proposed capital expenditures during the ensuing five (5) fiscal years; detailed for each fund by organization unit when practicable, and the proposed method of financing each such capital expenditure; and
- (3) The anticipated income and expense and profit and loss for the ensuing year for each utility or other proprietary fund operated by the city.

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.

### **City Attorney's Explanation of Amendment C**

The proposed change offers only a minor revision within subparagraph (2) by requiring that the city's budget outline proposed capital expenditures generally planned over the next five (5) years consistent with how the capital program is currently otherwise prepared under the charter.

*Shall the City of Sioux Falls adopt Amendment C?*

Φ Yes

Φ No

### **Amendment D**

Shall Subsection (a) of Section 5.06 be amended to read:

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

- (a) Shall, no later than its final regular meeting in October of the year, introduce and adopt the annual appropriation ordinance for the ensuing fiscal year, making appropriations by fund and department or organizational unit. It is not necessary to appropriate revenue to be expended from a proprietary or trust and agency funds 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...

### **City Attorney's Explanation of Amendment D**

The proposed changes serve as clean-up language regarding the form of the city's annual appropriation ordinance by outlining that the ordinance must list appropriations under the appropriate organizational units and/or departments of the city.

*Shall the City of Sioux Falls adopt Amendment D?*

Φ Yes

Φ No

## **Amendment E**

Shall Subsection (a) of Section 5.07 be amended to read:

- (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 or a sufficient fund balance, the city council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

### **City Attorney's Explanation of Amendment E**

Section 5.07 proposes that supplemental appropriations can be authorized by the council when the mayor certifies that there are either excess revenues in a year or there is a sufficient balance of funds from which to make a supplemental appropriation.

*Shall the City of Sioux Falls adopt Amendment E?*

Φ Yes

Φ No

## **Amendment F**

Shall Section 5.11 be amended to read:

- (a) *Submission to city council.* The mayor shall prepare and submit to the city council a five-year capital program no later than July 1 of each year for consideration.
- (b) *Contents.* The capital program shall include:
- (1) A clear general summary of its contents;
  - (2) Identification of the five-year goals of the city;
  - (3) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
  - (4) Cost estimates and recommended time schedules for each improvement or other capital expenditure;

- (5) Method of financing, upon which each capital expenditure is to be reliant;
- (6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
- (7) A commentary on how the plan addresses the financial sustainability of the city and the region of which it is a part; and
- (8) Methods to measure outcomes and performance of the capital plan related to the long-term goals of the city.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

### **City Attorney's Explanation of Amendment F**

The proposed change offers to clarify and highlight items (Nos. 2, 7 and 8) to be included in the city's explanation of its capital program as submitted each year to the city council.

*Shall the City of Sioux Falls adopt Amendment F?*

Φ Yes

Φ No

### **Amendment G**

Shall Subsection (b) of Section 5.12 be amended to read:

- (b) *Adoption.* The city council, by resolution, shall adopt the capital program with or without amendment after public hearing and on or before the 30th day of September of the current fiscal year.

### **City Attorney's Explanation of Amendment G**

The proposed change offers a minor revision to allow the city council additional time, if needed, within which to adopt the city's capital program after public hearing by moving the deadline back to September 30th from the current August 15th date.

*Shall the City of Sioux Falls adopt Amendment G?*

Φ Yes

Φ No

## Amendment H

Shall Section 5.13 be amended to read:

Copies of the budget, capital program, and appropriation and revenue ordinances shall be public records and shall be made available to the public for review at suitable locations or by suitable means in the city.

### City Attorney's Explanation of Amendment H

The proposed change offers a minor revision to better allow public access to public records by making them available at suitable locations like public library branches, city hall or by suitable means like being published and available on the city's website.

*Shall the City of Sioux Falls adopt Amendment H?*

Φ Yes

Φ No

## Amendment I

Shall Subsection (c) of Section 6.01 be amended to read:

(c) *Conduct of elections.* All elections provided for by the charter shall be conducted by the election authorities established by law. Candidates shall run for office without party designation and shall declare whether seeking an at large or district seat. Candidates for district seats must reside within the district. No person shall be eligible for elective municipal office unless a nominating petition is first filed. Nominating petitions shall conform in all respects to the provisions of South Dakota state law, except that the deadline for filing shall be no later than 5:00 p.m. on the last Friday in February and the petition shall be signed by not less than 200 registered voters of the city or district thereof who shall be eligible to vote for the nominee. 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 and 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.

### City Attorney's Explanation of Amendment I

The proposed change offers a minor revision by moving the filing date up for city candidates to file their nominating petitions by the last Friday in February rather than

approximately four weeks before the city's election date in April to allow additional time for absentee voting.

*Shall the City of Sioux Falls adopt Amendment I?*

Φ Yes

Φ No

## **Amendment J**

Shall Subsection (b) of Section 7.01 be amended to read:

- (b) *Board of ethics.* The city council shall, by ordinance, establish an independent board of ethics to administer and enforce violations of the conflict of interest and financial disclosure ordinances as well as determine violations of Sections 2.05 (a) and (b), 7.02 (a) (3), (4), and (5) of this Charter and related ordinances. No member of the board may hold elective or appointed office under the city or any other government or hold any political party office. Insofar as possible under state law, the city council shall authorize the board to issue binding advisory opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to hire independent counsel. The city council shall appropriate sufficient funds to the board of ethics to enable it to perform the duties assigned to it.

### **City Attorney's Explanation of Amendment J**

The proposed change offers a minor revision to allow the Board of Ethics to review questions about actions that are prohibited under Section 2.05 of the Charter.

*Shall the City of Sioux Falls adopt Amendment J?*

Φ Yes

Φ No