



CITY OF BROOKINGS, SOUTH DAKOTA
CITY COUNCIL POLICIES

UPDATED

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BRING YOUR DREAMS.

Brookings City & County Government Center | 520 3rd St., Suite 230 | Brookings, SD 57006

City Council Policies

Updated: May 23, 2023 and August 13, 2024

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CC = City Council

City of Brookings Policy: CC 100	Title: Vision, Mission, Core Values	
Issue Date: May 23, 2023	Updated: August 13, 2024	Section: Governance
Policy Source: City Council Policies	Policy Audience: City Council	Total Pages: 1

The City Council will consider its vision, mission and core values when developing policy.

VISION

We aspire to be an inclusive, connected community that fosters creativity and innovation, sustainability, and a high quality of life for all.

MISSION

To provide a high quality of life through exceptional services and proactive solutions.

CORE VALUES

Honesty, integrity, and professionalism in providing public services with the highest ideals of ethical behavior. Transparency and engagement in developing, deciding, and implementing public policy that strives to serve the best interest of the ENTIRE community.

City of Brookings Policy: CC 101	Title: Governance Process, Ownership of the Council: Key Performance Area	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Governance
Policy Source: City Council Policies	Policy Audience: City Council	Total Pages: 1

Governance Process, Ownership of the Council: Key Performance Area

Governance Process is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “municipal management.”

The Brookings City Council shall answer to, and take into consideration the best interests of, all residents of the City of Brookings, both vocal and silent citizens, with respect paid to all residents, regardless of their economic status. Since the City is “owned” by the Citizens, the Council’s thinking shall be influenced by this ownership. Secondly, the City Council shall consider the needs of anyone who regularly shops in, uses facilities of, or accesses services from the City of Brookings.

1. The Council represents the Citizens. Therefore, it shall educate itself regarding the values held by the persons it represents and shall always act under the influence of those values. The Council’s education may be facilitated by (a) formal and informal Citizen opinions; (b) formal and informal focus groups to explore specific issues; (c) considering input by citizen volunteers who participate on advisory boards, committees, and commissions; (d) monitoring the demand and utilization of services; (e) discussions with representatives from other governmental and educational bodies; and (f) reviewing reports and citizen responses in the media.

2. The Council shall report periodically to the Citizens on its stewardship. At least once per year, the Mayor shall give a State of the City message that contains an accounting of the City’s financial resources and the extent to which these funds have been translated into services, an update of policies, other significant occurrences from the previous year, and vision of Councils priorities for the future.

City of Brookings Policy: CC 102	Title: Governance Process, Council Role	
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Policy Source: City Council Policies	Policy Audience: City Council	Total Pages: 1

Governance Process, Council Role

The role of the Council, on behalf of the Citizens of Brookings, is to assure that the City of Brookings (a) accomplishes what it should, and (b) avoids unacceptable activities and conditions.

1. The Council shall honor all requirements and responsibilities set forth in the Brookings City Charter.
2. The Council will hold public meetings and provide and encourage regular opportunities for public input.
3. The Council will define what is to be accomplished in terms of benefits, recipients, and their relative priorities. It will define parameters of activities and conditions within policy, and will delegate performance on these matters to a City Manager.
4. The Council will carry out its job with discipline, emphasizing strategic rather than short-term issues, policy rather than single events, and group rather than individual decisions.
5. Whenever possible, the Council will minimize the use of sub-committees comprised primarily of Council Members that separate the wholeness of the Council. When further research on a topic is needed, the Council may appoint one to three members to investigate. The Council will review all City Council policies.

City of Brookings Policy: CC 103	Title: Governing Process, Council Style & Vision	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Governance
Policy Source: City Council Policies	Policy Audience: City Council	Total Pages: 1

Governing Process, Council Style & Vision

The Council will strive to govern with an emphasis on (a) outward vision rather than an internal preoccupation, (b) strategic leadership rather than administrative detail, (c) clear distinction of Council and City Manager roles, (d) collective rather than individual decisions, (e) future rather than past or present, and (f) proactively rather than reactivity.

The Council will:

1. Deliberate in many voices, but govern in one.
2. Cultivate excellence. The Council will be responsible for excellence in governing. The Council will establish policy with public input and counsel of city staff.
3. Cultivate responsibility. The Council will use the expertise of individual members to enhance the ability of the Council as a body. However, it is not the intention of the Council to defer the group’s judgment to any one Council Member.
4. Lead and inspire the organization through the careful establishment of broad written policies reflecting the Council's mission, vision and values. The Council's major policy focus will be on the intended long-term impacts outside the operating organization, not on the administrative or programmatic means of attaining those effects.
5. Enforce upon itself the discipline needed to govern with excellence. Discipline will apply to matters such as attendance, preparation for meetings, policymaking principles, respect of roles, and ensuring the continuity of governance capability. Continual Council development will include orientation of new members in the Council's governance process and periodic Council discussion of process improvement. The Council will allow no officer, individual or committee of the Council to hinder or be an excuse for not fulfilling its commitments. In compliance with the City Council Code of Ethics.
6. Council shall adhere to its processes and policies at each meeting as defined by City Council Policies.

City of Brookings Policy: CC 104	Title: Governance Process, Council Code of Conduct	
Issue Date:	Updated:	Section:

May 23, 2023	May 23, 2023	Governance
Policy Source: City Council Policies	Policy Audience: City Council	Total Pages: 1

Governance Process, Council Code of Conduct

Council members are encouraged to conduct themselves in a professional manner in all communication. Since Council members have no authority as individuals, members shall refrain from efforts that may lead to situations in which a Council member might have occasion to overstep their bounds.

1. Care should be taken to prevent staff from being intimidated or manipulated by a Council member’s individual comments or actions. Council members must bear in mind that at times, staff may ask for an individual opinion from a Council member, and while the Council member may sincerely respond only as an individual, staff will often place undue emphasis on the opinion, due to the Council member’s status.
2. Care should be taken to prevent staff from being polarized by dissention. Although all Council members are obligated to register differences of opinion on Council issues at the Council level as passionately as desired, individual members must not direct their differences of opinion to staff in a manner which creates dissension or polarization in the organization.
3. No one Council member has the right to speak on behalf of the entire Council unless the Council directs a Council member to express the views of the entire Council.
4. Individual Council members are encouraged to conduct themselves in a professional manner in all communications.
5. All Council members will treat each other with civility and respect.

City of Brookings Policy: CC 105	Title: Governing Process, Council Action	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Governance Process
Policy Source: City Council Policies	Policy Audience: City Council	Total Pages: 1

Governance Process, Council Action

The Brookings City Council works to achieve the mission in a prudent and ethical way and to make certain contributions to the total, which are unique to its public trusteeship role and necessary for proper governance and management of the City. Consequently, the "products" of the Council itself shall be:

- A. Connection between the Council and its "ownership," the Citizens.
- B. Written governing policies that concern:
 - Governance Process (how the Council carries out its task, and the passing of power and measurement of its use) and
 - Ends Policies (what benefits, for whom, at what cost), and Executive Limitations (prudent and ethical limitations binding upon the staff);
- C. The assurance of staff performance (through guidance and evaluation of the City Manager).

City of Brookings Policy: CC 106	Title: Governance Process, Citizen Advisory Boards	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Governance
Policy Source: City Council Policies	Policy Audience: City Council	Total Pages: 2

Governance Process, Citizen Boards

The Council values the expression of citizen viewpoints on topics of concern to the Council. Therefore, the Council will continue the tradition of seeking input from volunteer citizen advisory boards and committees, although final responsibility for decisions, and the implementation that follows, rests entirely with the Council. The Council and staff recognize that the ideal purpose of citizen involvement is to seek objective opinions from a diverse range of citizens and to augment and improve the city’s programming and services.

The definition of a citizen board is a City Council appointed council, commission, board, committee or taskforce.

Guideline A:

The Council will make every effort to offer overall direction and guidelines to citizen volunteers, through the use of Council Policy statements, and by reviewing the mission and need for each citizen advisory board on an annual basis. During the annual review:

1. The Council will determine if the need for a citizen advisory board justifies continuation of the board. If continuation is justified, proceed to #2. If continuation is not justified, then the board may be dissolved.
2. The Council will make an effort to determine the most effective use of citizen volunteers, with a primary decision being the length of service for each. The Council believes citizen input will be more likely objective and updated if the advisory board is kept in an ad hoc (short-term) format. When possible new boards will start as an ad hoc board; however, the Council recognizes that some complex issues require citizen involvement for a longer period in order to be effective.
3. Unless otherwise specified by the Council, the City Manager will coordinate the activities and reporting functions of all citizen advisory boards.
4. The City Manager will base their guidance of citizen advisory boards on Policies established by the Council.
5. The Mayor, with consent of the Council, will make all appointments to citizen advisory boards.

6. Upon recommendation of the City Manager, the Council may approve the creation of ad hoc committees to assist the City Manager or his staff.
7. In compliance with this policy, in May 2002 the City Council adopted a Volunteer Code of Ethics.
8. The Mayor and Council may, but shall not be obligated, to re-appoint members to expiring terms subject to any term limitation as specified by each respective board. The Mayor and Council shall consider and balance the value of institutional knowledge, experience and attendance as well as the need for new and different perspectives and contributions to the board in the appointment/re-appointment process.

Guideline B:

The Council directs all staff to review relevant Policies with citizens upon their appointment to an advisory board. The Council asks staff to be as objective as possible in educating and presenting options to citizens, since the purpose of advisory boards is not only to hear from citizens, but to increase citizen involvement, loyalty, and creativity toward their City.

1. The Council asks the City Manager to create and regularly update an orientation packet for each new volunteer that includes relevant Policies.
2. The Council asks staff and board chair to review this orientation packet with each potential volunteer, upon appointment, emphasizing this very policy (Policy 1.6), and asking for a citizen signature on the line that indicates understanding of this policy.
3. Staff will provide regular summaries of citizen committee work to the Council.

City of Brookings Policy: CC 107	Title: Governance Process, Review and Update of Policies	
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Policy Source: City Council Policies	Policy Audience: City Council	Total Pages: 1

Council Process, Review and Update of Policies

The Council will review all policies annually, although the Council may also review and update any policy at any time deemed prudent and necessary by the Council. The Council expects immediate adjustment by the City Manager to any policy change instituted by the Council.

