

ORDINANCE NO. 303

AN ORDINANCE AMENDING TITLE 1, CHAPTER 1.02, MAYOR AND CITY COUNCIL, OF THE REVISED MUNICIPAL ORDINANCES OF THE CITY OF VALLEY SPRINGS, MINNEHAHA COUNTY, SOUTH DAKOTA.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY SPRINGS, MINNEHAHA COUNTY, SOUTH DAKOTA:

Section 1. That Chapter 1.02, Mayor and City Council, of the Valley Springs Revised Municipal Ordinances is hereby amended in its entirety to read as follows:

CHAPTER 1.02 – MAYOR AND BOARD OF COMMISSIONERS

- 1.0201 Composition. The board of commissioners shall consist of the mayor and four commissioners elected at large. (SDCL 9-9-1)
- 1.0202 Terms of Office. The term of office of the members of the board including the mayor shall be five years. (SDCL 9-9-3)
- 1.0203 Oath of Office. Before entering upon the discharge of his or her duties the mayor and each commissioner shall take and file an oath to support the Constitution of the United States and of the state of South Dakota faithfully to discharge the duties of his or her office, and that he or she is not under direct or indirect obligation to appoint or elect any person to any office, position, or employment under the government of the city. (SDCL 9-9-4)
- 1.0204 Bond. Before entering upon the discharge of his or her duties the mayor and each commissioner shall execute a bond payable to the city in the sum as required by state statute. Such bond shall be given and executed by a surety company authorized by law to transact business in the state of South Dakota and filed in and remain a permanent record of the city finance officer. Such bond shall be conditioned that the principal thereof shall account for and pay over and deliver to his or her successor in office and to the city any and all money or property belonging to it or which shall come into his or her hands by reason of his or her office and well and faithfully perform the duties of his or her office according to the laws of the state of South Dakota and the ordinances of the city. (SDCL 9-9-5)
- 1.0205 Resignation or Removal of Mayor or Commissioners – Filling of Vacancies. The resignation of the mayor or any commissioner shall be in writing to the board. The permanent removal of the mayor or any commissioner shall create a vacancy in his or her office. In case of any vacancy from any cause in the office of mayor the same shall be filled by the election of a new mayor by majority vote of the remaining commissioners. In the event of a resignation of a commissioner, the remaining commissioners shall appoint a replacement by majority vote. (SDCL 9-9-6)
- 1.0206 Mayor as President of Board – Voting Power. The mayor shall be president of the board and shall have a vote upon all questions but shall not have the right of veto. (SDCL 9-9-7)
- 1.0207 Absence or Disability of Mayor – Acting Mayor During Vacancy in Office. In case the mayor is unable to perform the duties of his or her office by reason of absence or sickness, the board shall appoint by majority vote of all members thereof one of its members to act in his or her stead, whose official designation shall be "acting president of the board of

commissioners." The commissioner so appointed shall be invested with all the powers and shall perform all the duties of the mayor during such absence or sickness. In case of a vacancy in the office of mayor, the board of commissioners shall appoint by majority vote of all the members thereof one of its number as acting mayor, who shall be invested with all the powers and shall perform all the duties of the mayor, until the election of a mayor. (SDCL 9-9-8)

- 1.0208 General Oversight of City Department by Board. The board constituted of the mayor and the commissioners shall have control of all departments of the city and to that end shall have power to make and enforce such rules and regulations as it may see fit and proper for the organization, management, and operation of the departments of the city and of whatever agencies may be created for the administration of its affairs. (SDCL 9-9-9)
- 1.0209 Board Compelling Attendance of Witnesses and Production of Evidence – Execution and Service of Process. The board of commissioners shall have the power to summon and compel the attendance of witnesses and the production of books and papers whenever it may be necessary for the effective discharge of its duties. All process necessary to enforce the powers conferred by this section and SDCL 9-9-9 shall be signed by the mayor and attested by the city finance officer, and shall be served by its police officer or by the sheriff of the county. (SDCL 9-9-10)
- 1.0210 Regular and Special Meetings of the Board of Commissioners. The board shall hold its meeting on the Second Tuesday of the month at such place designated by the commission and shall convene at 6:45 p.m. If a regular meeting day shall fall upon a holiday, the regular meeting shall be held on the day following. Special meetings may be called by the mayor or by any two commissioners at any time, to consider only such matters as shall be mentioned in the call for such meetings by written notice thereof given to each member of the board then in the city. (SDCL 9-9-11, 12)
- 1.0211 Board Meetings Open to Public – Journal of Proceedings. All sessions of the board shall be open to the public. Any closed meetings shall be held in accordance to SDCL 1-25-2. The board shall keep a journal of its proceedings. (SDCL 9-9-13)
- 1.0212 Quorum of Board – Majority Vote Required for Action. A majority of the board shall constitute a quorum for the transaction of all business, but a smaller number may adjourn from time to time and compel the attendance of absentees under such penalties as may be prescribed by ordinance. A majority of the elected commissioners is necessary to pass a measure or action. (SDCL 9-9-14)
- 1.0213 Board Action in Absence of Commissioner. No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day, or such action is taken at a regular meeting of the board. (SDCL 9-9-15)
- 1.0214 Recording of Votes of Commissioners. The yeas and nays shall be taken upon the passage of all ordinances and upon any proposals 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. (SDCL 9-9-16)
- 1.0215 Majority Vote Required for Passage of Measures – Two-Thirds Vote for Sale of Real Property. The concurrence of a majority of all the members of the board of commissioners

