

MINUTES Wednesday, November 1, 2017

Charter Revision 4 PM at Carnegie Town Hall

Commission Meeting 235 West Tenth Street

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

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. October 4, 2017

A motion was made by Justin Smith and seconded by Jill Entenman to approve the minutes.

A voice vote was taken and all members voted yes.

Motion Passed.

3. Presentation By Joe Kirby And Dale Froehlich Re: Original Intent Of The Sioux Falls Charter

Joe Kirby and Dale Froehlich spoke regarding the form of government in 1995. They reviewed the meaning of "Strong Mayor-City Council" and the intent of the Charter form of government. Discussion was held on the following points: the model/template used for setting up the Charter; the description of the City Council as a legislative body; the references to the need for support staff for the City Council; a city department set up for citizen complaints and issues; and the current time commitments needed for serving on the City Council.

Thimjon thanked them for their input and for attending the meeting.

4. New Business

A. Charter Article I - Powers of the City

There were no questions, comments or input at this time.

B. Charter Article II - City Council

There were no questions or comments from the commission members. The following proposed amendments were distributed and presented to the Charter Revision Commission and the audience.

Council Member Greg Neitzert provided an explanation for the following proposed changes to this section of the Charter:

Section 2.02 Composition, eligibility, election, and terms.

(c) Election by plurality. In election for at-large council members and district council members, the person receiving the highest number of votes for that office is elected to that office. If no candidate receives 34% of the votes cast in that race, then the top two candidates shall be required to participate in a runoff election which shall be held three weeks from the date of the first election. At the runoff election, the two candidates receiving the highest number of votes at the first election shall be on the ballot. However, if there is a tie for second place in the first election and there is no tie for first place, all tying second place candidates shall be placed along with the first place candidate on the ballot for the runoff election. The runoff election shall be held at the same polling places and shall be conducted, returned, and canvassed in the same manner as the first election. The person receiving the highest number of votes at the runoff election is elected.

(dc) Election and terms. The terms of council members shall be four (4) years beginning no later than whichever day the City Council meets during the third week of May following the official canvass of any final council or mayoral election, whichever is later, and shall continue until a successor has been elected and takes office. No council member may serve more than two (2) full or partial terms consecutively, unless a partial term was for 50 percent or less of the full term then the council member may serve an additional two full terms; however, a council member may immediately thereafter be eligible to be a candidate for mayor. The two consecutive term limit shall apply regardless of whether a council member has served as a district or an at large council member or both.

Smith asked Neitzert if the terms "at-large" and "district" could be removed from the first sentence in (c) and Neitzert agreed to the change.

Council Member Christine M. Erickson provided an explanation for the following proposed change to this section of the Charter:

Section 2.11 Procedure.

(c) Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Five (5) members of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. Each council me

mber

shall have an equal vote; the mayor shall only vote as necessary to break a tie.

All

actions of the council shall be by a majority of those present, except as otherwise provided by state law or this Charter. Any ordinance authorizing the issuance of a sales tax revenue bond shall only be valid with an affirmative vote of six (6) or more members of the council. No other ordinances or any action calling for the expenditure of money in excess of the state

limits for municipalities or filling of vacancies as set forth in section 2.06

shall be valid or binding unless adopted by the affirmative vote of five (5) or more

members of the council.

Council Member Pat Starr provided an explanation for the following proposed changes

to this section of the Charter:

ARTICLE II. CITY COUNCIL

Section 2.02 Composition, eligibility, election, and terms. Section 2.02
Composition, eligibility, election, and terms.

(a) Composition. There shall be a city council composed of the mayor and eight (8) members. Three (3) council members shall be nominated and elected by the voters of the city at large, and five (5) shall be nominated and elected by the voters of each of the five (5) council districts, as provided in article VI.

(4-11-00, Section/Chapter A; 4-8-14, Section/Chapter A; 4-12-16, Section/Chapter A)

Section 2.03 Mayor. Section 2.03 Mayor City Council Chair and Vice Chair.

The mayor shall serve as a member of the city council. In the absence of the mayor for purposes of city council meetings, the city council shall designate one (1) of its members as acting mayor chair and vice chair to preside at meetings of the city council, with the duties but not the powers of that office. If the chair and vice chair are absent, the chair shall designate an acting chair to preside at the city council meeting. In case of emergencies or for purposes of day-to-day administrative duties and functions if the

mayor is temporarily unavailable, the mayor shall propose to designate an interim

successor by executive order, listing not less than three (3) nor more than seven

(7) interim successors. The selection of interim successors in the executive order

shall be at the mayor's discretion from among department heads or city employees;

however, the number and order of proposed interim successor designees shall not be

effective without the advice and consent of the city council.

(4-13-04, Section/Chapter B)

Section 2.06 Vacancies; forfeiture of office; filling of vacancies. Section 2.06 Vacancies; forfeiture of office; filling of vacancies.

(c) Forfeiture of office. The mayor or a council member shall forfeit that office if the mayor or council member[:]

(5) In the case of council members, Ffails to attend 50% of the regular monthly meetings of the council during a fiscal year, or three consecutive regul ar monthly meetings of the council, without being excused by the council.

