

**TITLE 3
CITY GOVERNMENT & ADMINISTRATION**

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TITLE III CITY GOVERNMENT & ADMINISTRATION

CHAPTER 30 -- GENERAL PROVISIONS

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30.01: SCOPE AND PURPOSE:

The purpose of this Title is to set forth certain policies and regulations relating to the administration of the City of Box Elder.

30.02: DEFINITIONS

RESERVED

30.03 CORPORATE LIMITS:

The corporate limits of the city are hereby declared to be such as have heretofore and hereafter been legally established and amended by law and ordinances of the city as shown on the official map thereof on file in the office of the city finance officer which such map is incorporated in this Code by reference and adopted as the official map showing the boundaries and limits of the city.

30.04: Form of Government

The City of Box Elder shall be a municipality under the Mayor/Aldermanic form of government as per SDCL 9-8. The Mayor and Council shall be elected and shall

perform such duties as prescribed by the laws of the State of South Dakota, and such specific duties as are provided in this Title.

30.05 Seal

- (A) The seal of the city shall have engraved thereon the words "City of Box Elder, South Dakota, Seal, Incorporated." The city seal shall be and remain in the custody of the City Finance Officer.
- (B) The seal of the city shall be affixed by the City Finance officer to all ordinances passed by the Council, warrants ordered drawn for the payment of money from the City Finance Officer, bonds and any and all other instruments to which the seal shall be attached as required by the statute. The City Finance Officer shall pay no warrant or order for money unless the seal shall be affixed thereto.

30.06 PROCESS FOR PERSONS TO HAVE TOPIC ON MEETING AGENDA

- (A) A request form from the City Hall Offices must be completed when a person wants a topic published on the Common Council agenda. City Hall employees will fill out the form for people who do not want to fill one out on their own. People may call City Hall and have a staff member fill out the form during a phone call.
- (B) Request forms are available from City Hall Offices. The Finance Office shall be responsible for keeping copies available for the public.
- (C) Agenda that were agenda items at the last meeting or two are to be placed under "unfinished business." New items are to be placed on the agenda under "new business." Citizens should know that they do not have to be scheduled to speak on any topic during "citizen input." Speaking at citizen input does not require filling out a form. The time allotted for citizen input, however, may be restricted.
- (D) Each form must be completed and submitted to the finance office no later than 12:00 pm the Wednesday preceding the scheduled meeting.
- (E) City Council Members, Mayor, City Attorney or City Administrator may add agenda items as needed, at any time prior to the required twenty-four (24) hour public notification requirement as per SDCL 1-25-1.1
- (F) Council members may have the agenda sent to them by e-mail on Friday afternoon. The agenda shall be available for Council members to pick up at City Hall by 5:00 pm on the Friday preceding the Common Council meeting. The agenda shall be available for individual citizens to pick up by 5:00 pm on the day before the Common Council meeting.
- (G) The City Finance Officer shall arrange a list of such matters according to the order of business and furnish each member of the Council, the Mayor, City Administrator and the City Attorney with a copy of the agenda.

30.07: MEETINGS OPEN TO PUBLIC:

The meetings of the common council shall be open to the public except executive sessions as may be allowed by law. It shall be unlawful for any non-member of the council to make any disturbance or interfere in any way with the deliberations of the council at such meetings. No person, not a member of the council, shall address or deliver any remarks to the council at such meetings without first asking for the privilege of so doing. **State law reference**—Open meetings, SDCL § 9-8-8.

30.08: COUNCIL PROCEDURES

- (A) *Meetings of the Common Council.* The regular meetings of the Box Elder Common Council shall be held on the first and third Tuesday of each month, at the City Hall meeting room, at 7:00 p.m. If a regular meeting day shall fall upon a holiday, the regular meeting shall be held on the day following. Special meetings of the city Common Council may be called by the President of the Council or by any two Council members. At least 24-hours advance notice to all Council members must be given to consider only such matters as shall be mentioned in the call for such a meeting. The notice shall be placed on the door of City Hall and the press notified. All members will be notified by telephone through the Finance Office or the Mayor's Office. Whenever time permits, notice will be published in the *Rapid City Journal* on the local page when a special meeting is called.
- (B) *Quorum.* A majority of the Common Council shall be necessary to transact any business of the City. Procedural motions may be decided by a majority of less than a quorum if the meeting was legally started, except as otherwise provided in SDCL § 9-8 or 9-19.
- (C) *Voting.*
- (1) No action of the Common Council shall be effective unless upon a vote of a majority of the quorum. No member present shall be permitted to pass his or her vote on any matter submitted for balloting to any meeting of the Common Council.
 - (2) The yeas and nays shall be taken by roll call upon the final passage of all ordinances and resolutions and upon any proposal to create a liability against the city or for the expenditure or appropriation of its money, and in all other cases at the request of any member, and shall be entered on the journal of its proceedings. The affirmative vote of a majority of the members present shall be necessary to the passage of any such ordinance or proposal, and it shall require the affirmative vote of two-thirds (2/3rds) the Common Council elected to sell any city property or make any expenditure.
 - (3) Telephone meeting may be held in accordance with SDCL 1-25-1.

- (D) *Adjourned meeting.* The Common Council may take an adjournment of a meeting to a later date, in which event the adjourned meeting shall be considered as a part of the first meeting.
- (E) *Parliamentary rules.* The Common Council accepts as its parliamentary procedure guide for Council meetings *Roberts Rules of Order Simplified and Applied* and the rules applicable to Council meetings, inclusive of those standards stated in the Council Police and Procedures Manual, and hereby adopted by reference. These rules shall control unless further modified by a majority of the Council hereafter.
- (F) *Compensation.* The salary, which is established for the Common Council, by the Common Council, shall not be paid to any member whom fails to be present at roll call and/or not present at time of adjournment, without a majority vote of the Council excusing him or her.
- (G) *Executive Sessions.* The common council, by motion, may close meetings for executive sessions for those purposes permitted by law. Thereafter, the council shall reconvene in open meeting to take such actions as may be appropriate.

30.09: ELECTIONS

- (A) *Election date:* The regular municipal election of officers for the City of Box Elder is hereby scheduled held on the second Tuesday of April of each year as per SDCL 9-13-1, at a place in each ward of the municipality as the governing body shall designate. If the governing body chooses a different election day as provided in SDCL 9-13, the governing body shall establish such election day by January fourteenth of the election year. The polls at the election shall be kept open continuously from seven a.m. until seven (7:00) p.m.

Pursuant to SDCL 9-13-6, The Finance Officer shall give notice and have published in the official newspaper of the municipality setting forth the vacancies which will occur by termination of the terms of office of elective officers. The notice shall also state the time and place where nominating petitions may be filed for such offices. The notice shall be published once each week for two consecutive weeks between the fifteenth day of January and the thirtieth day of January.

