

**City of Brookings, South Dakota  
Brookings City Charter Commission  
September 19, 2024  
Community Room 300, City and County Government Center**

**Meeting Notes**

**Members Present:** Bob Burns, David Gilbertson, Lisa Hager, Jeanne Manzer, Gail Robertson, Keith Corbett, and Tom Yseth.

**National Civic League Team Members:** Derek Okubo, Senior Fellow – Lead Facilitator and Matt Leighninger, Director for Center for Democracy Innovation.

**Staff Present:** City Manager Paul Briseno, City Attorney Steve Britzman, Deputy City Manager Jake Meshke, Assistant to the City Manager Sam Beckman, and Finance Director Ashley Rentsch were also present.

**Members Absent:** Ashley Ragsdale, Van Fishback, Roger Solum and Dianne Nagy.

**Public present:** Lawrence Novotny

**I. Welcome – David Gilbertson**

Charter Commission Chair David Gilbertson opened the meeting at 5:32 p.m.

Approval of the minutes: Motion was made by Roberts, seconded by Burns, to approve the Minutes of the 8/26/2024 meeting. Motion passed by a unanimous vote.

**II. Agenda Review – Derek Okubo**

Derek reviewed the the project calendar, a brief reminder of the last meeting, and roles/responsibilities of the Charter Commission were reviewed.

**III. Public Comment**

Lawrence Novatny – Mr. Novotny has been a member of the HRC for 26 years, LGBTQ liaison for the City since 2008. He wanted to talk about the “Sex and Gender Identity” item. He strongly encourages the Commission to add that per a City ordinance adopting nondiscrimination of individuals based on their sexual and gender identity. That ordinance was unanimous at the City Council with no decent from public at that time. The City Council also adopted a resolution of inclusivity of gender identity unanimously. He strongly encourages the inclusion of the gender identity in the Brookings City Charter as well so Brookings can move forward as a model city.

David Gilbertson asked, “What additional benefit does it provide if it’s added to the Charter?”

Lawrence Novotny answered that it would provide recognition besides City ordinances.

#### IV. Final Decisions Remaining Small Items – Derek Okubo

- Reconfirm 90-day transition (more if approved by council) for City Manager
  - **Decision:** 90-day transition (more if approved by Council)
- Review the Charter every 5 or 10 years?
  - **Decision: 10 years unless Council thinks circumstances warrant a review beforehand. Place this change in section 2.16C and change 2.16C to 2.16D**
- Include “Sex and Gender Identity” in section 7.02.a.1?
  - Rationale: Doing so would make it consistent with existing ordinances. Also, if it is not in the Charter, the ordinance may be subject to challenge for exceeding the scope of the Charter.
  - **Decision: If it is in the ordinance as such, add to keep it consistent with that.**
- Section 7.02 Intergovernmental Agreement Comparison (BCC/MCC)
  - Recommended to replace BCC 1.03 with MCC 1.03 to be more concise.
  - **Decision: Replace BCC 1.03 with MCC 1.03**
- Update on research so far with Equity (in Preambles) and Public Engagement
  - Derek reported that staff could not find any other charters of peer communities and other cities where equity was mentioned in preamble except San Francisco. A lot of equity is addressed in ordinances, public hearings, and referred to in appointment of committees and commissions. Public engagement is not mentioned as a term but citizen participation is mentioned in a few cases.
- Include an Article on Public Engagement like in the MCC?
  - Commission members discussed including it in the charter. As an article, there were reservations about the language was shared because it was so conceptual. Thinks it would cause more problems than it solves.
  - An alternative was offered to include in the preamble: “The city shall treat public engagement as an integral part of effective and trusted governance.” A decision was made to replace “shall” with “will”.
  - Discussion to add to the Preamble: “The city will treat public

engagement as an integral part of effective and trusted governance.”  
Consensus: Yes, include this in the preamble.

- Add equity in preamble? A commissioner offered that it would add clarity if we put “inclusive citizen participation”. The commission agreed to add inclusive.
- **Decision: “The city will treat Inclusive citizen participation as an integral part of effective and trusted governance.”**

## V. Clean Up – Powers and Duties of the City Manager

Reminder: Article IIA will be renumbered to Article III with number changes in subsequent Articles.

- At a previous meeting the commission wanted to compare BCC Section 2A.04.1-15 with MCC Section 3.04.1-14 to clean up the Powers and Duties of the City Manager Section. In the discussion, Paul Briseno was asked his opinion and he said he would value all 3 of the additions from MCC.
  - **Decision: Add MCC 11-13.**
- In BCC 2A.04.11, it was recommended to change “the Clerk” to “Finance Director”.
  - **Decision: Yes, change to Finance Director.**
- A discussion took place on BCC 2A.04.12: Personnel director. The language was “clunky” and unclear. More clarity on authority over what areas was needed.
  - **Decision on 2A.04.12: Change to “Oversee and assert final authority over operations and decisions regarding personnel.”**

## VI. Update Article IV – Financial Procedures

Derek reviewed and walked the commission through some of the clean up recommendations for changes from staff

- Section 4.02 – Submission of Budget and Budget Message
  - Recommendation: Change to first day of October per state law.
  - **Decision: Yes. “On or before the 30<sup>th</sup> day of September each year, the City Manager shall..”**
- Section 4.03 - Budget
  - Recommendation: Providing clarifying language of what staff normally share
  - **Decision: Yes. “The budget shall begin with a clear general summary of its contents; shall show in detail all estimated**

income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year, and shall be so arranged as to show comparative figures for estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.”