This process will occur with a working group containing the City Manager, City Clerk, City Attorney and three Council Members within the first quarter. This group will make recommendations to the entire Council at a future public meeting.

City of Brookings Policy: CC108	Title: Ends Policy, Financial Stability	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Ends
Policy Source: City Council Policies	Policy Audience: City Council, City Manager, Staff	Total Pages: 8

Financial Stability: Key Performance Area

Financial stability is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “fiscally responsible municipal management.”

One of the duties of the City Manager is the development of a process that keeps the Council aware of upcoming budgetary needs and requests, so that the Council may aid in the creation of ongoing budget priorities. Good stewardship requires the Council to discern what is in the best interests of the citizens, and budget accordingly.

The City Manager should not propose, unless under emergency or extraordinary circumstances, budgeting or spending that:

1. Materially lowers the City’s bond rating below investment grade;
2. Deviates materially from Council Policies;
3. Notwithstanding the foregoing, the City Manager shall not propose any budget or spending which violates Federal, State, or Municipal laws; ethical standards; and generally accepted accounting and budgeting principles.

In addition, the City Manager shall not bypass Council judgment to allow budgeting that:

1. Allows expenditures to exceed revenues, including the contingency as an expenditure;
2. Includes capital expenditures that have not been previously approved by the Council, in a Capital Improvement Plan or other council action;
3. Causes the City to incur new debt;
4. Increases operating expenses over expected revenues;
5. Provides for employee compensation and benefits that exceed market standards.

Guideline A:

With respect to budget preparations, the City Manager shall stay within the confines of what constitutes a conservative perspective, as it is the Council’s intention to:

1. Make conservative revenue projections based on economic guidance, markets, benchmarks, and historical data;
2. Provide valuable citizen services;
3. Lighten the debt load of the City when economic environment is optimal for this;
4. The City shall follow financial best practices as identified by GFOA and ICMA. These performance measures will be used as an important component of decision making and incorporated into governmental budgeting.

Guideline B:

In addition, as the City Manager assumes their duties, the Council requests the City Manager keep information flowing to the Council, especially concerning plans relating to consolidation or expansion of any City departments. Therefore, the City Manager may not consolidate or expand any City Department without first informing the Council of the intended action.

Guideline C:

City Council hereby directs the City Manager to establish and maintain the following committed fund balance:

General Fund Reserve Balance: The City shall achieve and maintain a minimum Assigned General Fund Reserve Balance of 15% of the General Funds annual operating budget.

1. The General Fund Reserve Balance of the City's General Fund should not be used to support recurring operating expenditures outside of the current budget year.
2. The General Fund Reserve Balance can only be appropriated by a budget ordinance action of the City Council.

Budget Stabilization Reserve: a minimum of 5% of General Fund annual operating budget will be maintained to provide the City with sufficient working capital and a comfortable margin of safety to address emergencies, withstand local, regional, and national economic events, and unexpected declines in revenue without borrowing.

1. The Budget Stabilization Reserve shall be used only to cover emergencies and unexpected declines in revenue. If the Budget Stabilization Reserve is used, the City will decrease its General Fund expenditures to prevent using the Budget Stabilization Reserve in two consecutive fiscal years to subsidize the General Fund.
2. The Budget Stabilization Reserve can only be appropriated by a budget amendment ordinance of the City Council.
3. In the event the Budget Stabilization Reserve is used to provide for temporary funding of unforeseen emergency needs, the city shall restore the Budget Stabilization Reserve to the minimum level of 5% of the General Fund operating expenditures within two fiscal years following fiscal year in which the event occurred.

Guideline D:

The use of one-time revenues will be guided by this policy. Examples of one-time revenues include: infrequent sales of assets, bond refunding savings, infrequent revenues from development, and grants. These revenues may be available for more than one year (a three-year grant), but are expected to be non-recurring. Examples of expenditures for which the City may wish to use one-time revenues include startup costs, stabilization (to cover expenditures that temporarily exceed revenues), early debt retirement, and capital purchases.

Any unreserved fund balance in the General Fund, in excess of 20% shall be utilized to:

1. Fund subsequent years expected retirement costs for employees to ensure necessary funding for projected payouts.

City Council's Priority Project Funding. This funding shall be earmarked for non-recurring capital expenditures or used to "buy down" the Bond and Interest for future budget years. It is generally agreed to be in the best interest of the citizens of Brookings to use the City Council's Priority Funding to first fund non-reoccurring capital projects and to buy down debt that is above the ceiling or that is materially costly and cannot be refinanced. City Council shall prioritize these projects.

Guideline E:

The City will maintain a Capital Improvement Plan which provides a 10-year estimate of the funds necessary to finance the City's capital projects. The Capital Improvement Plan will be updated as part of the Capital Improvement Program and will be included in the annual budget document.

The City of Brookings will consider any equipment or projects with a one-time cost over \$25,000 as a capital improvement and funded within the Capital Improvement Plan.

Capital Improvement Plan will consist of the former 212 (1/4 penny) and 213 (3/4 penny) Capital Improvement Plan. The Capital Improvement Plan shall contain funding primarily for General Funded projects.

The Capital Improvement Plan will show a positive carryover budgeted. Carryover is excess cash from the current year created from undedicated project savings and utilized the future years as a carry forward. A positive balance for the next future years is required before transferring excess funds to the City Council Priority Projects Fund. The Capital Improvement Plan may rely on City Council's Priority Funding to assure adequate project funding. Transfers from the General Fund and other Enterprise funds can be made to balance the plan when necessary.

Bonds are primarily used for improvements to streets and facility additions or major renovations for which cash is unavailable. Rating agencies examine debt to revenue to determine proper rates and allowances. Therefore, the City will limit debt to a ratio of 1:3 for its debt/revenue attained from the second (2) penny sales tax and other sources.

The City will maintain a Vehicle, Equipment, IT, and Building maintenance/replacement sinking fund. A schedule will provide 10-year estimate of the funds necessary to maintain and replace the City's primary assets. This Fund will have a minimum of 8% not to exceed one (1) million of the Capital Improvement Plan expenses at the beginning of each calendar year and should be replenished primarily but not limited to second (2) penny revenue.

Guideline F:

To facilitate a budget that can respond to changing needs, the City Council will approve a contingency fund for the City Manager to utilize at their discretion. Examples of uses for the City Manager's contingency fund include: unbudgeted training opportunities for staff; purchases of software, hardware, and small equipment that was unbudgeted; one-time expenditures to fill a major position vacancy; and emergencies in general. The City Manager shall make an effort to avoid utilizing the contingency.

The City Manager will report to the City Council compliance or deviations from this Guideline for Financial Stability. Per State statute, the use of the City Manager's contingency needs to be appropriated to the current budget through a Resolution from City Council.

Guideline G:

Budgets for Enterprise Funds will be prepared by the City Manager with a goal of providing quality services and sustaining a maximum return to the General Fund on a long-term basis. Net assets serve over time as a useful indicator of a government's financial position. Within the annual financial statement, the City Manager will annually provide a management discussion and analysis of business type funds and the changes in net assets.

The Enterprise Funds, specifically the Liquor Store and Solid Waste funds, are to operate under a business model where personnel, operating, and capital expenses are self-sustaining through user fees or other revenue-generating activities. In some instances, Enterprise Funds may generate enough revenue to transfer to other City operations.

Enterprise Funds will follow the aforementioned Fiscal Stabilization Emergency Reserve in line with industry best practices of annual operating expenses. Enterprise Fund revenues/reserves exceeding current fiscal year capital needs, Fiscal Stabilization Reserve Fund, and Unreserved Fund Balance thresholds may be transferred to the General Fund, transferred to another Enterprise Fund, or loaned to General Fund or another Enterprise Fund.

Guideline H:**Appropriation and Subsidy Policy & Guidelines**

Purpose. The purpose of this policy is to establish guidelines and criteria regarding the allocation and use of municipal subsidies within the City of Brookings. These guidelines shall be used in processing and reviewing applications requesting municipal subsidy assistance. Protecting the financial interest of the City of Brookings is of the utmost importance, so it is the intent of the City to provide a minimum amount of municipal subsidies, as well as other incentives the City may deem appropriate, for the shortest term required for the funding request to proceed.

The City reserves the right to approve or reject requests on a case-by-case basis, taking into account established policies, specific request criteria, and demand on city services in relation to the potential benefits to be received from a proposed request.

Meeting policy guidelines or other criteria does not guarantee the award of municipal subsidies. Furthermore, the approval or denial of one request is not intended to set precedent for approval or denial of another request.

Whenever possible, it is the City's intent to coordinate the use of municipal services with other local governing bodies and taxing jurisdictions.

Objective of Municipal Subsidies. The City of Brookings is committed to providing a high quality of life for its citizens and fostering a diverse economic base through innovative thinking, strategic planning, and proactive, fiscally responsible municipal management.

To fulfill this commitment, the Brookings City Council will closely examine its goals and the goals of its city departments annually to identify outcomes that will meet the standards as outlined in the mission statement above.

The Council also recognizes that its support of programs and services outside the scope of its city departments may be necessary to fulfill the commitment and achieve the desirable quality of life for its citizens. As a matter of policy, the City of Brookings will consider using municipal funds primarily to address requests that help achieve the Councils Strategic plan with annually reviewed priorities.

General Guidelines for the Allocation of Municipal Subsidies. The City Council will prioritize funding internal operations of the City Departments before funding subsidy requests. The City's current and projected financial health and stability will be the key deciding factor in determining its ability to provide funds to outside organizations. In addition, the Council will consider a number of factors as defined in the City's Funding Application when making this decision. A key factor will be the applicant's ability to provide a service or outcome that improves the quality of life for the citizens of Brookings and progress the City's Strategic and Master Plans. The applicant must also provide proof of the need for public assistance. Alternative revenue sources should be pursued before applying for City funds. Other factors include the applicant's ability to become self-sustaining, partnership with other agencies and funding sources, and the duration of the funding commitment. Municipal subsidy will not be used for projects that would place extraordinary demands on city infrastructure and services. Request for donations or subsidies from individuals, religious, or political groups will not be considered. Request for donations or subsidies from qualified organizations outside of the funding timeline will not be considered.

The City may need to make financial adjustments due to economic conditions. Therefore, the City of Brookings reserves the right to rescind, modify, or otherwise adjust this level

of funding during the course of the year. In any fiscal year, the City may require the unencumbered funds to be returned to the City.

