

	Wednesday, December 20,
AGENDA	2017
Charter Revision Commission	4 PM
Meetings	Carnegie Town Hall
	235 West 10th Street

1. Call To Order

2. Approval Of Minutes

A. December 6, 2017

3. Old Business

A. Charter Article IX - Transition/Separability

1) Section 9.05. Schedule, (f) salary of mayor and council members
The mayor s salary having been established in the amount of \$75,000 by this provision in 1995, each other council member shall receive an annual salary in the amount of fifteen (15) percent of the mayor s salary. The mayor s salary shall automatically be adjusted annually for inflation or deflation with each other council persons salary thereafter adjusted to be equal to fifteen (15) percent of the mayor s new adjusted salary. No meeting fees shall be paid to the mayor nor city council members.

4. New Business

A. Summary Report and Official Ballot

5. Public Input

6. Open Discussion

7. Adjournment

Date: 2017-12-20
SIRE Meeting ID: 2671
Meeting Type: Charter Revision Commission

YouTube:<https://youtu.be/JOg3UQzBkM4>
Agenda Item: Not Assigned
Item ID: 86043

The following document(s) are public records obtained from the
City of Sioux Falls.

MINUTES

Wednesday, December 6, 2017

Charter Revision
Commission Meeting

4 PM
Carnegie Town Hall
235 West Tenth Street



Members Present: Robert Thimjon, Pauline Poletes, Sue Aguilar, Jill Entenman, Justin Smith

Members Absent: None

Staff Present: Daniel J. Brown, Assistant City Attorney; and Cari Hanzel, Paralegal/Clerk

1. Call To Order

Commission Chair Robert Thimjon called the meeting to order at 4 p.m.

2. Approval Of Minutes

A. November 15, 2017

A motion was made by Justin Smith and seconded by Pauline Poletes to approve the minutes dated November 15, 2017.

Commission Chair Thimjon called for a voice vote. All members voted yes.
Motion Passed.

3. Old Business

A. Charter Article II - City Council

1) Presented Amendment RE: Election by Plurality

- Section 2.02. Composition, eligibility, election, and terms, (c)
Election and terms

2) Presented Amendment RE: Voting on Sales Tax Revenue Bonds

- Section 2.11 Procedure, (c) *voting*

Thimjon asked the Commission if there was a desire to further consider the two previously-presented amendments under Article II - City Council. There was no motion for further consideration.

B. Charter Article III - Mayor

3) Presented Amendment RE: Election by Majority

- o Section 3.02 Election and qualifications of mayor

Thimjon asked the Commission if there was a desire to further consider the previously-presented amendment under Article III - Mayor. There was no motion for further consideration.

4. **New Business**

A. Charter Article VII - General Provisions

No comments or suggestions were made.

B. Charter Article VIII - Charter Amendment

No comments or suggestions were made.

C. Charter Article IX - Transition/Separability

Commission Member Sue Aguilar requested that the Commission take a look at Section 9.05 (f), *Salary of Mayor and Council Members*, to determine if the method for setting the salaries is comparable to contemporary methods used elsewhere. She provided historical and current background information regarding salaries for the mayor and council members.

Commission Member Justin Smith noted that the City Council may have a better opportunity to conduct an in-depth study of the issue and to propose an amendment to the charter. Aguilar pointed out that past council members have also noted the salary disparity and she recommended that the Commission maintain visibility on the issue. Thimjon noted that after 22 years simply adjusting salaries for inflation may not be appropriate so further study would be useful. During the discussion it was noted that the deadline for any Charter Amendments is February 9, 2018.

Thimjon provided an opportunity for public input at this time.

Council Member Greg Neitzert expressed concern about the Council determining the basis for its own pay raise. He recommended such an amendment be proposed by an independent body relying upon a study.

Dale Froehlich acknowledged that a review of the mayoral and council member salaries may be warranted. He also provided background on the intent behind the salary provision as presented in the original charter. He urged the city council to have human resources facilitate a wage study by outside experts. He also

recommended that if the council proposes any salary change its effective date should be delayed to a future council. A brief discussion about how other political subdivisions set salaries, presentation of amendments on the ballot, and the powers of the Commission followed.

Council Member Rex Rolfing expressed support for a change to the salary provision for future mayors and council members to include special pay for council leadership. He stated the City Council Budget Analyst, Dave Bixler, can conduct research to compare salaries to comparable forms of government in the region. Bixler stated that he could provide information by the next Commission meeting which is scheduled for December 20, 2017.

