

MINUTES

Tuesday, October 10, 2017

Public Services Committee 5 PM

Carnegie Town Hall

Sioux Falls City Council 235 West 10th Street

Members Present: Christine M. Erickson, Theresa Stehly, Marshall Selberg, Pat Starr,

Members Absent: None

1. Call To Order

Committee Chair Christine M. Erickson called the meeting to order at 5 p.m.

2. Approval of Minutes

A. Tuesday, June 20, 2017

A motion was made by Marshall Selberg and seconded by Pat Starr to approve the meeting minutes of Tuesday, June 20, 2017.

Committee Chair Christine M. Erickson called for a voice vote. All members voted yes.

Motion Passed.

3. Reports and Updates

A. City Charter 101 by David Pfeifle, City Attorney

Presentation: Approximately 10 minutes followed by discussion

City Attorney Dave Pfeifle provided an overview of Charter history by explaining amendments to the State Constitution passed in 1962 and 1972 providing for Home Rule Charter forms of government. This includes the requirement for adoption of a charter by election stemming from a petition of 10% of the voters. A city may, under a charter, exercise any power not denied by the Constitution, general laws of the state, or its own charter. Additionally, under a charter, a city may provide for any form of legislative, executive, or administrative structure. The city legislature must be elected by popular election and administrative proceedings must be subject to judicial review. Pfeifle reviewed the historical context of the Charter in Sioux Falls by explaining the role of several civic groups in pushing for a home rule charter and developing one that was eventually presented for a popular vote. The initial charter was based, in part, on the Model City Charter, Seventh Edition from the National Civic League. Some exceptions to the model charter included: Section 1.04 (limitations) prohibits the levying of a personal or corporate income tax; Section 1.05 (New Taxes) states that any new form or type of taxation approved by the council must be referred to a vote of the people; Section 2.01 (General Powers and Duties) designates the council as a part-time policy making and legislative body, avoiding management and administrative issues; Section 2.02 (Composition, eligibility, election, and terms) reflects a compromise between having all at-large or all district representatives; Section 3.01 (Executive Power) provides that the executive and administrative power of the city is vested in a mayor. Pfeifle provided an overview of the methods by which the charter can be amended: 1) in the manner provided by state law,

referring to SDCL 6-12; 2) by an ordinance of the city council - Pfeifle noted that sections 1.04, 1.05, 2.01, 2.02, and 2.04 and Article III cannot be amended in this manner; 3) by a report of a charter commission; or, 4) by the voters of the city when 15 qualified voters register a petition with the City Clerk and obtain valid signatures of 5% of the total number of registered voters in the last city election. Charter amendments have traditionally been presented by the Charter Commission with three to 10 each election over the course of eight elections; only one amendment was not approved by the voters. Next, Pfeifle discussed the current Charter Revision Commission. He noted that votes to propose amendments would be by a supermajority, or four of five members. The Commission has traditionally been made up of individuals with experience in local government; the current commission includes a former school board member, former city council member, spouse of a former council member, an attorney who has represented many local governments, and a co-chair of the "Modern Government Group" which was responsible for bringing the Charter to a vote in 1994. The commission will be inviting members of the public, Council Members, City Directors, and the Mayor to present possible amendments. All meetings are open to the public and will be held in Carnegie Town Hall at 4 p.m. on the designated dates. The meetings will cover specific sections of the charter with follow-up on sections occurring as needed: November 1 (Sections 1, 2, & 3); November 15 (Sections 4, 5, & 6); December 6 (Sections 7, 8, & 9); December 20 (wrap-up); and, a possible meeting in January if needed. The deadline for submitting a report to the Council is early February, but the Commission would like to present it in January.

Discussion about the Commission's meeting frequency, the voting process, areas subject to council ordinance for an amendment, the petition process, timeline for adopting council ordinances, proposing amendments, composition and power of the Commission, and the form of proposals followed.

4. Open Discussion

There was none.

Erickson asked if there was any input from the public. There was none.

5. Adjournment

Committee Chair Christine M. Erickson adjourned the meeting at 5:40 p.m.

Thomas M. Greco

City Clerk