- Section 4.03.3
  - **Recommendation:** Add section from MCC 4.03.3 to BCC 4.03. Fits with current practice.
  - **Decision: Yes.** *“The long-term financial impact of the proposed budget, including future debt service requirements and the impact on fund balances. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus the fund balance carried forward, exclusive of reserves.”*
  
- Section 4.04a
  - Recommendation: Add language from MCC that fits with current practice and how the city currently makes amendments.
  - **Decision: Yes.** *“a. Budget Hearings. The City Council shall hold at least one public hearing on the proposed budget at a convenient time to allow for public input. Additional hearings may be scheduled as needed. Notice of the time and place of such hearings shall be published in accordance with applicable laws.”*
  
- Section 4.04b
  - Recommendation: Insert new language from MCC that fits with current practice.
  - **Decision: Yes.** *“b. Amendment Before Adoption. After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.”*
  
- Section 4.04c – Adoption

- Recommendation: Change date to reflect state law and current practice.
- **Decision: Yes. Date change as determined in a previous section.**
  
- New Section 4.04d – “Publish” defined
  - Recommendation: Add Match MCC for clarity.
  - **Decision: Yes. “d. "Publish" defined. As used in this article, the term "publish" means to print in the contemporary means of information sharing, which includes, but is not limited to, one or more newspapers of general circulation in the city, and, if available, in a web site.”**
    - As decided in another section – add “electronic media.”
  
- Section 4.05
  - Recommendation: Striking (a) and (b) because it does not comply with current practice of an appropriation ordinance by September date. Staff recommend replacing with Section 5.06 of the MCC.
  - **Decision: Yes. “To implement the adopted budget, the City Council shall adopt, prior to the beginning of the fiscal year:**
    - a. an appropriation ordinance making appropriations by department or major organizational unit and authorizing an allocation for each program or activity;**
    - b. a tax levy ordinance authorizing the property tax levy or levies and setting the tax rate or rates; and**
    - c. any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.”**
  
- Section 4.06c
  - Recommendation: Need to update to be consistent with practice. How it’s currently written is confusing. Change from “City Council” to “City Manager”
  - **Consensus: Yes. Change to “any remedial action taken by the City Manager”**
  
- Section 4.07 – Lapse of Appropriations
  - Recommendation: Remove section as not included in MCC & already addressed in state law.
  - **Decision: Yes, remove.**

- Recommendation: Replace former 4.07 with a new Section 4.07 - Admin & Fiduciary Oversight. Aligns with MCC.
- **Decision: Yes, change. “Section 4.07 – Administration and Fiduciary Oversight of the Budget. The City Council shall provide by ordinance the procedures for *administration and fiduciary oversight* of the budget.”**
  
- Section 4.09
  - Recommendation: Remove this section. Per state law, do not need.
  - **Decision: Yes, remove.**
  
- Section 4.10 Public Records
  - Recommendation: Add/update language to reflect current practice and align with MCC.
  - **Decision: Yes, change to: “Copies of the budget, *capital improvement plan, independent audits, and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the city, including the official web site.*”**

This completed the editing updates on the Brookings City Charter. Paul Briseno asked Derek if he would note why, these are all changing in the presentation to city council? Derek answered that he would.

## VII. Discussion on Wards

In the interviews with city council, it was mentioned that the possibility of moving toward wards in Brookings has been brought up in the community. Chair David Gilbertson introduced the discussion on wards.

Derek said in his professional opinion he questions the validity of wards based on small size and demographic layout of Brookings. A question was asked about the population threshold for districts. Derek said that it depends on the city. For example, Boulder, Colorado, is another university town. It has over 100,000 residents and their council is entirely at-large. Another commission member stated that districts are better with a strong-mayor form of government. Two other commissioners mentioned they have heard complaints about how many council members are in their neighborhoods but that this current system seems to be working well.

A recommendation was put forward to not approve wards but to stay with the at-large system. A consensus of the commission approved the recommendation.

**Decision: Stay at-large.**

**VIII. Additional Discussion:**

Paul asked if there could be any additional language to strengthen local control? City Attorney Britzman noted that by having a charter, Brookings is a home rule community per state law. Steve believes there is clarity with local control authorization in state law and doesn't need to emphasize it in city charter.

**Next Steps**

NEXT MEETING: **October 28, 2024** – Discussion on all changes, redline, outreach plans to the public.

- **Cancel Oct 7 meeting.**
- **Cancel Oct 31 meeting.**

Chair David Gilbertson requested paper copies of red-lines for the next meeting on the 28<sup>th</sup>.

**IX. Adjourn –**

Meeting adjourned at 7:02 p.m. (Corbett motion/ Burns seconded)