The Commission agreed that Section 9.05 (f) would be an item on the December 20th agenda. Smith expressed concern that it may be difficult to fully study the matter and draft an amendment in time for the next election. Thimjon acknowledged the concern and noted that the Commission will at least be able to get started on the topic.

5. **Public Input**

Input was provided during item 4.C.

6. **Open Discussion**

There was none.

7. **Adjournment**

Commission Chair Robert Thimjon adjourned the meeting at 4:33 p.m.

Thomas M. Greco
City Clerk

Date: 2017-12-20
SIRE Meeting ID: 2671
Meeting Type: Charter Revision Commission

YouTube:<https://youtu.be/JOg3UQzBkM4>
Agenda Item: Not Assigned
Item ID: 86049

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Print

Code of Ordinances of Sioux Falls, SD

ARTICLE IX. TRANSITION/SEPARABILITY PROVISION

Section 9.01 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, appointees, or employees at the time of its adoption. State law governing Change of Employee Contributions or Benefits shall apply to the city under this charter.

(b) *Continuance of office or employment.* Except as specifically provided by this charter, if at the time this charter takes full effect an appointive administrative officer or employee holds any office or position which is or can be abolished by or under this charter, it shall continue until the taking effect of some specific provision under this charter directing that the office or position be eliminated.

(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 personnel system provided for in section 4.02.

Section 9.02 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 9.03 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 9.04 State and municipal laws.

(a) *In general.* All city ordinances, resolutions, policies, orders, codes, and regulations which are in force when this charter becomes fully effective remain effective, except as stated in subsection (b).

(b) *Exceptions.* All city ordinances, resolutions, orders, and regulations which are in force when this charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the constitution and law 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.

(c) The term “city commission” in all city ordinances, resolutions, policies, orders, and regulations which are in force when this charter becomes fully effective is hereby replaced by the term “city council.”

Section 9.05 Schedule.

(a) *First election.* At the time of its adoption, this charter shall be in effect to the extent necessary in order that the first election of mayor and members of the city council may be conducted in accordance with the provisions of this charter. The first election shall be held on November 8, 1994 or the first available Tuesday after that as determined by election officials. The Sioux Falls city officials to be designated shall prepare and adopt temporary regulations applicable only to the first election and designed to insure its proper conduct and to prevent fraud and provide for recount of ballots in cases of doubt or fraud.

The term of the two at large council members receiving the most votes among the at large candidates in the first election shall be four (4) years. The term of the at large council member receiving the third largest vote counts among the at large candidates shall be two (2) years.

The terms of the two council members receiving the most votes among the five (5) elected by the five (5) districts in the first election shall be four years. The term of the other three council members elected by district shall be two (2) years.

The five (5) districts for the first election and until the redistricting required after the 2000 census, shall be as follows:

(1) The southwest district shall be comprised of the following complete precincts: 4-4, 4-5/6, 10-1/7, 10-3/5 and 11-1, 10-4, and 10-6.

(2) The southeast district shall be comprised of the following complete precincts: 3-4, 3-6, 3-7/8, 3-9, 9-5, 9-6, 9-8/9, 10-2 and 12-1.

(3) The northwest district shall be comprised of the following complete precincts: 4-3, 5-2, 5-3, 5-4, 6-1, 6-2, 7-1, 7-3, and 11-2/3.

(4) The northeast district shall be comprised of the following complete precincts: 7-2, 7-4, 8-1, 8-2, 8-3, 9-1, 9-2, 9-4, and 9-7.

(5) The central district shall be comprised of the following complete precincts: 1-1, 2-1, 2-2, 3-1, 3-2, 3-3, 3-5, 4-1, 4-2, 5-1, and 9-3.

(b) *Time of taking full effect.* The charter shall be in full effect for all purposes on and after January 1, 1995.

(c), (d) *Reserved.*

(e) *Initial expenses.* The initial expenses of the mayor and city council shall be paid by the city on vouchers signed by the mayor.

(f) *Salary of mayor and council members.* The mayor's salary having been established in the amount of \$75,000 by this provision in 1995, each other council member shall receive an annual salary in the amount of fifteen (15) percent of the mayor's salary. The mayor's salary shall automatically be adjusted annually for inflation or deflation with each other council persons salary thereafter adjusted to be equal to fifteen (15) percent of the mayor's new adjusted salary. No meeting fees shall be paid to the mayor nor city council members.

(Ref. of 5-7-96; 4-11-00, § H)

Section 9.06 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 provision to other persons or circumstances shall not be affected thereby.