Nominating petitions shall not be circulated for signature until after the last Friday in January. The last day to file completed nominating petitions with the City Finance Office is the last Friday in February.

- (B) *Runoff election:*
 - (1) To be elected to the office of Mayor or Alderperson requires a majority of votes cast. If no candidate in a race involving three or more candidates

receives a majority of the votes cast, a secondary election shall be held three weeks from the date of the first election. The secondary election shall be held at the same polling places, be conducted, returned and canvassed and the result declared and entered upon the journal of the municipality in the same manner as the first election. The person receiving the highest number of votes at the secondary election, is elected.

(2) The Finance Officer shall have a notice of election published at least once during the week next preceding any secondary election. Such notice shall include a list of all persons appearing on the ballot for the second election. A facsimile of the official ballot need not be published for secondary elections.

(3) This section is being passed pursuant to the provisions of SDCL § 9-13-25, and any runoff election shall be held pursuant to the provisions of SDCL §§ 9-13-27 and 9-13-27.1

(C) *Election to fill vacancy:*

(1) Any vacancy in the governing body of the City of Box Elder or the office of mayor shall be filled by a special election called for that purpose as provided by SDCL §§ 9-13-14 and 9-13-14.2. No special election may be held less than six (6) months before the annual municipal election.

(2) If there is a vacancy from any cause in the office of the mayor less than six (6) months before the annual municipal election, the vacancy shall be filled by appointment by a majority vote of the members-elect of the common council, as soon as practicable after the vacancy occurs, to serve until the office is filled by election for the unexpired term at the next annual municipal election.

(3) If there is a vacancy from any cause on the common council less than six (6) months before the annual municipal election, the vacancy shall be filled by appointment of a majority vote of the members-elect of the common council, as soon as practicable after the vacancy occurs, to serve until the office is filled by election for the unexpired term at the next annual municipal election. The appointment must be a person from the same ward in which the vacancy exists.

(4) Any special election shall be held according to the procedures required by SDCL §§ 9-13-14 and 9-13-14.2

(D) **CONSOLIDATION OF WARDS FOR VOTING PURPOSES:**

The last annual election held April 11, 1989 and run-ff election held April 25, 1989, the number of legal voters in any two or more contiguous wards did not exceed 350. Therefore, Wards I, II & III are hereby consolidated into one precinct for voting purposes.

30.10 SMOKING RULES AND REGULATIONS FOR CITY FACILITIES:

There will be absolutely no smoking in City buildings.

30.11: COUNCIL TO ADOPT PERSONNEL POLICY

The Council shall adopt by resolution a personnel policy which shall govern the conduct of the City employees and officials. A copy of said personnel policy shall be given to each employee or appointed officer at the time of his or her employment with the City, in addition to periodical updates.

30.12 -- COUNCIL TO ADOPT PURCHASING POLICY

The Council shall adopt a purchasing policy which shall govern the conduct of City Officials and employees in relation to expenditures, contract procedures, and procurement of property & equipment.

30.13 APPROVAL AS TO FORM, LEGALITY AND ABILITY TO ADMINISTER

All ordinances, resolutions and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his or her authorized representative. All such instruments shall have first been referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would devolve and be approved by the department head; provided, however, that if approval is not given, then the same shall be returned to the City Council with a written memorandum of the reasons why the approval is withheld. In the event the questioned instrument is not redrafted to meet a department head's objection, or objection is not withdrawn and approval in writing given, then the Council shall be given the reasons advanced by the department head for withholding approval.

30.14 INTRODUCTION – SPONSORSHIP:

Ordinances, resolutions and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, except that City Attorney may present ordinances, resolutions and other matters or subjects to the Council, and any Council member may assume sponsorship thereof by moving that the ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.

30.15 ORDINANCES – INITIATION

All ordinances shall be reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, or a majority vote of a Committee or requested by the Planning Commission and/or prepared by the City Attorney on his or her own initiative.

30.16 ORDINANCES – AMENDMENT OF EXISTING PROVISIONS:

All ordinances amending existing ordinances shall clearly designate that language, section or amendment being amended.

30.17 ORDINANCES – REVIEW BY SUBJECT COMMITTEE AFTER DRAFTING:

Unless the Council shall otherwise direct, all ordinances after drafting will be returned to the committee having jurisdiction of the subject matter to which the measure pertains and shall after reviewing and making any additional amendments, return the same to the Council with its recommendations attached thereto. The Chairperson of the Committee may appoint a subcommittee to study and make recommendations.

All City Council member(s) or citizens appointed to committees shall attend as assigned. Those individuals, who miss three (3) or more consecutive scheduled committee meetings, or more than five (5) meetings in any twelve (12) month period, may be subject to removal from the Committee, by the Committee Chairman, or the City Council.

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31.01: MAYOR/COUNCIL TERMS OF OFFICE:

The mayor & Council members shall be a citizen of the United States and a qualified elector of, and resident of the City.

The Council shall consist of the Mayor, elected at large to serve a three (3) year term, and two (2) Council members elected from each of the three (3) wards within the City for a period of three (3) year terms.

31.02: PRESIDENT AND VICE PRESIDENT

At the first meeting of the Council in May of each year, and after the qualification of the newly elected Council Members, the Council shall elect from among its own members, a President and Vice President of the Council, whose duties are prescribed by SDCL 9-8-7, and ordinance of the City of Box Elder.

31.03: POWERS AND DUTIES OF THE MAYOR

The powers and duties of the Mayor shall be such as are prescribed by SDCL 9-8-3, and other provisions of the City of Box Elder Code of Ordinances, and such further

duties as are incidental to the office or described by resolution and/or in a job description so designated by City Council.

31.04: APPOINTMENT OF DESIGNEE BY CITY COUNCIL

In the event of the disability or absence of the mayor resulting in a period of time when he/she is unable to perform all of the tasks required to discharge the responsibilities of that position, or during a period of suspension; the Council President with the approval of the Council, may perform the task of mayor or designate one or more department head(s) to perform all of the tasks required to discharge the primary responsibilities of the of the Mayor.

Upon approving such designation by the Council, the Council may also consider adjusting the compensation paid to reflect the additional, temporary responsibilities assigned to that individual as a result of such designation.

CHAPTER 32 -- CITY OFFICIALS

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32.01: OFFICERS, DEPARTMENT HEADS, MANAGERS AND TRUSTEES APPOINTED BY MAYOR-& OR EMPLOYED BY THE CITY COUNCIL

The only appointed officer of the City as per SDCL 9-14-3 shall be the Finance Officer. The Finance Officer shall be appointed by the Mayor, and approved by a majority vote of the City Council, and shall hold office until their successors are duly hired and qualified.