General Guidelines for Subsidies. The Brookings City Council evaluates program-funding proposals on an annual basis for funding in the following calendar year. The City's fiscal year is January 1 to December 31. Proposals must be submitted to the City Manager's Office in accordance with the budget cycle schedule and proposal format outlined below. Requests may only be made during this period of time. Completed applications must be received on or before June 1st of each given year.

Following, a review by the City Manager and their staff, the application shall be referred to the City Council for further consideration during the annual budget meetings.

Organizations applying for a donation or subsidy must submit an original completed *Application for Funding* along with any supporting documents as applicable, including a detailed description of the request; a preliminary site plan; the amount requested; the duration of the funding request; the public purpose of the request; verifiable funding sources and uses; and a "but for" analysis which demonstrates the need for public assistance. Additional documents which may be required include the organization's current expense statement and budget, Board of Directors listing, current Annual Report, and all other items specified in the *City of Brookings Application for Funding*.

Budget Hearing Process. Applicants are encouraged to attend all budget meetings to remain informed during the process. Applicants should be prepared to answer questions based on the application. Final action on the budget occurs prior to the end of the year.

Economic Development/Promotions Subsidies. Economic development and promotion subsidies shall be funded by sales tax generated from alcoholic beverages, eating establishments and lodging (3rd B) and Business Improvement District (BID) funds. Subsidy from 3rd B and BID funds shall meet the requirements of the SD State Statute. Funds will be appropriated from the 3rd B and BID Funds to city departments and entities with the capacity to promote and advertise the city, its facilities, attractions, and activities.

Capital Improvement Subsidies. Capital Improvement subsidies will include one-time expenditures over \$25,000 and should primarily be funded by City Council Priority Projects Funding without an on-going financial or service obligation from the City.

Public Art Fund. Approximately 1% of the budgeted capital improvement costs over \$25,000 will be subject to the Public Art funding requirement. The exception of capital improvement items not subject to this calculation includes those funded through bonds, leases, grants and other outside funding sources. See City Code for further guidance of this fund.

General Fund Subsidies. The City of Brookings may allocate up to 14 percent of the amount equal to the annual property tax levy as certified by municipal ordinance during the budget process. General Fund subsidies will include social, human, and educational (up to grade 12) services, not directly related to economic development or capital expenditures.

Subsidy Agreement and Reporting Requirements. The City of Brookings requires all recipients of municipal funds to enter into appropriate agreements that identify the reason for the subsidy, the public purpose served by the subsidy, subsidy payment schedule, specific performance metrics of value to or as defined by the City, and final reporting on outcomes. Recipients may be asked to present their reporting at a public City Council meeting. Failure to provide final reporting of funds and all other required reports by the date in the Funding Agreement may make applicant ineligible for future subsidies.

All agreements and reports shall be timely prepared and filed with the City Manager's Office by the date noted in the Funding Agreement. Failure to comply with any of these requirements may result in the revocation of the requested subsidy as well as fines, repayment requirements, and a determination that the organization may be ineligible for future municipal subsidies for a period of years.

* Applicable State Statute:

10-52-8. Additional tax on lodgings, alcoholic beverages, prepared food, and admissions -- Purposes -- Conformance with state sales and use tax. Notwithstanding the tax rate limitations of §10-52-2 or 10-52-2.1, any municipality may impose an additional municipal non-ad valorem tax at the rate of one percent upon the gross receipts of all leases or rentals of hotel, motel, campsites, or other lodging accommodations within the municipality for periods of less than twenty-eight consecutive days, or sales of alcoholic beverages as defined in §35-1-1, or establishments where the public is invited to eat, dine, or purchase and carry out prepared food for immediate consumption, or ticket sales or admissions to places of amusement, athletic, and cultural events, or any combination thereof. The tax shall be levied for the purpose of land acquisition, architectural fees, construction costs, payments for civic center, auditorium, or athletic facility buildings, including the maintenance, staffing, and operations of such facilities and the promotion and advertising of the city, its facilities, attractions, and activities. Such taxes shall conform in all respects to the state sales and use tax on such items with the exception of the rate.

City of Brookings Policy: CC 109	Title: Ends Policy, Municipal Services	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Ends
Policy Source: City Council Policies	Policy Audience: City Council, City Manager, Staff	Total Pages: 2

Municipal Services: Key Performance Area

Municipal Services is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “providing a high quality of life for citizens.”

The City Council deems City Services, along with fiscal management, as the highest priorities of the City Manager and City Employees. There is no more important function of City Government than to serve the Citizens of Brookings in a friendly, effective manner.

For this document, the City Council defines Municipal Services as Life Safety (police and fire), and Functional Services (all other departments).

Guideline A:

In terms of Life Safety, involving the police and fire departments, the City Manager will:

1. In emergency situations, coordinate and collaborate with the fire or police chief;
2. Maintain personnel at established baselines;
3. Provide appropriate equipment to maximize safety of personnel;
4. Enforce ordinances and laws;
5. Not allow controllable situations to develop that may raise insurance rates for citizens or for the City;
6. Maintain the budget in such a way that will provide the best possible quality of services.

Guideline B:

In terms of Functional Services, which include all departments of the City other than Life Safety, the City Manager will:

1. Repair infrastructure in a timely manner;
2. Approve changes that fall within the city’s strategic and master plan;
3. Continually strive to improve operational efficiencies;
4. Establish, model, and enforce the highest standards of exceptional customer service and professionalism from city employees;
5. Enforce ordinances and laws;
6. Document ongoing citizen satisfaction and performance reviews for services provided;
7. Seek opportunities to share facilities with other entities;
8. Anticipate foreseeable needs;
9. Use foresight in developing services;
10. Deliver services in a timely and quality manner;

11. Consider citizen complaints;
12. Emphasize a user-friendly approach;
13. Apply technology whenever beneficial.

Guideline C:

The City of Brookings has unique enterprise operations including the Solid Waste Fund, the Edgebrook Golf Course, the Research and Technology Center, and the Liquor Retail Store. In terms of enterprise operations the City Manager will remain aware of and knowledgeable of all finances and operations of these enterprises.

City of Brookings Policy: CC 110	Title: Ends Policy, Business Models	
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Policy Source: City Council Policies	Policy Audience: City Council, City Manager, Staff	Total Pages: 1

Business Models (Long Range Planning, Customer Satisfaction, Productivity and Process Improvement): Key Performance Areas

Operation of the City under a business model, emphasizing long-range planning (customer satisfaction, and productivity and process improvement), is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “innovative thinking and strategic planning.”

The City Council chooses to import models and practices not only from government, but just as importantly, from innovative business models. In other words, the Council wants the City, whenever possible and prudent, to operate with similar systems and attitudes adopted by any successful business. Some of the major themes the Council chooses to emphasize are:

1. **Benchmarking.** The Council wants to constantly compare City performance with other cities and other departments to be sure Brookings is operating in not only an efficient, but creative and innovative manner. The Council is aware that Brookings is unique—at times, the City’s emphasis and direction will, and should, differ considerably from other cities. However, information about best practices from other communities will always help the Council make better choices.
2. **Continuous improvement.** The Council expects measurements of performance to challenge the status quo through the use of continuous improvement processes. Since the needs of our citizen customers are constantly changing, so should our practices.
3. **Goal-setting.** The Council expects each city department to set challenging goals.
4. **Accountability.** The Council expects the City Manager to hold City Employees to standards that encourage excellence.

City of Brookings Policy: CC 111	Title: Ends Policy, Economic Development	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Ends
Policy Source: City Council Policies	Policy Audience: City Council, City Manager, Staff	Total Pages: 1

Economic Development: Key Performance Area

Economic Development and expansion is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “fostering a diverse economic base.”

The Council understands and intends to emphasize the importance of a healthy economy in Brookings and the surrounding area. For the entire community a healthy economy is critical to a high quality of life. Because of its great importance, there are many entities involved in economic development in Brookings. As the City is a significant funding source for much of the economic development efforts in Brookings it is the Council’s intention to spend economic development dollars in the wisest most productive manner possible.

The City Council’s desired End is to have an economy that is healthy and growing with enough economic activity to support and fund public services. To achieve this end, the city will implement and maintain an economic development masterplan that gives direction for municipal funding and economic development partnership expectations. The plan will include goals, metrics and indicators of success.

City of Brookings Policy: CC 112	Title: Ends Policy, Employee Training and Development	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Ends
Policy Source: City Council Policies	Policy Audience: City Council, City Manager, Staff	Total Pages: 3

Employee Training and Development: Key Performance Area

Employee Training and Development is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “proactive, fiscally responsible municipal management.”

The Council values the City of Brookings employees as emissaries to the world. With this in mind, the work environment for employees shall be one in which employees are appreciated, and encouraged to grow and expand their skills. Compensation and benefit packages will promote excellence, within the safest possible working conditions. The goal of training shall be to provide tools to assist staff to exceed management and customer expectations.

Deviations from the below stated guidelines must be reviewed and approved by the Council.

Guideline A:

Training shall equip employees with the attitudes and behaviors necessary to achieve excellence.

Based on this guideline, training shall:

1. Commence immediately upon hiring, and continue throughout the career of the employee, providing specific tools for optimal performance and productivity;
2. Emphasize continuous improvement of employees and processes;
3. Enhance an employee’s opportunity for promotion;
4. Emphasize customer service;
5. Focus on effective technological practices.

Guideline B:

Compensation Ranges will be objectively determined by the City Manager in accordance with this policy. Research shall compare compensation and benefits with those of other public entities with whom the City may compete for qualified employees, along with private sector organizations that have similar positions in the surrounding area.

Infrequently, full market surveys may be required to evaluate and implement necessary modifications to the City’s pay system. Full market surveys that might require the services of a consultant to evaluate the City’s compensation levels will be completed only upon recommendation of City Manager and approval by the Council.

The organizations to be included in the market research for non-exempt positions will consist of other public sector entities primarily in South Dakota, as well as private sector organizations in the local region, as appropriate, that have similar positions. For management and professional positions, the market will include many of the organizations previously identified, plus similarly sized cities in surrounding states that the city would compete with for applicants as identified by the City Manager.

It is not intended the market will include significantly larger South Dakota cities, such as Sioux Falls and Rapid City, unless the market conditions clearly suggest the need to do so. In order to ensure there is consistency in the methodology used when determining the compensation ranges and benefits, the City Manager will follow the guidelines below.

