

Charter Revision Commission Summary

Prepared by the City Clerk's Office

**PAGES 1 & 2: ANALYSIS OF CHARTER AMENDMENTS PLACED ON A BALLOT**

**PAGES 3 – 6: ANALYSIS OF CHARTER AMENDMENTS DRAFTED IN WRITTEN FORM AND DISCUSSED**

The Sioux Falls City Charter was originally adopted by a vote of the electorate on September 13, 1994. Amendments have been presented to the electorate for consideration at eight (8) subsequent elections. Below is a summary of key findings from an analysis of minutes dating back to the proceedings of the first Charter Revision Commission (there are no minutes on file for 2001.)

**Charter Amendments Summary Table**

**There were no Charter Amendments on the 1998, 2002, or 2006 ballots**

| Date                      | May 7, 1996 | April 11, 2000 | April 13, 2004 | April 8, 2008 | April 13, 2010 | April 10, 2012 | April 8, 2014 | April 12, 2016 |
|---------------------------|-------------|----------------|----------------|---------------|----------------|----------------|---------------|----------------|
| # on Ballot               | 6           | 8              | 8              | 10            | 3              | 3              | 3             | 6              |
| # Fail                    | 0           | 0              | 0              | 0             | 0              | 1              | 0             | 0              |
| Initially Recommended* By |             |                |                |               |                |                |               |                |
| CRC                       |             | 1              | 3              |               |                |                | 3             | 6              |
| Council                   |             | 3              | 2              |               | 1**            |                |               |                |
| Mayor                     | 2           | 3              | 1              |               |                |                |               |                |
| City Clerk                |             |                |                | 1             |                |                |               |                |
| Chief of Staff            |             |                | 2              |               |                |                |               |                |
| City Attorney             | 1           | 1              |                |               | 1              | 2              |               |                |
| Finance Director          | 2           |                |                | 6             |                | 1              |               |                |
| HR Director               | 1           |                |                | 1             |                |                |               |                |
| Bd. of Ethics             |             |                |                | 2             |                |                |               |                |
| Citizen                   |             |                |                |               | 1              |                |               |                |

\* In all but one case, items were recommended to the Charter Revision Commission and the Commission, in turn, placed the item on a ballot.

\*\*One amendment was not considered by the CRC. Instead, the City Council placed the item on the ballot by ordinance.

- 47 amendments were placed on the ballot; one failed (Amendment A, April 10, 2012.)
- 13 amendments were initially recommended by the CRC
- 6 amendments were initially recommended by the City Council, one of which was placed on the ballot by an ordinance of the Sioux Falls City Council (Amendment C, April 13, 2010.)
- 6 amendments were initially recommended by the Mayor.
- 1 amendment was initially recommended by the City Clerk.
- 2 amendments were initially recommended by the Chief of Staff.
- 5 amendments were initially recommended by the City Attorney.

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- 9 amendments were initially recommended by the Finance Director.
- 2 amendments were initially recommended by the HR Director.
- 2 amendments were initially recommended by the Board of Ethics.
- 1 Amendment was initially recommended by a citizen.

### **Additional Information (see spreadsheet for additional information)**

- 46 proposed amendments were placed on the ballot by a vote of the Charter Revision Commission. 1 was placed on the ballot by an ordinance of the City Council.
- Evidence shows that the Charter Revision Commission, with one exception, established a rule requiring a supermajority vote (at least 4 yeses) to place an item on the ballot. The exception occurred on October 7, 1997, where a majority vote was required. No amendments have ever been placed on the ballot with a vote of less than 4 by the CRC.
- The 1 vote by the City Council to place their amendment on the ballot was unanimous.
- 4 of the 46 amendments saw the CRC recommend placement on the ballot with a vote of 4 “yeses” and 1 “no” each. In two of those cases, one of the members was listed as absent.