The City Attorney shall be hired by the governing body, by contract pursuant to SDCL 9-14-23 and perform the duties set forth by and Ordinance and requirements of Section 32.04 herein.

The City Council may determine the number of department heads and/or managers, which are necessary to manage City operations, these positions are at will employees, and shall not be appointive officers, said positions shall be approved by a majority vote of the City Council.

32.02 CITY ADMINISTRATOR:

32.02.01 City Administrator: The Common Council of the City of Box Elder are hereby authorized to hire the position of City Administrator. Upon affirmation, the Administrator shall have the responsibilities and duties hereafter described.

32.02.02 Employment: City Administrator shall be hired at will, by two-thirds vote of the City Council.

32.02.03 Qualifications: Must have considerable knowledge of municipal government operations, proper procedures, public relations, personnel management, finance, purchasing and all administrative responsibilities for proper municipal operation. Good knowledge of municipal laws, rules and regulations affecting the municipality. Knowledge of good risk management and insurance practices. Ability to maintain harmonious relations with employees and the general public. General knowledge ability to coordinate development, planning, zoning, etc. and ability to collect, analyze and prepare reports and research materials and to establish standards.

32.02.04 General Powers & Duties of Administrator: In addition to the duties found in the job description; the Administrator of the City of Box Elder shall possess the following powers and duties.

- (1) Be the Administrative Officer of the City, responsible to the City Council as a "whole" for the proper and efficient administration of the affairs of the City of Box Elder.
- (2) Direct the administration of all departments, offices or subdivisions of the City, and functions of the City, except otherwise provided by ordinance or law.
- (3) Except otherwise provided by ordinance or law, recommend hiring employees on the basis of a merit system principals, and recommend suspending, removal or otherwise discipline employees, subject to the following:
 - a. The City Administrator may make recommendations to City Council and Mayor related to appointments or removal of employees and/or Department Head level positions.
 - b. Have the authority to suspend an employee until action can be reviewed and approved by the City Council.

- c. Council shall confirm appointments/hiring of all employees and of Mayoral appointed and non-mayoral appointed Department Heads.
- (4) Negotiate contracts for the City, subject to approval of the City Council, make recommendations to the nature and location of municipal improvements and execute municipal improvements as determined and directed by City Council.
- (5) Monitor all terms and conditions imposed upon the City and its inhabitants in any statute, franchise or contract are faithfully kept and performed, and upon knowledge of any violation, call the same to the attention to the City Council.
- (6) To attend all meetings of the City Council with the right to take part in discussion, but without the right to vote.
- (7) Recommend to the City Council for adoption such measures as the City Administrator may deem necessary and expedient; keep the City Council appraised of the condition of the City and make reports to the Council at regular intervals and/or as request by the City Council.
- (8) In cooperation with the City Finance Officer, prepare and submit the annual City Budget for review and approval by the City Council. The recommended budget shall be submitted to the City Council no later than the first meeting in July of each year. The budget so submitted shall be accompanied by and enabling ordinance, together with such explanatory comment or statement as the City Administrator may deem desirable. The budget document shall be in such form as required by law for municipal budgets, and shall contain such additional documentation or explanation of various items and expenditures and revenue as may be required by Council.
- (9) Recommend the designation of a qualified administrative officer of the City to perform the duties of City Administrator during the temporary absence or disability of the City Administrator. In the event the City Administrator fails or is unable to make such designation, or if the absence or disability continues for thirty (30) or more days, the City Council may, by resolution appoint an officer and/or employee of the City to perform the duties of the City Administrator during the City Administrators absence or disability until the Administrator is able to return to work.
- (10) Responsibility to serve as the City's Chief Purchasing Agent and oversee all acquisitions thereof.
- (11) The powers assigned to the Administrator are not intended to

diminish those powers otherwise assigned to other officers, Department Heads or managers by statute or ordinance, including, but not limited to the City Council/Mayor.

32.02.05 MATTERS DIRECTED TO ADMINISTRATOR'S ATTENTION. All offices and departments shall submit all matters requiring City Council action or attention to the City Administrator, who shall submit them to the City Council with recommendations, as may be deemed necessary. All departmental or employee requests shall be submitted to the City Administrator who shall provide instruction as to policy and action.

32.02.06 Additional Duties: The City Administrator is designated to serve as a member of various committees, boards and commissions and as such may serve in a variety of capacities therein. Perform such other duties that may be designated by City Council.

32.02.07 Compensation, Benefits and Employment Conditions: The City Administrator shall receive compensation as the Common Council shall fix from time-to-time by resolution and/or terms of the employment agreement. The City Administrator is an at will hire position, and may be removed from office by a two-thirds of the Common Council at any regular scheduled meeting without cause.

32.03 REMOVAL OF OFFICIALS AND/OR DEPARTMENT HEADS AND MANAGERS:

The mayor shall have the power to remove the Finance Officer pursuant to SDCL 9-14-13 whenever he shall be of the opinion that the interest of the City demands a removal. The mayor shall report the reasons for such removal to the Common Council at a regular scheduled meeting.

32.03.01 The City Council by majority vote, may at any time determine the removal or reinstatement of any employee, department head(s) and/or manager(s).

32.04: DUTIES OF COUNCIL APPOINTEES

Each officer appointed by the governing body shall perform all of the duties as prescribed by this Title, the statutes of the state of South Dakota. The City Attorney shall perform their duties as prescribed by the City Council through the means of an employment contract.

32.05: SPECIAL DUTY OF CITY ATTORNEY

The City Attorney, in addition to those duties prescribed for him by State law, shall have the special duty to make or cause to be made proper designations for any ordinance or amendments thereto, and he/she shall see that the organization and numbering of all ordinances is kept as uniform as possible and in keeping with the organization of this Ordinance in revision. In order to carry out this duty, the City Attorney shall have the

power to change any of the numbering designations of any of the City Ordinances without having to pass an amendment therefore, provided that in so doing, the substance of any City Ordinance shall not be changed.

32.06: OATH AND UNDERTAKING REQUIRED

Each appointed officer, before entering upon the discharge of his or her duties shall take and subscribe an oath or affirmation of office in the form required by the Constitution of the State. The Finance Officer shall furnish an undertaking to the City in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00). Said bond shall be conditioned for the faithful performance of the duties of their respective officers and to account for, pay over and deliver all money coming into their hands by virtue of the office, according to law. Bonds for deputies shall be determined by the appointing officer.

32.07 INVEST THE OPERATIONAL CASH ACCOUNTS IN A MONEY MARKET FUND.

- (A) The city presently deposits all cash receipts into a passbook saving account, earning minimum interest income.
- (B) Higher rates of interest may be earned by depositing operation funds into a government backed, no-load, liquid money market account, in conformity to South Dakota Codified Law.
- (C) The Box Elder Common Council authorizes the city Finance Officer to set up a money market account to which all cash receipts may be deposited.