In addition to infrequent full market surveys, periodic checks of benchmark positions will be completed as directed by the City Manager to monitor and maintain the City's compensation program. To maintain compensation levels that are comparable to market, the City Manager will identify and select benchmark positions and organizations to survey on a timetable appropriate to upcoming budget year. Efforts will be made to survey the same or like organizations as in the previous survey unless an exception to this policy can be justified.

In order to maintain the internal equity of the compensation system, the Job Factor Evaluation System adopted by the City will be used for all job classification reviews. The job evaluation is not intended to provide a specific value for a position; rather it is intended to provide an assessment of the "relative" value of a position to the organization, compared to other positions. The following criteria defined in the Job Factor Evaluation will be used in evaluating the internal equity placement of City positions:

1. **Scope of Supervision:** Factor measures both the level of supervision required as well as the number of individuals supervised.
2. **Job knowledge:** Factor measures the extent and nature of knowledge required to perform the duties of the position.
3. **External Contacts:** Factor measures the nature and frequency of external contacts.
4. **Decision Making:** Factor measures the level of decision-making and independent thought required.
5. **Job Complexity:** Factor measures level of analytical ability required in the position and the complexity of typical situations faced.
6. **Physical Working Conditions:** Factor measures nature of physical working environment and frequency in which employee typically works in that environment.
7. **Exposure to Hazards:** Factor measures employee's typical exposure to health and physical dangers and frequency of such exposure.

The pay grades and pay ranges will remain consistent and uniform as follows:

1. The employees pay grades will be determined by a market salary analysis. The pay grades will be determined based on position title, specific duties involved, and job factor evaluation system.

A combination of the data collected on the identified benchmark positions and the job factor evaluation system will be used to place each City position at appropriate pay grades in the City of Brookings Pay Plan Schedules. By using both the market survey data and the job factor evaluation, the City will have a pay system that is within market and reflects the City of Brookings organization.

The Council will not assume an obligation to automatically increase pay ranges without justification. Justification will rely on a review of the Midwest CPI and specific salary date received/obtained from sources as determined appropriate by City Manager. The purpose of this process is to develop a pay system that is fair and within market and to provide a process that is consistent and reproducible.

In summary, this policy provides further definition to the following Council policy. It is the intent of the Council for compensation to:

1. Be commensurate with individual productivity within the market range;
2. Be systematic, with defined ranges, with consistent span in the pay ranges where feasible using the median of the maximum rate of pay of surveyed positions as a benchmark;
3. Be used as a reward and motivation to achieve excellence;
4. Be attractive to top candidates;
5. Be adequate to retain top performers;
6. Exceed standards only when justified by exceptional performance;
7. Emphasize the use of reward bonuses over pay increases;
8. Be structured, when appropriate, to allow staff attrition to maintain market rates.

City of Brookings Policy: CC 113	Title: Ends Policy, Intergovernmental Cooperation & Relations	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Ends
Policy Source: City Council Policies	Policy Audience: City Council, City Manager, Staff	Total Pages: 1

Intergovernmental Cooperation and Relations: Key Performance Area

Intergovernmental Cooperation and Relations is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “providing a high quality of life for citizens...through innovative thinking and strategic planning.”

The Council wishes to coordinate efforts with other governmental bodies, to mutual benefit, whenever possible. The Council will work closely with any governmental body seeking to serve the best interests of the Citizens of Brookings in a more integrated manner.

Staff must remember their importance in establishing and maintaining rapport with scores of governmental agencies and groups. At times, one staff person is the only representative of Brookings to encounter a given government official and regardless of the size or length of the interaction, the Council expects staff to conduct themselves in a manner that would be the pride of Brookings.

Though too numerous to mention every governmental body, examples of governmental bodies that the Council wishes to coordinate efforts with include (not in order of importance): Federal, State, County, University, School District, Cities, and Municipal League.

City of Brookings Policy: CC 114	Title: Ends Policy, Strategic Planning	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Ends
Policy Source: City Council Policies	Policy Audience: City Council, City Manager, Staff	Total Pages: 1

In an effort to live out the City’s Mission Statement, the Council and staff will utilize a systematic process of Strategic Planning to guide its major policy decisions. Strategic Planning is a disciplined effort to produce fundamental decisions and actions that shape and guide organization, its purpose, function, priorities, decisions, and implementation process. Consistent with this process the City Council will implement and maintain a current Strategic Plan.

The result of this deliberative process should ideally be a specific set of priorities, developed and adopted over a timeline as determined by the Council, consisting of overarching policy goals and objectives as outcomes of the decision-making process. The staff will then provide a suitable work plan that will ensure the effective implementation of the policy goals.

City of Brookings Policy: CC 200	Title: Council-Staff Linkage	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Other
Policy Source: City Council Policies	Policy Audience: City Council, City Manager, All Staff	Total Pages: 2

Council-Staff Linkage, City Manager Role

As the Council's primary operational link to City government, the City Manager's performance will be considered to be synonymous with organizational performance as a total. Consequently, the City Manager's job contributions can be stated as performance in these, but not limited to:

1. City government accomplishment of the provisions of Council policies.
2. City government operation within the boundaries of prudence and ethics established in Council policies on Executive Limitations.

Council-Staff Linkage, Delegation to the City Manager

All Council authority delegated to staff is delegated through the City Manager, so that all authority and accountability of staff -- as far as the Council is concerned -- is considered to be the authority and accountability of the City Manager.

1. The Council will direct the City Manager to achieve certain results, for the citizens, at a certain cost, through the establishment of policies. The Council will limit the latitude the City Manager may exercise in practices, methods, conduct, and other "means" through the establishment of Executive Limitations within those policies.
2. As long as the City Manager uses any reasonable interpretation of the Council's policies, the City Manager is authorized to establish all further policies, make all decisions, take all actions, establish all practices, and develop all activities.
3. The Council may change its policies, thereby shifting the boundary between Council and City Manager domains. By doing so, the Council changes the latitude given to the City Manager. Council members will respect and support the City Manager's decisions and choices, whenever made pursuant to existing Council Policies.
4. Only decisions of the Council acting as a body are binding upon the City Manager.
5. In the case of Council members, citizen advisory committees, or others, requesting information or assistance without Council authorization, the City Manager may turn to the Council for guidance, especially when such requests will require an inordinate amount of staff time or funds, or are disruptive to the efficient operation of the City.

Council-Staff Linkage, Monitoring Executive Performance.

Monitoring executive performance is synonymous with monitoring organizational performance against Council policies. Any evaluation of the City Manager's performance, formal or informal, shall be measured against these expectations. This policy places the

burden of measuring performance on two primary considerations: well-defined policies, and reasonably accurate measurements. Without well-defined policies and reasonably accurate performance metrics, the effectiveness of monitoring performance is compromised.

1. The purpose of monitoring is simply to determine the degree to which Council policies are being fulfilled. Information that does not do this will not be considered monitoring. Monitoring will be as automatic as possible, using a minimum of Council time so that meetings can be used to create the future rather than to review the past.
2. A given policy may be monitored in one or more of three ways:
 - a. Internal report: Disclosure of compliance information to the Council from the City Manager.
 - b. External report: Discovery of compliance information by an objective party who is selected by and reports directly to the Council. Such reports must assess executive performance only against policies of the Council, not those of the external party unless the Council has previously indicated that party's opinion to be the standard.
 - c. Direct Council inspection: Discovery of compliance information by a Council member, or the Council as a whole. This is a Council inspection of documents, activities or circumstances directed by the Council which allows a "prudent person" test of policy compliance.
3. The Council recognizes that, at times, non-compliance with a policy may be necessary and prudent in the short-term. However, in order to monitor the performance of the City, and to modify policies that need improvement, the Council must be constantly aware of compliance issues. The Council expects monitoring and reporting compliance or non-compliance to be the City Manager's highest priority. To promote regular monitoring, the Council asks the City Manager to follow these guidelines:
 - a. All policy will be monitored by the City Manager who is expected to be responsible for achieving and maintaining compliance.
 - b. Any non-compliance of material significance shall be reported to the City Council as soon as practical; and such non-compliance shall be monitored and corrective actions taken by the City Manager to re-gain compliance.
4. At a minimum annually, the Council will institute a formal evaluation of the City Manager.

City of Brookings Policy: CC 201	Title: City Manager Direction	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Other
Policy Source: City Council Policies	Policy Audience: City Council	Total Pages: 1

The objective of this policy is to guide City Council Members on direction given to the City Manager on issues or items requiring action.

The City Council must take action through a motion, a second, and a vote during a public meeting in order to give formal direction to the City Manager. Individual Council members may continue to request information or assistance from the City Manager.

City of Brookings Policy: CC 202	Title: Public Comment Policy	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Other
Policy Source: City Council Policies	Policy Audience: City Council & Public	Total Pages: 5

Introduction

The Brookings City Council encourages all residents to attend its meetings and welcomes their views on matters within the Board’s jurisdiction, whether expressed in person, electronically, or by written communication. All comments made by the public and members of the City Council must be civil and respectful.

All regular and special meetings of the Brookings City Council shall be open to the public and shall conform to the Open Meetings Laws of South Dakota. The public is precluded from attending an executive session of the Brookings City Council.

Authority of the Chair

In accordance with the Brookings City Charter, the Chair of the Brookings City Council is the designated individual who presides over City Council meetings. No person shall address a meeting of a public body without permission of the Chair, and all persons shall, at the request of the Chair, be silent.

If a person:

- Speaks out of order,
- Expresses obscenities, threats, or inflammatory words, or
- Engages in other disorderly conduct during a meeting.

The Chair shall have the right to rule said person out of order, and may take steps to maintain order.

Procedure for General Public Comments

1. Public comment will occur in the regular meeting during the Open Forum, except as otherwise determined by the Chair.

2. The Chair will commence the Open Forum with the following statements, “All speakers are asked to present their comments in a respectful and courteous manner, and within the 3-minute time limit. If obscenities, threats, or inflammatory words are expressed during this meeting, you will be asked immediately to stop commenting. The comments and views expressed by the public are those of the speakers and do not necessarily reflect the views or positions of the City of Brookings or City Council.” This statement will be listed on the agenda. The streaming video will contain a brief narrative consistent with this policy.