(4-13-04, Section/Chapter C)

Section 2.07 Judge of qualifications. Section 2.08 City clerk.

Section 2.11 Procedure. Section 2.11 Procedure.

(c) Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Five (5) members of the council shall constitute a quorum, but a smaller number may adjourn from time to

time and may compel the attendance of absent members in the manner and subject t o

the penalties prescribed by the rules of the council. Each council member shall have

an equal vote; the mayor shall only vote as necessary to break a tie. All action s of

the council shall be by a majority of those present, except no ordinances or any

action calling for the expenditure of money in excess of the state bids limits f or

municipalities or filling of vacancies as set forth in section 2.06 shall be val id

or binding unless adopted by the affirmative vote of five (5) or more members of the

council.

Section 2.12 Action requiring an ordinance.

Section 3.03 Mayor's duties and responsibility. Section 3.03 Mayor's duties and responsibility.

The mayor shall, at the beginning of each calendar year, and may at other times give the council information as to the affairs of the city and recommend measures considered necessary and desirable. The mayor shall preside a t

meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of the citizen advisory boards and commissions, present an annual state of the city message, an d

perform other duties specified by the council and by article III. The mayor shal l be

recognized as head of the city government for all ceremonial purposes and by the

governor for purposes of military law.

In case of emergencies or for purposes of day-to-day administrative duties and functions if the mayor is temporarily unavailable, the mayor shall propose to designate an interim successor by executive order, listing not less than three (

3)

nor more than seven (7) interim successors. The selection of interim successors in

the executive order shall be at the mayor's discretion from among department heads or city employees; however, the number and order of proposed interim successor designees shall not be effective without the advice and consent of the city council.

Section 3.04 Mayor's power to veto legislation.

Council Member Theresa Stehly spoke regarding making a change to the Charter which would mandate selecting members of the Parks Board based on districts. She stated this would increase diversity on the board.

Thimjon asked for clarification on what portion of Article II was being addressed. Stehly stated she wanted the Commission to determine which section would work best for this proposed change.

Smith responded by asking Stehly to present more detail and information in writing at the next Charter Commission Meeting that would further explain how this would work and where it should be placed in the Charter.

C. Charter Article III - Mayor

There were no questions or comments from the commission members. The following proposed amendment was distributed and presented to the Charter Revision Commission and the audience:

Council Member Greg Neitzert provided an explanation for the following proposed changes to this section of the Charter:

Section 3.02 Election and qualifications of mayor.

(a) Election by majority. In elections for mayor, if no candidate in a race involving three or more candidates receives a majority of the votes cast for mayor, a runoff election shall be held three weeks from the date of the first election. At the runoff election, the two candidates receiving the highest number of votes at the first election shall be on the ballot. However, if there is a tie for second place in the first election and there is no tie for first place, all tying second place candidates shall be placed along with the first place candidate on the ballot for the runoff election. The runoff election shall be held at the same polling places and shall be conducted, returned, and canvassed in the same manner as the first election. The person receiving the highest number of votes at the runoff election is elected.

(b) The mayor shall be elected for a term of four years by a direct vote of the people at the regular city election. No mayor shall serve more than two (2) full or partial terms consecutively, unless a partial term was for 50 percent or less of the full term then the mayor may serve an additional two full terms; however, the mayor may immediately thereafter be eligible to be a candidate for council member. The mayor's terms shall begin no later than whichever day the City Council meets during the third week of May following the official canvass of the mayor's election and shall continue until a successor has been elected and takes office.

5. Public Input

Stehly spoke regarding: the growing needs of the city and the citizens; the current job description for the City Council; and the current lack of office space for City Council Members.

Scott Ehrisman spoke regarding the changes in the city; city debt; the role of

the City Council; and suggested that Project T.R.I.M. be added to the Charter as a city project, not the responsibility of the citizens.

Bruce Danielson spoke regarding responses to citizen complaints; his participation in citizen petition drives; and the need for Parks Board districting.

6. Open Discussion

Commission Member Justin Smith requested that Council Members make their proposed changes via ordinance amendments vs. Charter Amendments, wherever possible. He asked that the Council Members keep the commission posted on any progress in this area.

Smith thanked the audience members for their attendance and input.

Thimjon stated that the commission may need to have further discussions regarding whether or not the City Council positions should be changed to full time status, stay at part time status, etc. He noted they may need to explore how this would effect the quality of the Council and whether or not this would encourage or discourage candidates from running for this office.

Future meetings: Wednesday, November 15, 2017; Wednesday, December 6, 2017; and Wednesday, December 20, 2017. All meetings start at 4 p.m. and will be held at the Carnegie Town Hall, 235 W. 10th Street.

Thimjon introduced Daniel J. Brown, Assistant City Attorney, who will serve as City Staff for the Charter Revision Commission.

7. Adjournment

Commission Chair Robert Thimjon adjourned the meeting at 5:18 p.m.

Tamara Jorgensen, MMC

Assistant City Clerk