32.08 DUTY OF CHANGING NAMES FOR CITY OFFICIALS AS INDIVIDUALS CHANGE.

- (A) The following named positions are authorized to pick up and sign for equipment from surplus property:
 - (1) Mayor;
 - (2) Finance Officer;
 - (3) Chief of Police; and
 - (4) Water and Wastewater Superintendent; and
 - (5) Public Works Director.
- (B) The Finance Officer is authorized by this section to change the names associated with those positions as the people change.

32.09 OFFICE CREATED.

The city creates the Office of City Engineer to be filled by a registered engineer.

32.10: COUNCIL TO DETERMINE SALARY OR WAGES OF DEPARTMENT HEADS AND SUPERVISORY PERSONNEL

The salaries and/or wages of the Mayor and alderman shall be determined by the Council by resolution to be published as required annually in the Council minutes in January of each year. The salaries and/or wages of all Department Heads and supervisory personnel shall be approved by Council after recommendation from the City Administrator. If the City Attorney is appointed as an employee of the City, then consistent with the duties required by SDCL 9-14-22 the salary may include representing the City in Court actions, bond proceedings, enforcement of City Ordinances, furnishing an opinion on matters related to the municipality or the duties of its officers, and such other professional services incident to the office as required by ordinance or directed by the governing body.

The specific activities expected to fulfill these general duties will be contained in the employment contract and job description for the position. Each officer or other employee, shall, except where special conditions exist, be paid according to the applicable Personnel Policy or collective bargaining agreement. The Council shall, after having prepared the budget for the ensuing year, meet to determine salaries for all appointed officers, department heads and supervisory personnel of the City by approving the annual budget in the manner required by law. The Council may at any other time of the year, meet to consider salary changes for employees not subject to the terms of a Negotiated Agreement or at the time of his or her employment with the City.

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33.01.01: OFFICIAL NAME

That the official name of the Planning Commission created hereunder shall be known as "Box Elder City Planning Commission" hereafter referred to as "Commission".

33.01.02: ESTABLISHMENT AND COMPOSITION

The Box Elder City Planning Commission shall consist of no less than five (5) and no more than seven (7), voting members as pursuant to SDCL 11-4-11 shall be appointed by the Common Council, and hold office as set forth by SDCL 11-4. All voting members shall be resident of the City.

Additional non-voting advisory members can be added as the Council deems necessary pursuant to SDCL 11-6-7. The city council may also contract with city planners, engineers, architects, and other consultants as well as federal, state, and local agencies for such services as it may require to carry out City business. Such as a Ellsworth Air Force Base representative who may sit as an ex officio member of the Commission.

Commission members may be compensated by a stipend for each meeting attended. The amount of the stipend shall be set by the City Council by resolution during the required annual salary resolution.

33.01.03: POWERS AND DUTIES

The Box Elder City Planning Commission shall carry out its functions in accordance with SDCL 11-6 and shall have all the powers, duties and responsibilities as set forth in said Statutes and this Municipal Code. The Planning Commission shall govern all territory with the statutory jurisdiction of the City of Box Elder.

33.01.04 MEMBERS -- QUALIFICATIONS:

Any resident of the City of Box Elder who is a citizen of the United States may qualify to be a member of the Commission except a person having been convicted with the last five (5) years of a felony or of a misdemeanor involving moral turpitude. Nominated

members should demonstrate a basic understanding of the Commission and applicable rules.

33.01.05 MEMBERS – TERMS:

The term of each Planning Commission member heretofore appointed and currently serving shall be continued until expiration of the original term, or until the members shall have resigned or been removed for cause. Each member appointed to the Planning Commission, including alternate members, shall be appointed for a term of five years to expire May 1 of the fifth year. At a minimum, the one-half the membership should begin their terms on odd and even years.

33.01.06 MEMBERS-REMOVAL:

Commission members may be removed by a majority of the Council for lack of attendance, incompetence, malfeasance, or other cause. Any member may request to be heard in executive session prior to said vote.

All Planning Commission member(s) or citizens appointed to committees shall attend as assigned. Those individuals, who miss three (3) or more consecutive scheduled committee meetings, or more than five (5) meetings in any twelve (12) month period, may be subject to removal from the Committee, by the Committee Chairman, or the Planning Commission Chairman who assigned the individual to the committee.

33.01.07 VACANCIES:

Any vacancy in a membership on the Planning Commission shall be filled for the unexpired term in the same manner as for appointment.

33.01.08 MISCELLANEOUS POWERS:

The Box Elder City Planning Commission shall have all powers heretofore granted to zoning commissions and shall also be the Zoning Commission of the city. The Planning Commission may make reports and recommendations relating to the plan and development of the municipality to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the executive or legislative officials of the municipality programs for public

improvements and the financing thereof. All public officials shall, upon request, furnish to the Planning Commission, within a reasonable time, such available information as it may require for its work.

33.01.09 COMMISSION BY-LAWS:

The commission shall during the first meeting each January elect from its members a Chairperson and Vice Chairperson. The chairperson shall chair all meetings and proceedings. In the Chairpersons absence, the Vice Chairperson shall conduct the meetings. The Commission may establish bylaws to govern the conduct and procedural

rules of the Commission meetings and to provide for the election of Commission Officers.

33.01.10 COMMISSION MEETINGS:

Commission meetings shall be held at City Hall at 7:00 p.m. on each Monday of the week preceding each regular City Council meeting. If such a regular meeting day falls upon a recognized holiday, then the Chairperson may reschedule the meeting. The Commission Chairperson or Vice-Chairperson may call a special meeting of the Commission at their discretion.

In the case where there is no agenda items presented to the Planning Office on or before 12:00 noon on the Wednesday prior to the regular scheduled meeting, the Planning Commission Chairperson may cancel the meeting. The Chair may also reschedule meetings due to inclement weather or other such emergencies.

33.01.11 COMPREHENSIVE PLAN-DUTY TO DEVELOP-REQUIREMENTS:

It shall be a function and duty of the Planning Commission to make and adopt a plan for the physical development of the municipality, including any areas outside of the boundary and within its planning jurisdiction which, in the Planning Commission's judgment bear relation to the planning of the city. The comprehensive plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Planning Commission's recommendation for the physical development, and may include among other things, the general location, character and extent of streets, bridges, viaducts, parks, parkways, waterways, playgrounds, airports and other public ways, grounds, places and spaces; the general location of public buildings and other public property, a zoning ordinance for the regulation of the height, area, bulk, location and use of private and public structures and premises, and of population density as may be provided by law; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, heat, sanitation, transportation, communications and other purposes the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, building, properties, utilities or terminal; the general location, character, layout and extent of community centers and neighborhood units, and the general character, extent and layout of the re-planning of blighted districts and slum areas. The Planning Commission may from time to time amend, extend or add to the plan or carry any part of subject matter into greater detail.