3. Each person wishing to provide public comment in writing shall deliver such public comment to the City Clerk. To be included in the public record, written public comment must identify the person offering the public comment and their city of residence and the agenda item for which public comment is being offered or whether it is being offered as general public comment. Any public comment that does not include the name of the person submitting it will not be forwarded to the Council. Such public comment must be received by the City Clerk by 5:00 p.m. of the meeting day. Any public comment received after the deadline will not be posted prior to the meeting.
4. Each person wishing to provide live public comment is encouraged to make such public comment in person at the location advertised by the City Clerk. Individuals who wish to comment are asked to sign in with the City Clerk upon arrival at the meeting. If the City provides remote, electronic, or virtual options for providing live public comment, then the City Clerk shall, in advance of each meeting, post on the City's website how to provide such public comment. Please note the primary format for providing live public comment is in person. The City cannot and does not guarantee remote, electronic, or virtual access to meetings.
5. Comments will be limited to 3 minutes per person. Verbal comments will be curtailed by the Chair once they exceed the time limits.
6. Speakers will begin their remarks by clearly stating their first and last name and city of residence for the record.
7. All comments must be made from the podium and must be directed to the Chair, unless the Chair determines otherwise. All others will be ruled out of order.
8. Speakers may not assign their time to another speaker, and in general, extensions of time will not be permitted. However, speakers who require reasonable accommodations for a speech-related disability or who require language interpretation services, or any other accommodations may request those accommodations from the City Clerk. Accommodations will be provided as the City is able. Speakers are encouraged to notify the City Clerk by email, or by phone at least 48 hours in advance, if possible, of the meeting if they wish to request an extension of time for one of these reasons.
9. Although the Public Comment time may be used to address questions to the Council, a speaker is not entitled to a response to any such question.
10. The Chair shall have the right to interrupt a speaker in order to enforce decorum and applicable rules. Other members of the City Council can call for a point of order.

11. The Chair reserves the right to terminate speech that is not Constitutionally protected, because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests.

Interruptions and Other Disturbances:

Members of the public are required to act with decorum and to address the Governing Body and each other with respect. No person shall interrupt the proceedings of the City Council or cause any other form of disturbance or disruption. In furtherance of this general rule, the following specific rules shall apply to persons attending any meeting of the City Council:

1. Members of the public shall not engage in audible conversation or making noise in a way which inhibits individuals from hearing and/or participating in a public meeting, or disrupts the conduct of business by the Council.
2. Unless otherwise approved in advance of a Council meeting by the Chair or the Chair's designee, no sign or placard greater in size than 8.5" by 11" may be brought into the meeting room at any time. When a sign larger than 8.5" by 11" is authorized by the Chair or the Chair's designee, no such sign or placard shall be displayed in a manner which will inhibit individuals from viewing a public meeting, or that will otherwise disrupt the conduct of business by the Council. All signs must be consistent with restrictions set forth in the authority of the chair section.
3. Members of the public shall remain seated or stand without causing obstruction at all times; however, any person may enter and leave the meeting room at any time, provided such entrance or exit is made quietly and in an orderly fashion.
4. No person may be physically aggressive, impertinent, threatening, or otherwise uncivil, uttering fighting words, speeches invasive of the privacy of individuals, unreasonably loud speech, and speeches so disruptive of the proceedings that the business of the City is substantially interrupted.
5. It shall be the duty of the Chair to preserve order and decorum. Any member of the public engaging in disruptive behavior that interferes with the Governing Body's ability to conduct the business of the City may, after a warning, be subject to removal from the meeting. The Chair may limit the comments of any person who engages in this conduct. No person may continue to speak after the Chair has taken the floor from that person. The following specific conduct is prohibited during any meeting of the Council:
 - a. Conduct in violation of any City ordinance, state or federal law, or any rule or regulation implementing state or federal law;

- b. Interruption of speakers; name calling; boisterous remarks; yelling; excessive loud commentary as determined by the Chair;
 - c. Offensive use of abusive, obscene, profane, or threatening language or gestures;
 - d. Acting or behaving in such an unreasonable manner so as to provoke a breach of the peace; and
 - e. Any other act designed to intimidate, threaten, or harm persons, or damage or destroy property.
 - f. The Chair shall have the right to interrupt a speaker in order to enforce these rules or other applicable rules of order. Any member of the governing body may call for a point of order to address any potential violations of this policy.
6. Members of the public shall silence all electronic devices.

Response to Public Comments

1. Upon closing of the Open Forum period, further public comments pertaining to items not on the agenda will not be heard, unless approved by the Council.
2. During the Open Forum Period. City Council will generally listen rather than respond to comments.
3. Public comments related to repairs, maintenance, safety issues, or general information will be referred to the appropriate department through the City Manager.

Enforcement

The standards of process and decorum set forth in these Rules will be enforced with necessary means, up to and including eviction from the premises of the meeting at the order of the Chair or a majority of the Members. In addition, a person who violates the standards of process and decorum will be subject to other action as deemed necessary by the Chair and Members. The removal of an offender from a public meeting shall proceed as follows:

1. The Chair shall give the offender notice they are violating certain terms of these Rules and is subject to removal from the public meeting; however, depending on the severity and nature of an act performed by a disruptive

individual, the Chair may call for immediate removal of the offender from the meeting room.

2. If the offender continues to violate any of the provisions of these Rules after receiving the above notice, the Chair may order the removal of the offender from the meeting room. If the offender continues the disturbance outside the meeting room, such that the orderly conduct of business by the Council is disrupted, the offender may be removed from the premises.
3. The offender has no right to appeal from an order of the Chair requiring the removal of the offender from the meeting room or from the City/County Building or meeting premises.
4. The offender removed from the premises may be criminally charged for any violation of applicable law.
5. Any offender found in violation of these Rules may be suspended from the opportunity to speak at a public meeting of the City Council. The first such suspension of an offender shall not be for a period of greater than one month. A second such suspension within a 12-month period shall not be for a period of greater than two months. A third such suspension within a 12-month period shall not be for a period of greater than three months. Any additional suspensions within a 12-month period shall not be for a period of greater than 12 months. Any violators can continue to utilize the public comment section of the meeting within the electronic Granicus system.

City of Brookings Policy: CC 203	Title: City Council Study Session Format	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Other
Policy Source: City Council Policies	Policy Audience: City Council, Staff, Public	Total Pages: 2

- 1) Definition & Purpose. Study sessions are a common way for governing bodies to manage the time of formal meetings more effectively. By conducting the majority of the discussion at a study session, time allotted during the regular council meeting can be reserved for public input and formal decision-making. Certain issues before the council are also more complicated than others and require extra time and in-depth discussion that is difficult to accommodate in a regular council meeting.

Study sessions can also provide opportunities for Council, staff, and members of the public to review details and options regarding various topics that will be brought to Council for their action at future meetings.

Purposes include:

- Educational information about issues.
- Receive progress reports on projects.
- Review pending items.
- In-depth policy discussions.
- Receive presentations from staff, volunteer boards, experts and community groups.

2) General Rules

- Open to the public.
- All meetings will be televised, pursuant to city policy.
- Meetings will be in the City & County Government Center Community room unless circumstances require it to be moved.
- Seating and tables will be arranged in a “U” shape to facilitate open dialogue when in the community room.
- A quorum of the Council is required to hold a study session.
- Only votes on procedural items will be allowed.
- Public input is allowed.
- Meetings are considered regular in nature and not subject to special meeting stipend pursuant to Resolution No. 110-10.

3) Frequency/Day/Time

- One study session monthly or unless canceled by Council action.

- Third Tuesday of the month, unless council meeting schedule is already altered.
- Start at 6:00 p.m.

4) Agenda: process, content

- Same deadlines as regular meeting. Friday prior at 5:00 p.m. for all agenda topics and supporting materials, including PowerPoint and other presentations.
- Topics are previously agreed upon issues.
- A public agenda packet will be published.

City of Brookings Policy: CC 204	Title: City Council Code of Ethics	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Other
Policy Source: City Council Policies	Policy Audience: City Council	Total Pages: 2

The mayor and council are responsible for making policy decisions for the community. The City Council provides vision, direction and leadership to the community and the organization. The City Council further represents the Brookings Community. In order to maintain and enhance public trust and confidence in our local government, to achieve equity and social justice, to affirm human dignity, and to better the quality of life for residents of Brookings, the members of the City Council dedicate themselves to the stewardship of the public trust. Therefore, Council Members embrace the following ideals, seeking to:

- Uphold constitutional government and the laws of the City of Brookings by recognizing they are an agent for the democratic process and not a sole individual representing the City Council;
- Conduct public and private life as to be an example for fellow citizens and take responsibility for their actions, even when it is uncomfortable or unpopular to do so;
- Be mindful of their neutrality and impartiality, rendering equal service to all and to extend the same treatment they wish to receive;
- Abstain from participation and voting when a conflict of interest exists in accordance with the *Brookings City Charter, Section 7.01 (a) Conflicts of Interest* provision and Ordinance 2-63;
- Be tolerant, respectful, and attentive to diverse ideas, suggestions and opinions;
- Maintain and respect the confidentiality of private and confidential information;
- Treat all persons, claims, and transactions in a fair and equitable manner;
- Attend and be actively engaged in regular and special meetings, including briefings, and public functions where their presence is expected and be prepared in the execution of such;
- Be a prudent steward of public resources, and actively consider the impact of their decisions on the financial and social stability of the City and its citizens;

- Make decisions based on the merits of the issue with attention to due process and citizen participation;
- Be knowledgeable and develop an understanding of local, state, and national governmental guidance, directives, regulations and ordinances pertaining to the position.
- Be prepared to make unpopular decisions based on their interpretation of the public's best interest;
- Make decisions and recommendations based upon research and facts involving staff and stakeholders which considers the goals, impacts and the best interest of the greatest number of those affected.

It is the policy of the City of Brookings to uphold, promote, and demand the highest standards of ethics from all its Council members. Brookings Council members shall maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants including the appearance of impropriety, and never use their city position or powers for improper personal gain.

The code of ethical behavior will govern members of the City Council. City Council members are encouraged to monitor their compliance and offer constructive recommendations to fellow Council members if necessary. Members of the City Council will accept these ideals and policy, and pledge to do in the interest and purposes for which the government has been established.

City of Brookings Policy: CC 205	Title: City Council Vacancy	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Other
Policy Source: City Council Policies	Policy Audience: City Council	Total Pages: 4

It shall be the policy of the City of Brookings that a procedure be developed to follow in the event a vacancy occurs on the City Council.

