

## Code of Ordinances of Sioux Falls, SD

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

(a) *Vacancies.* The office of mayor or of a council member shall become vacant upon the person's death, resignation, removal from office or forfeiture of office in any manner authorized by law.

(b) *Recall.* The power of recall of the mayor and council members shall be allowed as set forth in SDCL Title 9.

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

(1) Lacks at any time during the term of office for which elected any qualification for the office prescribed by this charter or by law,

(2) Violates any expressed prohibition in section 7.02 of this charter,

(3) Fails to maintain residency within city limits, or in the case of council members elected by district, fails to maintain residency within that district; however, any council member may complete their elected term of office if residency outside their district is caused during their term of office by a district adjustment pursuant to Section 6.02.

(4) Is convicted of a felony, or

(5) Fails to attend 50% of the regular monthly meetings of the council during a fiscal year, or three consecutive regular monthly meetings of the council, without being excused by the council.

(d) *Filling of vacancies.* A vacancy in the office of mayor or in the city council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the council fails to do so within 30 days following the occurrence of the vacancy, the city election authorities shall call a special election to fill the vacancy, to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy, and to be otherwise governed by law. Notwithstanding the requirement in section 2.11, if at any time the membership of the council is reduced to less than six (6), the remaining members may by majority action appoint additional members to raise the membership to six (6).

(4-13-04, § C)

**Section 2.11 Procedure.**

(a) *Meetings.* The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. If the council meets more than once a month, it may designate which meeting is the regular monthly meeting. If they don't so designate one, the first meeting of the month is the regular monthly meeting. Special meetings may be held on the call of the mayor or of six (6) or more members and, whenever practicable, upon no less than twelve hours notice to each member. All meetings shall be public, except as allowed by state law.

(b) *Rules and journal.* The city council shall determine its own rules and order of business and shall

provide for keeping of an accurate journal of its proceedings. This journal shall be a public record.

(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 member 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 no ordinances or any action calling for the expenditure of money in excess of the state bids 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.

### **§ 30.001 COUNCIL MEETINGS.**

(a) All city council meetings shall be open to the public, unless closed pursuant to state law.

(b) The city council shall hold meetings on the first, second and third Tuesday of each month at 7:00 p.m. at the Carnegie Town Hall. The first meeting of the month shall be designated the regular meeting. In addition, any meeting scheduled for the purpose of considering the override of a mayoral veto shall be deemed a regular meeting. When the day fixed for a city council meeting falls on a date designated by law as a legal or national holiday, the meeting shall be held at the same hour on the next succeeding day, not a holiday.

(c) Any meeting of the city council may be adjourned to a later date and time, provided that no adjournment shall be for a longer period than until the next scheduled meeting.

(d) The city council may by resolution, when necessary, change the time and place of any meeting. The resolution shall set forth the circumstances necessitating the change. The resolution shall be published at least 24 hours prior to the rescheduled meeting. The city clerk, or the city clerk's designee, shall give each council member written notice either in person, by mail, email or other electronic means of any change from the meeting days established by this section.

(e) All meetings of the city council shall be open to the media, subject to recording by radio, television and photography at any time, provided that these arrangements do not interfere with the orderly conduct of the meetings under those rules as the city council may prescribe.

(1992 Code, § 2-3) (Ord. 50-95, passed 3-20-1995; Ord. 57-97, passed 8-4-1997; Ord. 34-98, passed 3-16-1998; Ord. 117-99, passed 11-15-1999; Ord. 121-99, passed 12-6-1999; Ord. 52-11, passed 7-11-2011; Ord. 24-12, passed 4-2-2012)