33.01.12 COMPREHENSIVE PLAN-PURPOSE:

In the preparations of the comprehensive plan, the Planning Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable

future growth of the municipality and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated adjusted, and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

33.01.13 COMPREHENSIVE PLAN-ADOPTION:

The Planning Commission shall adopt the comprehensive plan as a whole by a single resolution or, as the work of making the whole comprehensive plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. Before adoption of the comprehensive plan or part thereof the Planning Commission shall hold at least 1 public hearing, notice of the time and place of which shall be given at least 10 days in advance of publication in a newspaper having general circulation in the city. The adoption of the plan or any part, amendment or additions, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Planning Commission. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Planning Commission to form the whole or part of the plan or part thereof by the identifying signature of the Chairperson.

The Common Council hereby adopts the Comprehensive Plan in its entirety, and rescinds any and all previous Comprehensive Plans which have come before.

33.01.14 SPECIFIC POWERS AND DUTIES OF THE PLANNING & ZONING COMMISSION

- A. The Commission shall be responsible for the City's Comprehensive Plan that supports the vision of the City by the Council and the Mayor and shall recommend to the Council any addition, amendment, extension, or revision thereto.
- B. The Commission shall provide recommendations to the Council as needed to ensure that the City's growth is managed in compliance and conformance to the City's Comprehensive Plan.
- C. The Commission shall recommend to the Council the boundaries of zoning districts and appropriate regulations to be enforced therein.
- D. The Commission shall recommend to the Council regulations governing the subdivision of land within the City's jurisdiction.
- E. The Commission shall recommend to the Council, upon review and consideration of the Comprehensive Plan's standards and policies for managed growth, whether approval of individual Layout Plats will maintain the vitality and sustainability of our community.
- F. The Commission shall adopt and recommend to the Council all TIF project plans pursuant to SDCL 11-9-13.
- G. All other powers granted by law under SDCL Chapter 11 and not otherwise restricted by ordinance.

33.01.15 REASONS FOR APPROVAL AND/OR DISAPPROVAL TO BE CONVEYED TO THE COMMON COUNCIL:

In case of approval and/or disapproval, the Planning Commission shall communicate its reasons to the Common Council, and the Common Council, by vote of not less than 2/3 of its entire membership, shall have the power to overrule the approval and/or disapproval. Upon the overruling, the Common Council's ruling is final.

Chapter 33.02 -- PARKS & RECREATION BOARD ESTABLISHED

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33.02.01: PARKS & RECREATION BOARD:

As per SDCL, 9-38-10 and 9-38-90.1; the City of Box Elder as a First Class Municipality hereby establishes a Park and Recreation Board, hereby known as the Parks Board. All municipalities of the first class may create by ordinance a park board. The ordinance creating the board shall specify the number, the qualifications, the term of office of the members, the frequency of board meetings, the officers to be selected and a description of their duties, the number of members necessary for a quorum, and the scope of the board's authority. The salaries of the members of the board shall be fixed by such ordinance and be paid as provided for in the ordinance.

The Parks Board shall also be known as the Tree Board. The Common Council hereby grants all powers attributed or assigned by South Dakota Codified Law and the Box Elder Code of Ordinances.

The Parks and Recreation Department shall be administered under the Department of the Public Works.

33.02.02: MEMBERSHIP:

The parks board shall consist of six (6) members. Wards I, II and III shall be represented on the board by one council member from each ward. The board must also

have three (3) additional members serving at large. All of these individuals must reside within the corresponding ward they represent, whenever possible.

33.02.03: APPOINTMENT & TENURE OF OFFICE:

In order to avail itself of the powers conferred by this chapter, the governing body shall appoint a Parks Board to recommend all improvements and appropriate regulations to be enforced therein related to the municipal parks system.

Each Park Board member shall be appointed for a five (5) year term.

Terms of members shall be staggered such that the terms of no more than two (2) of the members shall end in the same calendar year. Board members may be removed by a majority vote of the City Council for lack of attendance, incompetence, malfeasance, or other cause's. Any member may request to be heard in executive session prior to said vote.

33.02.03: OFFICERS:

The Board shall elect from its membership a Chairperson and Vice Chairperson. The Chairperson shall chair all meetings and proceedings. In the Chairperson's absence, the Vice Chair shall conduct the meetings. The Park Board shall establish bylaws to govern the conduct and procedural rules of the Board and provide for election of Officers.

33.02.04: PURPOSE:

The purpose of the parks board is to administer policy issued by the governing body. The board is responsible to formulate and recommend policy and development and present such recommendations to the governing body. The board will direct and supervise park development and activities in accordance with municipal, state, and federal regulations.

33.02.05: ACCOUNTABILITY

The board reports directly to the Common Council of the City of Box Elder. Authorization to expend funds on behalf of the city parks remains solely with the Common Council. The parks board has no authority to expend funds.

As per SDCL 9-38-23 all Park Board Records are subject to inspection. On an annual basis the board shall report to the governing body of its acts and all its expenditures, showing the condition of all affairs under its control.

33.02.06: DUTIES AND RESPONSIBILITIES:

In addition to the other ordinances and sections in the Box Elder Municipal Code of Ordinances and State Statute giving the Parks Board duties and obligations, the duties and responsibilities of the Parks Board shall be as follows:

1. To advise the Common Council and Parks and Recreation Director on all municipal recreation activities within the city and all municipal recreation facilities, as well as the maintenance of all parks;
2. To advise the Parks and Recreation Director in preparing a budget request for consideration by the Common Council;
3. To advise the Parks and Recreation Director on the expenditure of all budgeted funds in accordance with state law and city policy;
4. To advise the Common Council and the Parks and Recreation Director on the maintenance of all municipal recreation facilities; and
5. To advise the Public Works Director on the tree care regulations set forth elsewhere by ordinance.

The governing body may require a report from such board at any time, and the records, books, papers, and accounts of the board shall at all times be subject to inspection by the mayor, auditor, or any committee appointed by the governing body for that purpose.

33.02.07: COMPENSATION

The board will serve on a volunteer basis, without compensation, except as otherwise ordained or resolved by the Common Council.

33.02.08: MEETINGS:

The Park and Recreation Board Meetings shall set their own meeting schedule, however at a minimum the Board shall meet at least quarterly, and said meetings shall be held at City Hall.

33.02.09: PARKS DIRECTOR:

The position of Parks and Recreation Director is hereby created. The Public Works Director shall assume the duties of the Parks and Recreation Director until the Common Council, by resolution, shall direct otherwise. Upon adoption of said resolution, the Director shall be employed with the approval of the Common Council.

