



Charter Revision Commission

Providing a Better Quality of Life for You!

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CHARTER REVISION COMMISSION SUMMARY REPORT PRIOR TO APRIL 12, 2016 BALLOT PROPOSALS

Sioux Falls, South Dakota: Since September 2015, the Sioux Falls Charter Revision Commission ("Commission") has conducted a series of five public meetings to assist them in preparing a report of proposed revisions to the City's Charter. The Commission is prepared to deliver the proposed revisions to City election authorities for placement on the upcoming April 12, 2016 ballot.

During the course of the public meetings, the Commission reviewed and discussed each section of the City Charter. The agenda for each public meeting alerted the public which particular sections would be discussed for that meeting. Each of the public meetings was televised on City Link and archived for public access. The Commission invited guests to explain the workings of the Charter provisions under review. Current Charter sections were also compared to other versions of the Model City Charter as promulgated by the National Civic League, from which the City Charter is based. The historical significance of

various sections was also discussed. Possible Charter revision proposals were discussed with City departments, City Council members, Commission members and citizens. After extensive review and discussion, the Commission affirmatively voted to advance _____ proposed measures which, following delivery and filing with the City Council and City Clerk, will be presented to the public for further consideration and, ultimately, to be voted on by city voters.

Two related proposals address the term limits for the elected offices of Mayor and other City Council members. The current Charter sets the term limit as two consecutive full or partial terms, regardless of duration of the partial term. The proposals would allow an elected municipal official to serve up to one-half, or fifty percent, of a partial term, then be eligible to serve consecutively an additional two full terms.

Another proposal would eliminate obsolete language referencing the Mayor's participation in the former City pension system, which is no longer open to new employees or new mayors elected after June 30, 2013. City employees hired after that date now participate in the City's retirement system through the South Dakota Retirement System. Any future mayors would be eligible to participate in that same City retirement system.

Another proposal addresses the required update every twenty years to the Code of Ordinances of the City. The current Charter language references specific dates of

1972 and 1992. The Code was also updated in 2012. The proposal would simply reflect that an update is required every twenty years, without citing specific dates.

Another proposal would require the advice and consent of the City Council for the mayoral appointments of all twelve City Department Directors. The current language exempts the requirement of the advice and consent of the Council for any appointed director who has authority over less than five percent of the City employees or less than five percent of the City budget.

Each of these proposed revisions will be presented in the form of Charter Amendments to city voters for their consideration in the upcoming city election. City voters have previously approved revisions to the City Charter in 1996, 2000, 2004, 2008, 2010, 2012, and 2014. The City's Charter is the broad governing document for the conduct of local municipal government in Sioux Falls.

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Charter Amendment Election

- Official Ballot -

April 12, 2016

The following amendments to the Sioux Falls City Charter have been proposed by the City's Charter Revision Commission.

Instructions to Voters:

Voters desiring to vote in favor of the proposed amendment should completely blacken the oval (Φ) immediately preceding the word "Yes."

Voters desiring to vote against the proposed amendment should completely blacken the oval (Φ) immediately preceding the word "No."

Amendment A

Shall Section 2.02(c) be amended to read:

Sec. 2.02 (c) [City Council] 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.

City Attorney's Explanation of Amendment A:

The current language allows a City Council member to serve only two consecutive full or partial terms, regardless of duration of the partial term. The proposed change, as approved and submitted by the Charter Revision Commission, would allow City Council members to

serve a partial term of up to two years, then still be eligible to serve two additional consecutive full four-year terms.

Shall the City of Sioux Falls adopt Amendment A?

☒ Yes

☐ No

Amendment B

Shall Section 2.04 be amended to read:

Section 2.04 [Mayor] Compensation; expenses.

The annual salary of the mayor and part-time council members is set in section 9.05, and shall be automatically adjusted annually for inflation or deflation, as determined by a generally accepted federal government index (e.g., CPI-U). The mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. The mayor, but not the council members, shall participate in the city's employee benefits programs which are available to other management employees. Upon taking office the mayor may elect to participate in the employees' retirement system, if allowed by ordinance, or may elect not to participate in the employees' retirement system.

City Attorney's Explanation of Amendment B:

The proposed change, as approved and submitted by the Charter Revision Commission, would eliminate obsolete language regarding an incoming mayor's ability to participate in the "city pension system," which has now been closed to any incoming employees hired after June 30, 2013. An incoming mayor, like other City employees hired after that date, may participate in the city employee's retirement system which is now administered by the South Dakota Retirement System.

Shall the City of Sioux Falls adopt Amendment B?

☒ Yes

☐ No

Amendment C

Shall Section 2.14 be amended to read:

Section 2.14 Updating the Code of Ordinances.

The Code of Ordinances must be updated at least every twenty years, pursuant to the provisions of state law.

City Attorney's Explanation of Amendment C:

By law, the City of Sioux Falls is required to update its Code of Ordinances of the City every twenty years. The current Charter language references specific dates of 1972 and 1992. The proposal would simply require updating every twenty years without citing specific dates where this update has already occurred.

Shall the City of Sioux Falls adopt Amendment C?

☒ Yes

☐ No

Amendment D

Shall Section 3.02 be amended to read:

Section 3.02 Election and qualifications of mayor.

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.

City Attorney's Explanation of Amendment D:

The current language allows a mayor to serve only two consecutive full or partial terms, regardless of duration of the partial term. The proposed change, as approved and submitted by the Charter Revision Commission, would allow a mayor to serve a partial term of up to two years, then still be eligible to serve two additional consecutive full four-year terms.

Shall the City of Sioux Falls adopt Amendment D?

Φ Yes

Φ No

Amendment E

Shall Section 4.01(b) be amended to read:

Section 4.01(b) Direction by mayor.

All departments, offices, and agencies under the direction and supervision of the mayor shall be administered by one (1) or more officers appointed by and subject to the direction and supervision of the mayor. The appointment by the mayor of any director or head of any city department shall only be effective with the advice and consent of the council. The mayor may appoint one (1) person as the head of two (2) or more departments.

City Attorney's Explanation of Amendment E:

This amendment would require the advice and consent of the City Council for the mayoral appointment of all twelve City Department Directors. The current language provides that the directors of the twelve City Departments are appointed by the mayor with the advice and consent of the City Council, except when a director has final authority over less than five percent of the city's employees or budget.

Shall the City of Sioux Falls adopt Amendment E?

Φ Yes

Φ No