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### **ANALYSIS OF CHARTER AMENDMENTS DRAFTED IN WRITTEN FORM AND DISCUSSED**

The analysis below is based upon a review of Charter Revision Commission (CRC) minutes dating back to May 8, 1995 (there are no minutes on file for 2001). The analysis is subjective because of the varying styles of minutes, the manner of presentation, and the availability of supporting records. Accordingly, it is important to use this analysis only as a means to make broad generalizations about the proceedings of the Charter Revision Commission.

**Methodology:** The minutes throughout each “session” of a CRC were reviewed. A session is the time period between one election with amendments on the ballot and the next with amendments on the ballot. The number of sections/paragraphs “discussed” (# Discussed) and the number of “draft written proposals” (# Drafts) were identified. A section/paragraph “discussed” includes those sections or paragraphs where a concept for change or a request for change was formally presented (verbally or in writing) to the CRC by anyone providing input (It does not include questions about the section/paragraph or requests for additional info.) In some cases this was a formal presentation, a memorandum, or a recommendation (e.g. look at combining elections.) A “draft written proposal” includes specific, written changes to any section/paragraph of the Charter. All “draft written proposals” were also “discussed.” Additionally, and importantly, not all “draft written proposals” were formally considered for placement on the ballot. Instead, after deliberation of particular items the Commission voted to no longer consider them.

**Meetings in General:** Most CRC “sessions” are structured similarly: an introductory meeting followed by a series of meetings where the Council, Administration, and Citizens are invited to provide input. In most cases, these meetings include a systematic review of Charter sections for understanding.

**Findings:** It is difficult to draw valid and reliable conclusions about the proceedings of the CRC. As mentioned above, broad generalizations may be made. Some of those include:

- Over half (53%) of the draft written proposals were placed on a ballot;
- Over half (54%) of the items discussed were drafted as written proposals;
- Items discussed and then drafted come from a variety of sources: the public, the council (as a whole), individual council members, the mayor, administration staff, boards, and the CRC itself. There are relatively few instances where citizens initially provide a concept for change or recommendation. This is not to minimize the role of the public, because a great deal of public testimony in response to items already being discussed is received. Some examples of citizen input include a recommendation to eliminate runoffs, “dispense” with the ACLU, and adopt English as the official language of the City, among others.
- The number of items discussed over the years generally decreased. While not certain, it may be assumed that experience with the Charter and the functioning of our government as a result of it precluded the need to formally contemplate draft written proposals.

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| Dates                 | 10/4/17-<br>2/6/18 | 9/9/15 –<br>1/14/16 | 9/20/12-<br>1/31/14 | 11/30/11-<br>2/27/12 | 5/13/08-<br>2/8/10 |
|-----------------------|--------------------|---------------------|---------------------|----------------------|--------------------|
| # Meetings            | 5 to-date          | 6                   | 11                  | 6                    | 12                 |
| # On Ballot           | 0                  | 6                   | 3                   | 3                    | 3                  |
| # Drafts              | 10                 | 6                   | 3                   | 14                   | 4                  |
| % Drafts On Ballot    | 0                  | 100                 | 100                 | 21.42                | 75                 |
| # Discussed           | 10                 | 13                  | 10                  | 21                   | 11                 |
| % Discussed on Ballot | 0                  | 46.15               | 30                  | 14.28                | 27.27              |

| Dates                 | 9/6/07-<br>1/25/08 | 3/7/02-<br>12/16/03 | 9/30/97-<br>12/22/99 | 5/8/95-<br>2/16/96 | Total<br>All Years |
|-----------------------|--------------------|---------------------|----------------------|--------------------|--------------------|
| # Meetings            | 12                 | 21                  | 18                   | 14                 | 105                |
| # On Ballot           | 10                 | 8                   | 8                    | 6                  | 47                 |
| # Drafts              | 18                 | 10                  | 11                   | 12                 | 88                 |
| % Drafts On Ballot    | 55.5               | 80                  | 72.27                | 50                 | 53.41%             |
| # Discussed           | 18                 | 25                  | 24                   | 30                 | 162                |
| % Discussed on Ballot | 55.5               | 32                  | 33.33                | 20                 | 29%                |

**October 4, 2017 through February 6, 2018**

No amendments were recommended by the CRC for placement on the ballot. During this time, however, four council members provided written draft proposals to amend 10 sections/paragraphs of the charter. There was also one proposed ordinance of the council which failed (January 2, 2018). The next CRC meeting is scheduled for mid-June, 2018.