33.02.10: DUTIES AND RESPONSIBILITIES OF THE DIRECTOR:

The duties and responsibilities of the Parks Director shall be as follows:

1. To administer all operations in the Parks and Recreation Department with the advice of the Parks Board.
2. To recommend hiring of Parks personnel and supervise employees assigned to the Parks Department, including the Events Center Coordinator, and recommend to the Mayor and Common Council appropriate staffing levels throughout the Department;
3. To prepare and submit annually to the Mayor and the Common Council and the Parks Board a proposed budget for the Department;
4. To ensure the efficient operation of the Parks Department; and

5. To provide input to the Mayor, Common Council, and other city boards and committees to ensure the continued efficient operation of the Department while protecting the health, safety and welfare of the community.

33.02.11: EVENT CENTER:

The function of the Box Elder Event Center, located in the City Administration Building at 420 Villa Drive, shall be administered by the Parks and Recreation Department. The Public Works Department shall administer the City Administration Building. The City may hire an Event Center Coordinator under such terms set forth by resolution.

CHAPTER 33.03 -- RESERVED

CHPATER 33.04 -- ORDINANCE COMMITTEE.

- (A) An Ordinance Revision Committee is hereby established, comprised no less than five voting members, of which are three (3) City Alderpersons, the Planning Commission Chairperson and one (1) additional Planning Commission member, all who retain voting rights. The Alderpersons shall ensure that the Committee shall elect from and amongst themselves a Chairperson and a Secretary who shall keep a record of all proceedings of the Ordinance Revision Committee and report its progress at each of the regular scheduled meetings of the Common Council.

Additionally, the City Council may appoint city staff as advisory, non-voting members deemed necessary to fulfill the mission of the committee.

- (B) The Ordinance Committee shall be charged with, be responsible for and is authorized to:
 - (1) Review all ordinances enacted by the city and submit to the Common Council for its consideration an ordinance in revision of the ordinances of the municipality;
 - (2) Utilize the services of the City Attorney, City Engineer and any other governmental agencies to fulfill the obligations of the Ordinance Committee; and
 - (3) Enlist the aid of any governmental or technical agency to find practical ways and means to obtain flood control measures for the city.
- (C) Expenditure of public funds shall require the prior approval of the Common Council with the following exception: Committee member(s) personal expense related to work for the Committee which shall not exceed \$50 at any time.

CHAPTER 33.05 -- POLICE DEPARTMENT**3-25**

SECTIONS:

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33.05.01: MEMBERS

The police force in this City shall consist of the Chief of Police, and as many more individuals as the Council deems necessary, after recommendation from the Chief of Police. The City Administrator shall, from time to time, recommend approval for employment of additional staff for the proper protection of the City.

33.04.02: APPOINTMENT

The Chief of Police shall be appointed by the mayor with the consent of by the City Council.

33.04.03: COUNCIL ADOPTS UNIFORM

The Council may adopt a uniform for the dress of the police officers and said officers shall wear said uniform at all times while on duty unless pressed into service under such circumstances that obtaining the uniform would be impractical.

CHAPTER 33.06 RESERVED:**CHAPTER 33.07 -- VOLUNTEER FIRE DEPARTMENT.**

The City relies upon and agrees to cooperate with the Box Elder Rural Fire Protection District for fire protection for the City.

CHAPTER 34: FINANCES, FUNDS AND FEES

SECTIONS

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34.01 RESTRICTED FUND ACCOUNTS.

- (A) The Common Council shall establish the following Restricted Fund Accounts;
- (1) Restricted City Hall Building Fund;
 - (2) Restricted Parks Fund;
 - (3) Restricted Highway and Bridges Fund; and
 - (4) Restricted Grans for Parks Fund.
- (B) The Council may establish such other restricted funds allowed in accordance with law.

34.02 RESERVED:**34.03 NOTARY SERVICES FEE.**

- (A) There will be a \$2 fee on all notary services performed by employees or appointed officers of the city. There will be no fee for senior citizens of Box Elder. A senior citizen is any person 60 years of age or older.
- (B) Payment for the service will be placed in the general fund.
- (C) This section shall take effect as of January 1, 1990.

34.04 SINGLE SANITATION ENTERPRISE FUND.

Pursuant to SDCL 9-40-3, the Common Council hereby authorizes the combining of the Sewer and Refuse Funds into a single Sanitation Enterprise Fund. The accounts payable and the accounts receivable of the Refuse Fund will be consolidated into the Sewer Fund. The accounts of the Sewer Fund will remain intact except for the name change.

34.05 CAPITAL OUTLAY ACCUMULATION AND CASUALTY RESERVE FUND.

- (A) Pursuant to SDCL 9-21-16.1, the Common Council hereby establishes a Casualty Reserve Fund an amount to be determined by the Council, which may only be expended for the payment of expenses to replace and repair property of the city which becomes damaged or lost as a result of a casualty loss. Interest earned from this Fund shall be placed in the city's general fund.
- (B) Pursuant to SDCL 9-21-14.1, the Common Council hereby authorizes the accumulation of funds for capital outlay improvements to the municipal sewer system for a period of three years. The maximum amount of funds to be accumulated may not exceed \$100,000 or an amount equivalent to five mills of the taxable value of all property within the city, whichever is smaller. If the

specific purpose for which these funds are accumulated is deemed no longer

necessary, these funds shall revert to the city's general fund. Interest earned which increases the amount accumulated above the authorized amount, will revert to the city's general fund.

34.06 TRUST FUND.

- (A) *Trust Fund.* A Trust Fund should be established at Wells Fargo Bank, Villa Rancho Branch to hold funds for unemployment insurance.
- (B) *Policy of Trust Account for Unemployment Insurance.* A Special Trust Account shall be established at the Wells Fargo Vila Rancho Branch, for the sole purpose of depositing funds for unemployment insurance.

This account is to be opened and put into effect January of 1978.

34.07 FINANCIAL REPORT.

- (A) The Finance Officer shall, at the first meeting of the Common Council each month, present a financial statement to the Council.
- (A) The statement shall include balances in all accounts for the month preceding the meeting, all disbursements for the previous month and all income and source of income for the previous month.

34.08 PLANNING DEPARTMENT FEE SCHEDULE; ADOPTED BY REFERENCE.

The City of Box Elders Planning Department fee schedule is hereby adopted by reference and incorporated herein as if set out in full.

34.99 PENALTY.

- (A) *General.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to 10.99.
- (B) *Schedule of fines.* Unless stated elsewhere in the Box Elder Municipal Code, apart from the "Administrative Citation" of which the fines and fees will be set by a City Council resolution as needed, all other laws shall be punishable as misdemeanors for which the maximum penalty does not exceed a \$500 fine and/or 30 days in jail.

