

Charter Amendment Election

- Official Ballot -

April 10, 2012

The following amendments to the Sioux Falls City Charter have been proposed by the City's Charter Revision Commission for submission to the voters. These amendments will not become effective unless approved by majority vote.

Instructions to the Voter:

To vote on a ballot question, **FILL IN** the oval (●) next to "Yes" or "No." **DO NOT** cast more votes than are allowed in each race.

Charter Amendment A

Shall Section 1.01 be amended to read:

Section 1.01. Powers of the city. The city shall have the right and power to exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever that it is possible for it to have at the present and in the future under the constitution of the State of South Dakota, except as prohibited by the state constitution or restricted by this charter, and to exercise any powers which may be implied thereby, incidental thereto, or appropriate to the exercise of such powers, as though they were specifically enumerated in this charter.

The city shall also have the right and power to exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever that now are, or hereafter may be, granted by the laws of the State of South Dakota to all cities or applicable to cities of the first-class, provided that such laws are not inconsistent with this charter.

The city shall have the right and power to make such ordinances, by-laws, rules, and regulations, except as prohibited by the state constitution or restricted by this charter, as may be necessary or expedient for maintaining the peace, good government, and welfare of the city, its trade, commerce, and manufacturing, and for preserving order, securing persons or property from violence, danger, and destruction, for protecting public and private property, for promoting the public health, safety, convenience, comfort, morals, and general interests and welfare of the inhabitants of the city and to enforce all such ordinances by providing for the fine or imprisonment, or both the fine and imprisonment, of those convicted of violations thereof.

All powers shall be exercised in the manner prescribed in this charter, or if not prescribed herein, in such manner as shall be provided by ordinance. Notwithstanding any other provisions of this charter, all powers may now and in the future be exercised outside the limits of the city to the extent permitted by law.

The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.

City Attorney's Explanation of Amendment A:

The proposed change would delineate all powers the City of Sioux Falls may legally exercise under the state constitution and laws. The language regarding liberally construing the City's powers is taken from the South Dakota Constitution, Art. IX, § 2.

- Yes A vote "Yes" will change city charter.
- No A vote "No" will leave the city charter as it is.

Charter Amendment B

Shall Section 5.06 be deleted and shall sections 5.05 (c) and (d) be amended to read:

- (c) Adoption. The city council shall adopt the annual appropriation ordinance for appropriated funds for the ensuing fiscal year on or before the 30th day of September of the fiscal year currently ending. The annual appropriation ordinance shall make appropriations by fund and department or organizational unit. It is not necessary to appropriate funds to be expended from a proprietary or trust 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 adopted by resolution on or before the 30th day of September of the fiscal year currently ending and published at the same time as publication of the annual appropriation ordinance. If the city council fails to adopt the budget by this date, the budget proposed by the mayor shall go into effect.
- (d) The city council 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.

City Attorney's Explanation of Amendment B:

The proposed change would combine two somewhat redundant sections of the Charter into one section. It also would change the deadline for approval of the annual appropriation ordinance to September 30 of each year, rather than October. State law requires the City Finance Director to certify the annual tax levy to the County Auditor no later than October 1st. This results in a situation where the Finance Director must certify the annual tax levy to the County Auditor before

the tax levy has been established by the City Council. The proposed language change would rectify the situation by requiring the annual appropriation ordinance, including the tax levy, to be approved prior to October 1st thereby allowing the Finance Director to comply with state law. The proposed change would also change the timing of publication of budgets for proprietary and trust funds to be consistent with publication of all other budgets.

- Yes A vote “Yes” will change city charter.
- No A vote “No” will leave the city charter as it is.

Charter Amendment C

Shall Section 7.01(b) be amended to read:

Section 7.01. Conflicts of interest; board of ethics.

- (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), 6.01(c), and 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 C:

The proposed change would grant the Sioux Falls Board of Ethics the jurisdiction to hear any complaints about any possible violations of law for conduct related to city elections, removing jurisdiction from such complaints that is currently with the City Attorney.

- Yes A vote “Yes” will change city charter.
- No A vote “No” will leave the city charter as it is.