The Objective of this policy is to have an established procedure in the event of a City Council vacancy.

The City of Brookings shall follow the procedure outlined in the event a vacancy occurs on the City Council:

1. Positions. The elected City officers of the City of Brookings are the Mayor and six (6) City Council members.
2. City Charter Reference - Filling of Vacancy. Any vacancy occurring in the office of Mayor or City Council must be filled pursuant to City Charter, Section 2.06 – Vacancies; Forfeiture of Office; Filling of Vacancies:

(d) Filling of Vacancies. Filling of Vacancies. Except as provided below, a vacancy in the office of Mayor or of a City Council Member shall be filled for the remainder of the unexpired term at the next regular City election. 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. However, if the vacancy occurs less than sixty days prior to the next regular City election, then the person appointed to fill the vacancy shall continue to serve and the vacancy shall be filled at the regular City election immediately following the next regular City election. Notwithstanding the requirement in Section 2.11, if at any time the membership of the Council is reduced to less than 6, the remaining members shall, within sixty (60) days, fill the vacancies by appointment or call for a special election to fill the vacancies.

3. Schedule. The City Council must establish a schedule for the following steps in the appointment process:
 - Date to issue press release.
 - Deadline to submit applications.
 - Date of initial meeting for applicants to meet with the City Council.
 - Date to appoint the new Council member no less than one week after initial meeting.

- Date for the swearing in ceremony.
4. **Public Announcement.** Immediately after the Council decision to fill the vacancy, the City Clerk shall issue an announcement a vacancy has occurred and invite legally qualified persons to apply for the vacancy. See example press release:

Applications for City Council Member

The Brookings City Council is now accepting applications from Brookings residents interested in the vacant City Council member position effective until _____. Applicants are to submit an application and any other pertinent information to the City Clerk not later than _____ at 5:00 p.m. The City Council will take action to approve this appointment to the Council on or before _____.

Applications for Appointment are available at City Hall, 311 Third Avenue, or by calling (605)692-6281. Applications must be submitted to the City Clerk not later than _____ by 5:00 p.m.

"The City of Brookings is responsive to requests for communication aids and the need to provide appropriate access, and will provide alternative formats and accessible locations consistent with the Americans with Disabilities Act."

5. **Application Packet.** Applicants will be provided with an application form, Code of Ethics, City Policies, current budget, Conflict of Interest Ordinance, and proposed appointment schedule. Applicants will be asked to submit a completed application, signed Code of Ethics, resume, and any other information to the City Clerk.
6. **Council Notification:**
- A. The City Clerk will provide qualified applicants list and copies of applications to the Mayor and City Council.
 - B. The names of applicants will not be released to the public prior to the application deadline.
 - C. After the application deadline, the public will be provided with the list of applicant names upon request; however, the applications will be released with any confidential information redacted.
7. **City Council Applicant Review & Nominations:**
- A. **Presentations.** Applicants will be invited to appear before the City Council at a planning or action meeting to provide comments and respond to questions.
 - 1. Each applicant's introductory remarks will be limited to 10 minutes.
 - 2. All Council members will have an opportunity to ask questions.

- B. Public Comment. Public comment will be heard.
 - C. Council Review. The City Council may discuss, at an open meeting, the qualifications of the candidate or candidates.
 - D. Executive Session. The City Council may also enter into Executive Session for the sole purpose of discussing the qualifications of the applicants. The purpose of the executive session would be for each Council member to share their views about the qualifications and that the issue be thoroughly discussed. If it appears that a majority of Council members do not believe a certain candidate is most qualified, further discussion about the qualifications can occur. The executive session minimizes misunderstandings about the opinions of each Council member concerning the qualifications of the candidates, and avoids the use of a secret ballot, which is not specifically authorized in the law. In addition to the City Council members, the City Manager, City Attorney, and City Clerk would also be present during the executive session.
 - E. Council Comments. City Council members will be given an opportunity to make public comments.
 - F. Public Comment. Public comment will be heard before a motion to nominate a legally qualified person to fill the vacancy, but after the comments of the City Council.
 - G. Nomination(s). At the conclusion of public comment, a motion by any member of the City Council to nominate a candidate may be made to fill the vacancy. The nomination requires a second in order to be voted upon. The motion must specify the name of the applicant and the effective date of the appointment. The first nominated and seconded legally qualified person receiving a majority of votes from those voting will be elected to fill the vacancy. A majority of all Council Members remaining must occur. If the motion fails, the floor would be open for another motion. The use of a secret ballot will not be allowed. If the vote results in a tie, further discussion and action may be permitted.
 - H. Term. Appointed Council Members are appointed to fill a vacated position for a period not more than one (1) year. Per City Charter Section 2.06 (d), “....then the person appointed to fill the vacancy shall continue to serve and the vacancy shall be filled at the regular City election immediately following the next regular City election...”
8. Swearing In Ceremony. The newly appointed City Council member will sign an Oath of Office and be presented with an Appointment Certificate.

City of Brookings Policy: CC 206	Title: Equal Opportunity Policy Statement	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Other
Policy Source: City Council Policies	Policy Audience: City Council, Staff	Total Pages: 1

It is the fundamental policy of the City of Brookings to provide equal opportunity for all persons, including applicants and employees as it pertains to provision of services and employment opportunities in order to ensure that there will be no discrimination against any person on the basis of race, creed, color, religion, sex, pregnancy, age, national origin, citizenship status, sexual orientation, gender identity and expression, political affiliation, genetic information, disability, marital or veteran status, or any other basis prohibited by state or federal law.

City of Brookings Policy: CC 298	Title: Design Build Procurement	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council Policies	Policy Audience: Staff, Design-Build Firms	Total Pages: 7

Purpose

In order to comply with State Law requirements for design-build procurements, the City of Brookings adopts these procedures and will select design-build firms to provide combined design and construction services for authorized projects in accordance with the following procedures:

Definitions

For purposes of these procedures, the following definitions apply:

1. "City" means the City of Brookings.
2. "Department" is defined as any department of the City of Brookings, including the Dacotah Bank Center.
3. "Firm" is defined as any individual, firm, partnership, corporation, association, joint venture, or other legal entity permitted by law to practice engineering, architecture or construction contracting in the State of South Dakota.
4. "Project" is defined as that project described in the public announcement.

Minimum Qualification Requirements for Firms Providing Design-Build Services

Design-builders shall be registered with the Department of Revenue prior to contract award. Where required by State Law, the design-builder shall be able to provide design or construction services by licensed or registered individuals.

Public Announcement Procedures

Except in emergency situations, the Department will publish an announcement in accordance with SDCL §5-18B-1. The announcement will set forth a general description of the project requiring design-build services and will define the time frame and procedures for interested qualified firms to apply for consideration. The public announcement will further state whether design-builders will be pre-qualified for the project.

Technical Review Committee

There will be a Technical Review Committee (Committee) comprised of the following:

1. The City Engineer, or their designee;
2. Representatives of the Department of the City involved in the design-build procurement project.

The Committee will have the responsibility to determine the most qualified offerors as provided in "Qualification of Design-Builders," as well as the responsibility to rate any

rating Proposals received, as provided in “Competitive Selection of Design-Build Services.”

Criteria Package and Request for Proposals

1. The City will prepare a criteria package. The criteria developer may be either a private practitioner (selected in accordance with the City’s procedures for selecting design firms) or the criteria developer may be a staff member of the City. The criteria developer is prohibited from being part of the bidding entity. The criteria package may include the following:

- Scope of work;
- Site survey (if necessary);
- Material quality standards;
- Conceptual design criteria;
- Design and construction schedules;
- Site development requirements;
- Stipulation of responsibilities for permits;
- Stipulation of responsibility for meeting any environmental regulations;
- Soil borings and geo-technical information (if necessary);
- Traffic control stipulations;
- Performance specifications; and
- Statement of required compliance with codes and general technical specifications.

2. The purpose of the criteria package is to furnish sufficient information for firms to prepare qualitative proposals and price proposals. The firm submitting the successful proposal shall develop a detailed project design based on the criteria in the criteria package. Moreover, the firm shall construct the improvement in accordance with the criteria package.

3. The Request for Proposals ("RFP") shall consist of the Criteria Package, Instructions to Bidders, Bid proposal forms, provisions for contracts, general and special conditions, and basis for evaluation of proposals.

Qualification of Design-Builders

1. The City will qualify design-builders on a project-by-project basis.

2. The City will advertise in accordance with SDCL § 5-18B-1 for a Request for Qualifications ("RFQ"). The RFQ shall contain the following:

- A general description of the project;
- A description of the areas of qualification required for performance of the work, such as experience, management resources, and financial capability;
- The basis upon which the most qualified offerors will be determined; and
- Any other requirements the City deems necessary.

Firms desiring to submit proposals on the design-build project shall submit a Statement

of Qualifications setting forth the qualifications of the entities involved in the firm and providing any other information required by the RFQ.

3. The Committee shall determine the relative ability of each Design-Build bidding entity to perform the services required for each project. The Committee shall base its determination upon the following:

- Experience with comparable projects;
- Financial capacity;
- Managerial resources;
- The abilities of the professional personnel;
- Past performance;
- Capacity to meet time and budget requirements;
- Knowledge of local or regional conditions;
- Recent and current project workload;
- The ability of the design and construction teams to complete the work in a timely and satisfactory manner; and
- Any Pre-qualification forms submitted by the entity.

4. The Committee shall select at least three, and no more than five, firms deemed to be most highly qualified to perform the required services, after considering the factors in item 3 above. The Committee will report its selection of most highly qualified firms to the City Manager. The minimum number of pre-qualified design-builders is not required for any improvement project that is complex in nature, requires close coordination of design and reconstruction, or new construction (SDCL §5-18B-29).

5. The City Manager or their designee shall issue RFP's to the most highly qualified firms selected by the Committee.

Competitive Selection of Design-Build Services

1. Each firm submitting a proposal shall submit a Qualitative Proposal and a Price Proposal. Only firms receiving an RFP may submit proposals. Proposals shall be segmented into two packages. **Any proposal shall be accompanied by a deposit or bond meeting the requirements of SDCL 5-18B-2. The deposit or security may be forfeited if the proposal is accepted but the design-builder fails to execute the design-build contract.**

Qualitative Proposal. A qualitative proposal shall include preliminary design drawings, outline specifications, technical reports, calculations, permit requirements, management plan, schedule, and other data requested in response to the RFP. Qualitative proposals shall be submitted in a sealed package, which identifies the project and the design-builder on the outside of the package. Each firm shall place the words "QUALITATIVE PROPOSAL" on the outside of the package. Nothing contained in the qualitative package, except the project management plan set forth below

shall identify the design-builder. The project management plan shall be submitted in a separate envelope within the qualitative proposal package.