CHAPTER 35: PURCHASING PROCEDURES

3-27

Section

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35.02	Minor or major equipment purchase; minimum amount	3-28
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35.01 CREDIT CARDS ISSUED TO EMPLOYEES:

- (A) Employees may have a bank card issued for wholly business related purchases according to approved budgeted expenses or for emergency purposes. Emergency purchases must be taken for approval to the next available Common Council meeting after the purchase has been charged. If the purchase is not approved by the Common Council, the person making the purchase will be responsible for all charges related to the purchase.
- (B) Misuse of a bank card may result in revocation of the card. Not presenting receipts to the Finance Office, not requesting Common Council approval for purchases in advance or per the Mayors or Administrators authority, or in an emergency, or not following Res. 07-29 on travel, constitutes misuse of a bank card. The bank card shall be surrendered to the issuing authority, or to the Common Council upon request.

35.02 MINOR OR MAJOR EQUIPMENT PURCHASE; MINIMUM AMOUNT.

- (A) Starting in the year of 1988, any minor or major equipment purchase must be for at least \$200. If the purchase is less than \$200 it will not be carried on the books as a fixed asset, it will be considered an expense.
- (B) This section will cover all funds.

35.03 INCIDENTAL ACCOUNT.

There is hereby established an incidental account for advance payment or claims requiring immediate payment. However, no advanced payment or claim shall exceed Two Thousand Dollars (\$2,000). All claims made shall require the signatures of two officers of the City, and shall comply with SDCL 9-23-23.

CHAPTER 36: TAXATION**3-28**

Section

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36.02	Determining Taxable for new Commercial or Industrial	3-29
36.99	Penalty	3-30

36.01 MUNICIPAL SALES AND SERVICE TAX AND USE TAX.

- (A) *Purpose.* The purpose of this section is to provide additional needed revenue for the city by imposing a municipal retail sales and use tax pursuant to the powers granted to the city by the State of South Dakota, by SDCL 10-52, entitled Uniform Municipal Non-Ad Valorem Tax Law, and acts amendatory thereto.

- (C) *Effective date and enactment of tax.* From and after January 1, 2006, there is hereby imposed as a municipal retail occupational sales and service tax upon the privilege of engaging in business a tax measured by 2% on the gross receipts of all persons engaged in business within the jurisdiction of the city, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45, and acts amendatory thereto.
- (C) *Use tax.* In addition, there is hereby imposed an excise tax on the privilege of use, storage and consumption within the jurisdiction of the city of tangible personal property or services purchased from and after January 1, 2006, at the same rate as the Municipal Sales and Service Tax upon all transactions or use, storage and consumption which are subject to the South Dakota Use Tax Act, SDCL 10-46, and acts amendatory thereto.
- (D) *Collection.* The tax is levied pursuant to authorization granted by SDCL 10-52, and acts amendatory thereto, and shall be collected by the South Dakota Department of Revenue and Regulation in accordance with the same rules and regulations applicable to the State Sales Tax and under additional rules and regulations as the Secretary of Revenue and Regulation of the State of South Dakota shall lawfully prescribe.
- (E) *Interpretation.* It is declared to be the intention of this section and the taxes levied hereunder that the same shall be interpreted and construed in the same manner as all sections of the South Dakota Retail Occupational Sales and Service Act, SDCL 10-45, and acts amendatory thereto and the South Dakota Use Tax, SDCL 10-46 and acts amendatory hereto, and that this shall be considered a similar tax except for the rate thereof to that tax.

36.02 DETERMINING TAXABLE VALUATION FOR NEW COMMERCIAL OR INDUSTRIAL STRUCTURES OR ADDITIONS TO STRUCTURES.

- (A) *Classification.* All new industrial or commercial structures which add a true and full value of \$150,000 or more will be valued in the usual manner, but specifically classified for tax purposes.
- (B) *Property valuation.* All structures assessed pursuant to division (A) above will be valued for tax purposes at 0% for the first year, 25% for the second year, 50% for the third year, 75% for the fourth year and 100% for the fifth and subsequent years.
- (C) *Application period.* Application to apply for eligibility for the property valuation formula shall include the next 18 months from the date of this section.
- (D) *Construction period.* Construction must be completed within two years from the date of application.
- (D) *Adoption.* This property valuation formula is adopted by the city in accordance

to law.

36.03 PENALTY.

- (A) *General.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to 10.30.
- (B) *Municipal Sales, Service Tax and Use Tax.* Any person failing or refusing to make reports or payments prescribed by 36.01 and the rules and regulations relating to the ascertainment and collection of the tax herein levied shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or imprisoned in the municipal jail for not more than 30 days or both the fine and imprisonment. In addition, all collection remedies authorized by SDCL 10-45, and acts amendatory thereto, and SDCL 10-46, and acts amendatory thereto, are hereby authorized for the collection of these excise taxes by the Department of Revenue and Regulation.

CHAPTER 37: PLANS, POLICIES AND PROGRAMS

3-30

Section

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37.01 IDENTITY THEFT PREVENTION PROGRAM.

- (A) Section 114 of the Fair and Accurate Credit Transactions Act of 2003 (16 C.F.R. 681.2) requires all municipalities that operate utilities to develop an Identity Theft Prevention Program.
- (E) The city hereby appoints the Finance Officer as Program Administrator, with authority to develop, approve and implement an Identity Theft Prevention Program.

37.02 POLICY REQUESTS FOR INFORMATION.

- (A) *Purpose.* To establish a system of handling requests for information that will ensure requests are processed in a timely manner while also ensuring city staff is provided sufficient time to perform assigned duties.

(B) *Policy.*

(1) *Information request form.*

- (a) An information log must be completed for all information requests to be completed, in their entirety, for each request for information. If an information request form is requested this should be documented on the information log. An information request form, in its entirety, must be completed for each request for copy information, paper copy, or copy of meeting tapes (disks) is to be completed. Information request forms shall be completed for any paper copy or copy of meeting tapes (disks).
- (b) Information request forms are available at the Finance Office and, when completed, are to be submitted to the Finance Office for processing. The Finance Office will then forward the request to the Mayor or Council President for review.
- (c) The amount of time required to process each request will vary with the type and amount of information be requested. Requests will be processed in a reasonable amount of time, however, the Finance Office will return all requests with an estimate in not more than ten working days for citizens and not more than 48 hours for Council members, if related to Council business. If the request can be completed within those ten days at minimal cost, the request will be completed within those ten days. If the request will take longer and have a larger than minimal costs, the estimated cost and estimated time will be sent to the requestor with a request to determine if the information request should be completed.
- (d) If an information request is to be denied, it will be denied within the ten days of the original request. The denial must be based on ' 6 or ' 7 of the SB No 147. This denial must be documented in the letter sent to the requestor with in ten days and stating the cost and estimate of time.
- This denial may be a complete denial or only a partial denial (redaction or blacked out).
- (e) Information should be given in the same form as produced, if a record is in paper copy and is being requested in electronic form, the record will be produced in paper form.
- (f) Requests for copies are subject to the fees itemized in division (B)(4) below.