shall be necessary to the passage of any such ordinance or proposal. However, the two-thirds vote of all the commissioners elected is required to sell any city real property. (SDCL 9-9-17)

- 1.0216 Designation of Areas of Responsibility. The commissioners shall designate by a majority vote one member who shall be known as the "public safety commissioner," one who shall be known as the "commissioner of public works," one who shall be known as the "utilities commissioner," and one who shall be known as the "commissioner of finance and revenue." (SDCL 9-9-18)
- 1.0217 Mayor's Area of Responsibility. The mayor shall have and exercise all the powers and perform all the duties provided by the laws of the state of South Dakota or the ordinances of the city not in conflict therewith. He or she shall be the chief executive officer of the city, shall preside at all meetings of the board, and shall have general supervision over all departments and officers. In the absence or inability of a commissioner he or she shall temporarily take charge of the department of such commissioner. He or she shall see that all the laws of the city are enforced and that the conditions of the grant of any franchise or privilege are faithfully complied with and performed. He or she shall grant all licenses or permits, except as such are required by ordinance to be granted by the board or by some other department or officer. He or she shall have under his or her special charge the supervision of all public buildings of the city and of all city parks, and the lighting of the streets, alleys, and public buildings of the city. He or she shall annually and from time to time give the board information relative to the affairs of the city and shall recommend for its consideration such measures as he or she may deem expedient. (SDCL 9-9-20)
- 1.0218 Public Safety Commissioner's Area of Responsibility. The public safety commissioner shall supervise the enforcement of all police regulations of the city and general supervision of the police. The public safety commissioner shall supervise employees and all other departments assigned or apportioned by resolution of the governing board, adopted by a majority thereof at the first meeting of the board in the month following the election each year. The public safety commissioner shall have charge of all apparatus and personal property used by these departments. The public safety commissioner shall also have charge of the municipal pound and supervision of the public weigher and measurer. (SDCL 9-9-21)
- 1.0219 Public Work's Commissioner's Area of Responsibility. The commissioner of public works shall supervise the streets, alleys, public grounds, and improvements thereof, and all public property, except as otherwise specially provided, and shall maintain such in a clean and sanitary condition, and the enforcement of all contracts, rules, and regulations necessary. The public works commissioner shall supervise all other departments assigned or apportioned by resolution of the governing board, adopted by a majority thereof at the first meeting of the board in the month following the election each year. (SDCL 9-9-22)
- 1.0220 Utilities Commissioner's Area of Responsibility. The utilities commissioner shall supervise the construction, maintenance, and operation of the waterworks and sewerage departments of the city. The utilities commissioner shall supervise all other departments assigned or apportioned by resolution of the governing board, adopted by a majority thereof at the first meeting of the board in the month following the election each year. The utilities commissioner shall enforce all regulations with respect to that department and its revenue. (SDCL 9-9-23)

- 1.0221 Finance and Revenue Commissioner's Area of Responsibility. The commissioner of finance and revenue shall enforce all laws for the assessment and collection of taxes of every kind and collection of all revenues belonging to the city from whatever source derived. The finance and revenue commissioner shall examine into and keep the board informed on the finances of the city and its assets and property. The finance and revenue commissioner shall also supervise all other departments assigned or apportioned by resolution of the governing board, adopted by a majority thereof at the first meeting of the board in the month following the election each year. (SDCL 9-9-24)
- 1.0222 Salaries of Mayor and Board of Commissioners. The salaries of the mayor and board of commission members shall be fixed by resolution and said amounts shall be placed on file in the office of the city finance officer.

Adopted this _____ day of _____, 2009.

Signed: Neal Scadden
Mayor, City of Valley Springs

ATTEST:

Sandy Severtson
Finance Officer, City of Valley Springs

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