Price Proposal. Price proposals shall include one lump sum cost for all design and construction of the proposed project. Each firm shall submit its price proposal in a separate sealed package. Each firm shall place the words "PRICE PROPOSAL" on the outside of the package. Each firm shall also place its name, the project description, and any other information required by the RFP on the outside of the package. The City shall retain unopened the Price Proposals until the time provided in "Best Value Selection" set forth below.

2. Each qualitative proposal shall be assigned a number by the staff member responsible for the project. The proposal, with the exception of the Project Management Plan, shall be submitted to each member of the Committee with only the assigned number to identify the design-builder (it is intended that the Committee members not know the identity of the design-builder during the review and scoring of the technical and scheduling aspects of the packages). The Project Management Plan shall be submitted to the Committee members for review and scoring only after they have turned in their scores for the other portions of the qualitative proposal. The Committee members shall review the design concepts, preliminary designs, and technical data submitted by each firm. Prior to issuing their ratings, the Committee members may consult with each other and with any Consultant hired by the City to assist with the design-build procurement process. The Committee members shall then independently rate each firm's proposal based upon criteria established by the Committee for the project. The criteria may include the following format example, but shall be adjusted for the particular characteristics of the project prior to the advertisement of the RFP:

EXAMPLE

- 1. Technical Criteria Maximum Score: 65

 - 2. Project-specific Management Plan Maximum Score: 20
 - A. Management Plan and Organization
 - B. Resumes of Key Professional and Managerial Personnel
 - C. Quality Assurance Plan
 - D. Safety Plan
 - E. Minority and Disadvantaged Business Participation Plan

 - 3. Project Schedule Maximum Score: 15
 - A. Construction Schedule and Ability to Meet Schedule
 - B. Architecture and Engineering Design Schedule and Ability to Meet Schedule
 - C. Length of Construction and Design Schedule
- Total Maximum Score: 100

3. The Committee may adjust and refine all of the above criteria and the points assigned to each based on the project type and the City’s experience. The Committee may reduce the weight of management criteria or omit it entirely if it is sufficiently determinative in selection of the most qualified offerors under “Qualification of Design-Builders.” The Committee may omit the Firm’s Scheduling (current project workload) as criteria when a firm project deadline is a fixed requirement in the RFP.

4. The Committee members shall, without conferring with one another, submit their criteria scores for each design-builder to the City Manager. The City Manager or their designee will average the scores of the Committee members for each design-builder to arrive at a single score for each design-builder.

Best Value Selection and Award for Design-Build Services

1. The City Manager or their designee will set a date for publicly opening the price proposals, and shall notify all firms submitting price proposals at least seven calendar days prior to the opening date. The notification shall include the date, time, and place of the opening of price proposals and date for award of the project.

2. The City Manager or their designee will publicly open the sealed price proposals and divide each firm’s proposed price by the qualitative score after converting the qualitative score to a percentage (i.e. $90 \times .01 = 90\%$) given by the Committee to obtain an "adjusted price." The firm selected will be that firm whose adjusted price is lowest. An example of the "best value" selection formula follows:

Firm	Qualitative Score	Proposed Price	Adjusted Price
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A	90	\$6.9	\$7.67
B	79	\$6.3	\$7.97
C	84	\$6.8	\$8.09

(Award to Firm A at \$6.9)

3. Instead of requiring Qualitative Proposals and Price Proposals, the City may establish a fixed dollar budget for the design-build project in the RFP. With a fixed price established for all proposers, each firm would submit only Qualitative Proposals. The City would award the project to the firm receiving the highest qualitative score.

4. The City reserves the right to reject all proposals. The City will either reject all proposals or approve an award to the firm with the lowest adjusted price. The City Manager or their designee will notify all proposers in writing of the City's intent to enter into a contract with that firm.

5. The City shall enter into a contract with the firm selected as provided above.

Negotiated Changes and Preservation of Confidential Information

The procedures for negotiations between the City of Brookings and those submitting proposals prior to the acceptance of a proposal are as follows:

At the time of the award, the City may negotiate minor changes for the purpose of clarifying the design criteria and work to be done, provided the negotiated changes do not affect the ranking of the proposals based on their adjusted score.

The procedures shall also contain safeguards to preserve confidential information and proprietary information supplied by those submitting proposals consistent with §5-18B-34, which are as follows:

Until a proposal is accepted, the drawings, specifications, and other information in the proposal remain the property of the person making the proposal. The City will make reasonable efforts to maintain the secrecy and confidentiality of any proposal and all information contained in any proposal and the City will not disclose any proposal or the information contained in a proposal to the design-builder's competitors. The City will not disclose, except as may be permitted pursuant to Chapter 1-27, confidential and proprietary information contained in any proposal to the public until such time as the City takes final action to accept a proposal.

Emergency Procedures

The procedures for awarding design-build contracts in the event of public emergencies as defined in § 5-18A-9 are as follows:

The City may make an emergency procurement without advertising the procurement if there exists a threat to public health, welfare, safety, or for other urgent and compelling reasons. An emergency procurement will be made with such competition as is practicable under the circumstances. A written determination of the basis for the

emergency, and for the selection of the particular contractor, will be included in the contract file.

Formal Protests to Solicitation or Award

The procedures for acting on formal protests relating to the solicitation or award of design-build contracts are as follows:

Any person aggrieved or interested may appeal to the City Manager at any time within 20 days after a decision to enter into a contract by providing notice of a formal objection by First Class Mail to the City of Brookings, directed to the City Manager. The notice shall state the decision being appealed and shall ask for a hearing. Upon receiving the notice, the City Manager shall call a meeting to include the City Manager, City Engineer, City Attorney, and the Department member involved in the design-build project. This Appeal Board shall consider the appeal, make a decision, and give notice to the party filing the notice of objection. The decision shall be submitted to the City Council for approval, and if approved, will be carried out accordingly.

City of Brookings Policy: CC 299	Title: Americans with Disabilities Act Policies	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council Policies	Policy Audience: Staff, Outside Agencies	Total Pages: 3

ADA Compliance Review Required of New Construction, Remodels, and Retrofits of City Facilities and Parks

Title II of the ADA prohibits public entities from discriminating against or excluding people from programs, services, or activities on the basis of disability. The standard against which programs and services will be measured for the purpose of ADA compliance is one of overall program accessibility: all City of Brookings programs, services, and activities, when viewed in it’s entirety, must be readily accessible to and usable by individuals with disabilities.

Therefore, the City of Brookings requires all city owned and/or funded new, remodeled, and retrofitted facilities comply with the requirements of the federal Americans with Disabilities Act guidelines.

Under this policy, the City ADA Compliance Officer will review the project scope, final plans, and bid package of all new construction, remodels, and retrofits of City owned and/or funded facilities. The scope and budget development of capital improvement projects will include the identification of ADA needs related to these projects to ensure compliance and accessibility standards.

Family Restrooms Required in New Construction, Remodels, and Retrofits of City Facilities and Parks

In addition to men’s and women’s restrooms, the installation of a family or “unisex” restroom is recommended, not required, by the Americans with Disabilities Act. The City of Brookings recognizes all citizens can benefit from a family restroom in city facilities. A family restroom provides flexibility by meeting the needs of many people while providing a private environment. For this reason, the City of Brookings will require all new construction, remodels, and retrofits of all **City-owned and/or city-funded** new facilities include the installation of a family restroom, in addition to compliance with all other requirements of the federal Americans with Disabilities Act guidelines.

All city facilities **and city-funded facilities** will include the installation of a family restroom unless specifically exempted by the City Manager. To exempt a project, the department head must submit a written request identifying specific reasons for the exemption to the ADA Compliance Officer. The Officer will provide a written recommendation to the appropriate department head and City Manager. The City Manager will make a decision in

the matter. The City Council will be advised of any exemptions and provided the opportunity to override the City Manager's decision.

Automatic Door Openers Required in New Construction, Remodels, and Retrofits of City Owned or City Funded Facilities

The City of Brookings recognizes automatic door openers can provide improved access to its services for all citizens, including those with disabilities. Therefore, automatic and/or manual (push-button) door openers will be required in all new construction, remodel, or retrofit of city-owned or city-funded facilities. Automatic door opening devices, in compliance with ADAAG requirements, must be installed in primary entrances closest to the accessible parking.

To exempt a project, the department head or funding applicant, must submit a written request identifying specific reasons for the exemption to the ADA Compliance Officer. The Officer will provide a written recommendation to the appropriate department head and City Manager. The City Manager will make a decision in the matter. The City Council will be advised of any exemptions and provided the opportunity to override the City Manager's decision.

Use of Platform Lifts Prohibited in New Construction, Remodels, and Retrofits of City Owned or City Funded Facilities

Although the ADAAG, Section 1109.7 Lifts, states that platform (wheelchair) lifts are permitted to be a part of a required accessible route in new construction in some circumstances, the City of Brookings recognizes that platform lifts typically result in a separate, stigmatizing experience for people who use them, a situation that violates the spirit of the ADA as well as the principles of universal design.

Therefore, platform lifts (also referred to as mechanical lifts or wheelchair lifts) will not be allowed in the new construction, remodel, or retrofit of city-owned or city-funded facilities, except under special exemptions cited below. Elevators or ramps must be provided as a means of access.

Lifts will only be considered where it is infeasible to install a ramp or elevator. To exempt a project, the department head or funding applicant must submit a written request identifying specific reasons for the exemption to the ADA Compliance Officer. The Officer will provide a written recommendation to the appropriate department head and City Manager. The City Manager will make a decision in the matter. The City Council will be advised of any exemptions and provided the opportunity to override the City Manager's decision.