(2) *Claims review.*

- (a) Unpaid claims may be reviewed, by appointment, with the Finance Officer or his or her designee within 24 hours of the Common Council

Meeting at which the claims are to be approved.

- (b) Individual paid claims may be reviewed in the manner outlined in Division (B) 1 (b) above.
- (3) *Meeting tape review and requests for copies.* Citizens requesting copies of meeting tapes (disks) must request them before the minutes are approved by the Council. After the minutes are approved by the Council, the tapes are no longer the official documentation of the meeting; the minutes as approved by Council are the official documentation. Tapes (disks) are only used to prepare the official documentation. The copies will be made in accordance with division (B) 1 (b) above. Tapes or disks are to be kept only until the minutes are approved. After the minutes are approved the disks will be rewritten with the meeting minutes from the minutes of the following meeting.
- (4) *Fees.*
 - (a) All administrative fees for services, copies, etc. will be set as need by resolution on as needed basis by the City Council.
 - (b) Research requiring more than one hour of personnel time will be charged at \$25 per hour for each additional hour.
 - (c) Council members shall receive the first paper copy at no charge. each additional copy shall be charged per division (B)(4)(a) above.
 - (d) Fees are to be paid in cash or money order. Checks will not be accepted, for payment of fees.

37.03 COLLECTION FEE FOR ALL RETURNED CHECKS.

- (A) There will be a minimum fee of \$35 on all checks returned to the city.
- (B) Checks must be picked up from the Finance Office within five days after notification. Those not picked up in the prescribed period will have services disconnected and be turned over to the proper authorities for collection.
- (C) This section is necessary for the operation of the municipal government and shall take effect immediately upon its passage and publication thereof.

37.04 INVESTMENT POLICY; FO#98-002.

- (A) *Purpose.* To provide authority for the timely investment of surplus funds of the municipality.

(B) *Policy.*

(1) *Interest bearing depository accounts and certificates of deposit.*

- (a) The Finance Committee shall have the authority to invest surplus monies of the municipality. This Finance Committee will be comprised of the Finance Officer and one Council member from each Ward.
- (b) The Finance Officer shall inform the Council of each investment action taken at the next scheduled Common Council meeting.

(2) *Bonds, securities and other long-term investments.* Investments in bonds, securities or other long-term strategies shall be presented to the Council for approval.

37.05 CODE OF CONDUCT.

- (A) The purpose of this Code of Conduct is to ensure the efficient, fair and professional administration of federal grant funds in compliance with the Federal Office of Management and Budget (OMB) Circular A-102, Attachment O, Paragraph 7, and other applicable federal and state standards, regulations and laws.
- (B) This Code of Conduct applies to all officers, employees or agents of the city engaged in the award or administration of contracts supported by federal grant funds.
- (C) No officer, employee or agent of the city shall participate in the selection, award or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent; any member of his or her immediate family; his or her partner; or an organization which employs, or is about to employ any of the above, has a financial or other interest in the firm selected for the award.
- (D) The city officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or subcontractors.
- (E) To the extent permitted by federal, state or local laws or regulations, violation of these standards may cause penalties, sanctions or other disciplinary actions to be taken against the city officers, employees, agents or the contractors, potential contractors, subcontractors or their agents.

37.06 PERSONNEL POLICY; ADOPTED BY REFERENCE.

The city's Personnel Policy & Procedures Manual is hereby adopted by reference and incorporated herein as if set out in full.

CHAPTER 38 – BUDGET**3-33**

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38.01: BUDGET REQUIRED

An annual budget, for the calendar year, shall be prepared and adopted in the manner hereinafter provided. Said budget shall state in detail the proposed expenditures of the

City for the following calendar year. This budget shall not only specify the expenditures required for each department, but shall specify the items for which expenditures are to be made from the total amount stated for each department.

38.02: DUTIES OF OFFICIALS AND/OR DEPARTMENT HEADS AND MANAGERS:

The Finance Officer shall be considered the Budget Director, and it shall be his or her duty to cause said budget to be prepared in the manner hereinafter provided. All Department Heads shall cooperate with the Finance Officer in preparation of the budget and shall provide a detailed and itemized estimate of the expenses which each Department Head believes will accrue for his or her respective department during the following year and said estimates shall be submitted at the request of the City Council. The City Finance Officer shall prepare and submit to the Council an annual budget not later than August 1st of each year. The Chairmen of all other Boards or Committees for which expenditures will occur during the following year shall also submit to the City Finance Officer upon his or her request a detailed and itemized estimate of anticipated expenses. All other City officials shall be required to assist in the preparation of the budget at the call of the City Council.

38.03: PREPARATION

It shall be the duty of the Finance Officer, with the assistance of the Department Heads and such other persons as the City Council may request, to prepare a proposed budget for the following year no later than August 1st. To successfully perform this endeavor, the Finance Officer shall have the duty and power to make all necessary inquiries and investigations in regards to the submitted estimates, and to require the cooperation of all City officials and other citizens to the extent that they may be of some help in the preparation of the Budget, and to hold or call all necessary meetings with supervisors, other officials or citizens, and to request a special meeting of the Council, if such action is deemed necessary. The Finance Officer with cooperation of Department Heads shall present the proposed budget to the Council no later than August 1st of each year.

38.04: PUBLIC HEARING

After the proposed budget has been presented to the Council, the Council shall then establish a time and a place for a public hearing to be held for the purpose of allowing any interested citizen or City official to be heard on said budget. A notice of said hearing shall be published once in the legal news paper at least four days before said day of hearing.

38.05: ADOPTION

After said hearing has been held, the Council may adopt the proposed budget as proposed or as amended. The appropriation Ordinance shall then be adopted as required by State law and in conformance with the adopted budget.

38.06: MAY SPEND MORE OR LESS THAN PROVIDED FOR EACH ITEM IN BUDGET

More or less than the amount stated in the adopted budget for a specific line item may be spent so long as the amount authorized by the Appropriation Ordinance or any supplement thereto is not exceeded.

38.07: RESPONSIBILITY OF CITY OFFICIALS

It shall be the responsibility and duty of all City officials to make reasonable efforts to keep within the expenditures specified in the City budget.

Attest:

Mystee Lashwood, Finance Officer

Larry Larson, Mayor

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