**September 9, 2015 through January 14, 2016**

Six amendments were placed on the April 12, 2016, ballot upon the recommendation of the CRC. The six placed on the ballot were the only written draft proposals presented over the course of 6 meetings. While two other sections/ paragraphs received substantive discussion and research, neither was considered for amendment. 100% of the draft proposals were placed on the ballot.

**September 20, 2012 through January 31, 2014**

Three amendments were placed on the April 8, 2014, ballot by a vote of the CRC. What eventually became two of the proposed amendments (2.02(c) & 3.02) were identified at the first meeting by the City Clerk, but at the time a written draft proposal was not provided. All three written draft proposals were by the CRC over the course of 11 meetings. 100% of the draft proposals were placed on the ballot.

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### **November 30, 2011 through February 27, 2012**

Three amendments were placed on the April 10, 2012, ballot by a vote of the CRC (one failed.) Amendments to **14** sections/paragraphs were drafted as written proposals over the course of 6 meetings. Of these, 1 was originally proposed (in concept only, not a draft written proposal) by a citizen, four by the City Attorney, four by Finance, and five by a council member. 21.42% of the written draft proposals were placed on the ballot.

### **May 13, 2008, through February 8, 2010**

Three amendments were placed on the April 13, 2010, Ballot; 2 by a vote of the CRC and one by way of an ordinance adopted by the City Council. Amendments to **4** sections/paragraphs were drafted as written proposals over the course of 12 meetings. One by the City Clerk, two by citizens, and one by Finance. The City Clerk and citizen (English as a common language) were not recommended for placement on the ballot. 75% of the written draft proposals were placed on the ballot.

### **September 6, 2007 through January 25, 2008**

10 amendments were placed on the April 8, 2008, ballot by a vote of the CRC. Amendments to a total of **18** sections/paragraphs were drafted as written proposals over the course of 12 meetings. 2 by the Board of Ethics, 11 by Finance, 1 by the City Clerk, 1 by the City Council, 1 by HR, and 2 by the CRC. It should be noted that the proposal by Finance was a proposal to amend nearly all of Article V, Financial Procedures. 55.5% of the written draft proposals were placed on the ballot.

### **March 7, 2002 through December 16, 2003**

8 amendments were placed on the April 13, 2004, ballot by a vote of the CRC. Amendments to a total of **10** sections/paragraphs were drafted as written proposals over the course of 21 meetings. 1 by the Mayor, 2 by the Chief of Staff, 1 by the Council, and 7 by the CRC. It should be noted that one of the proposals drafted by the CRC was a result of a review, requested by the Council, of Sections, 1.04, 1.05, 2.01, 2.02, 2.03, 2.04, and all of Article III. 80% of the written draft proposals were placed on the ballot.

### **September 30, 1997 through December 22, 1999**

8 amendments were placed on the April 11, 2000, ballot by a vote of the CRC. Amendments to a total of **11** sections/paragraphs were drafted as written proposals over the course of 18 meetings. 3 by the Mayor, 21 by the council, and two by the CRC. Not all written draft proposals were identified in the minutes. In several cases a memo or other supporting document was referenced. It should be noted that 3 sections/paragraphs saw similar recommendations by the mayor and council. 72.72% of the written draft proposals were placed on the ballot.

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### **May 8, 1995 through February 16, 1996**

6 amendments were placed on the May 7, 1996, ballot by a vote of the CRC. Amendments to a total of **12** sections/paragraphs were drafted as written proposals over the course of 14 meetings. 10 by the Mayor, 9 by the council, 5 by Finance, 1 by HR, 2 by the City Attorney, and 3 for which a source cannot be identified. Similar to the subsequent CRC session, in several cases a memo or other supporting document was referenced. 50% of the written draft proposals were placed on the ballot.