City of Brookings Policy: CC 300	Title: Green Building Policy for City-Funded Facilities	
Issue Date: May 23, 2003	Updated: May 23, 2023	Section: Other
Policy Source: City Council Policy	Policy Audience: City Council, Staff, Outside Agencies	Total Pages: 2

The City of Brookings desires to continue implementing green building practices which protect natural resources, prevent waste, reduce consumption, and promote human health and well-building. A Sustainable Building Policy yields savings by efficiently managing energy, water, waste, and stormwater, while improving the employee and visitor experience, resulting in the following benefits:

- Significant savings through reduced utility costs;
- Lower operation and maintenance costs;
- Reduced impact on municipal infrastructure;
- Enhanced environmental quality and decreased pollution;
- Reduced greenhouse gas emissions;
- Improved health, comfort and productivity of building occupants; and
- Exemplifying sustainable building practices for other public and private building owners and other sustainable building stakeholders in the Brookings area.

Green Building Practices Policy:

A. New construction using City funds shall be designed with the intention of meeting or exceeding the following high-performance green building standards:

1. A certified rating under the United States Green Building Council's Leadership in Energy and Environmental Design rating system in effect as of November 18, 2013;
2. A two globe rating under the Green Building Initiative's Green Globes rating system as of July 31, 2013; or
3. A comparable numeric rating under a sustainable building certification program recognized by the American National Standards Institute as an accredited standards developer.

B. A waiver of requirements of this Green Building Practices Policy may be granted by the City Manager if:

1. The building will have minimal human occupancy;
2. The increased costs of achieving a high-performance green building standard cannot be recouped from decreased operational costs within 15 years; or
3. The City Manager determines that extenuating circumstances exist to make impractical construction designed with the intention of meeting or exceeding high-performance green building standards.

City of Brookings Policy: CC 301	Title: Building Permit Waiver	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council Policy	Policy Audience: Outside Agencies	Total Pages: 1

The City Council prioritized the support of specific initiatives as outlined in the City's Strategic Plan. Fees are set through City Council action. Any fee waiver requires similar legislative authority except as otherwise outlined in this policy.

- All building permit fees will be waived for social service nonprofit partners that meet the Council's objectives outlined in the Strategic Plan.
- All partner permit fees for affordable or workforce housing projects that meet the Brookings Housing Study defined threshold qualify for a waiver. Partner housing agencies include, but not limited to, Inter-Lakes Community Action Partnership, Inc. and Habitat for Humanity.
- Building Permit Fees and Moving Fees are waived for the City of Brookings, Brookings County, and Brookings School District projects and facilities.
- Other nonprofit partner agency building permit fee waivers are permissible when the individual value of the permit is less than \$1,000.

The attainment of city permits and professional inspections are still required.

City of Brookings Policy: CC 302	Title: Donation Policy	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Other
Policy Source: City Council Policy	Policy Audience: Donors and City Staff	Total Pages: 4

I. PURPOSE

To establish a written policy for donations proposed at facilities, public parks, open space, trails, and other City of Brookings public property, easements, or rights-of-way.

II. POLICY

There are occasions when interested parties wish to donate to the City of Brookings. It is the policy of the City of Brookings to consider all donation requests and decide if accepting the gift is in the best interest of the community. Donations generally come in the form of facility enhancements, monetary gifts, memorial items, services/labor, equipment/materials, land/real property, or partnership projects.

III. DEFINITIONS

- A. Donor: Individual(s) providing financial contributions, items, or improvements of value.
- B. Donation: A contribution of value that may take the form of financial (restricted or unrestricted), professional services, real estate/real property, facility/structure, or in-kind.
- C. Donation Proposal Application: An application necessary to begin the donation process made available by the City Clerk’s Office and available on the City website.
- D. Review Team: A team comprised of City staff and/or citizens tasked with making a recommendation on the appropriateness of a proposed donation.

IV. ADMINISTRATION

- A. A Donation Proposal Application must be submitted by the donating party to the City Clerk’s Office. As necessary, the City may develop a Review Team to consider the proposal. The following guiding principles will be considered when evaluating a proposed donation:
 - i. Appropriate location for placement;
 - ii. Easements, utilities, and existing structures;
 - iii. Liability and safety;
 - iv. Construction costs and any necessary City contribution;
 - v. Future or on-going maintenance costs with budgetary impact;
 - vi. Future site development plans;
 - vii. Use restrictions;

- viii. Natural environment;
 - ix. Accessibility and usefulness; and
 - x. Overall public acceptance/approval.
- B. Appropriate volunteer boards and commissions will be engaged if the donation falls under their purview.
- C. Donations made on property with a conservation easement or deed restriction shall require approval from the easement holder if required per the applicable easement or deed.
- D. Once the proposal is reviewed, City staff will respond to the applicant if the donation was accepted and/or follow up with the reasons the donation was rejected.
- E. Implementation
 - i. Funding: All costs, including initial installation, labor, and materials are the responsibility of the donor unless the City agrees to provide financial or in-kind support. Some projects may require an endowment to ensure the longevity of the gift and assist the City with future maintenance.
 - 1. In special situations, such as when the donor is allowed to hire a contractor, a memorandum of understanding or a project agreement may be required. A contingency fund may also be required, of up to 15% of the project's cost, to cover necessary change orders and overruns associated with the project. Remaining contingency funds will be applied to the endowment fund for future maintenance costs.
 - ii. Installation: As applicable, an installation timeline shall be developed for all donations. Work performed by the City, contractor, or donor shall be identified. A City employee will be assigned as manager for the project.
 - iii. Removal or Relocation of Donor Project: Unless specifically agreed to in writing, the City may, at any future date, elect in its sole discretion to remove or relocate the donation. No permanent right, title, or interest of any kind shall vest in the Donor's behalf by virtue of donation acceptance.
 - iv. Vandalism and Maintenance: All routine and preventative maintenance costs are the City's expense unless otherwise agreed to. However, no special maintenance and/or replacement is guaranteed. Improvements made in a public space become the property of the City of Brookings and will be maintained by the appropriate department. The department can offer no guarantee or obligation, legal or otherwise, to maintain or replace signs, plaques, materials, equipment, structures, or other donated resources that are vandalized, lost, stolen, or otherwise damaged or destroyed.
 - v. Donor Recognition: Permanent forms of recognition, such as plaques, signs, or decals, may be permitted only with the approval of the City Manager or City Manager's Designee. Permanent recognition plaques

shall be harmonious and integrated with the character and features of the facility as determined by the Review Team. Other details, such as materials and wording, must be approved by the Review Team as part of the donation proposal process. Donor recognition should be consistent with naming rights policy (reference).

- vi. Liability: In no event shall the City be liable for value or tax assertions/claims by the Donor. The Donor(s) agree(s) to hold the City harmless and indemnify the City for any and all claims which might arise from any person, entity, or corporation resulting from the Donor's use of City property, easements, or rights-of-way for installation purposes, or arising from the Donor's performance or improvement/item donated pursuant to this policy.
- F. Donations exceeding \$50,000 in value will go to City Council for acceptance.

City of Brookings Policy: CC 303	Title: Naming Rights	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Other
Policy Source: City Council Policies	Policy Audience: Staff, Public	Total Pages: 2

The City of Brookings believes it is necessary and prudent to define a process for the naming of certain public spaces or improvements.

The City of Brookings may utilize such naming rights procedure as a means of generating revenue to assist with deferring some of the capital costs of such public spaces or improvements.

Purpose:

1. Recognition of a donor who significantly supported a public space or improvement.
2. Recognition of a non-donor who exemplified public stewardship, purpose, commitment, or other high ideals of the community worthy of being named.
3. Where appropriate, generate revenue or secure donations from private sources to defer a portion or entirety of the costs of the space or improvement.

Items eligible to be named

Items need to have significance worthy of a name by which it would be recognizable in the community and be identified by its name. Examples include:

1. Parks.
2. Buildings, structures, unique monuments, and significant recreational amenities.
3. Gardens and landscaped areas.
4. Trails and pathway systems.
5. Ponds or bodies of water of significance.
6. Municipal streets.

Items that may be named, but not subject to the foregoing policy, include:

1. Incidental items such as trees, park benches, planter boxes, picnic tables, rooms, and other minor improvements.
2. Revenue generating naming rights covered by an agreement approved by City Council.

Process

1. Persons may nominate/suggest a person and the item to be named by completing the nomination form and submitting it to the City.
2. If the item nominated to be named is under the policy purview of an advisory board, the City Manager shall forward the nomination to the advisory board for a recommendation to the City Council. The City Manager may also make a recommendation.

3. In the event the item to be named is not under the policy purview of an advisory board, the City Manager shall make a recommendation to the City Council.
4. The City Council shall make the final decision on all naming rights subject to this policy.
5. In cases where the City wishes to generate revenue to defer capital expenses through the utilization of this naming rights policy, staff shall seek out opportunities to identify and recruit potential donors.

Recognition

1. Staff shall determine the means and methods of recognition of the named rights. (Signage, lettering, printing, etc. This shall be dependent upon, and will vary based on the item to be named.)
2. Recognition shall be based upon a timeline outlined within a contract unless determined to be perpetual. The City Council reserves the right to revoke perpetual naming for just cause, or at the request of the named individual/entity or their representative.

City of Brookings Policy: CC 304	Title: Procurement of Professional Services	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council	Policy Audience: Staff, Consultants	Total Pages: 2

The City of Brookings frequently utilizes a wide variety of professional services to implement the mission, services, programs, and strategic plan of the City. Funds expended on local vendors and employees lead to a return on the investment through local vendors and employees spending earned dollars in Brookings. Local purchases retain and circulate more money in the local economy.

When purchasing professional services, the City of Brookings shall adhere to the following:

- 1) When considering contract awards for professional services, such contract shall be awarded to the professional which represents the best value to the City in the sole determination of the City; and it is in the best interest of the City to secure multiple competitive proposals for such services.

- 2) When all such considerations constituting a best value determination are made and such considerations are deemed to be equal among two or more proposals, the award shall go to the local proposer. In the event two or more equal proposals are local, the City shall further revise with more detail the evaluation and make a selection from among the local proposals.

- 3) Consideration of "best value" determination shall include local presence and balance of awarded contracts among local firms. "Best value" considerations may also include price, qualifications and capabilities, project team, quality of work, applicable warranties, service, past experience with the City, and reference checks. An objective system, to the greatest extent feasible, will be applied to the evaluation of proposals based on these criteria.

- 4) All local firms may submit proposals for consideration for professional services with the possible exception of:
 - (a) emergency situations;
 - (b) situations where state and federal contract procurement policies conflict with this policy; or
 - (c) for joint contracts with third parties who express preferences in providers. The City Manager may solicit proposals from non-local firms in the interest of obtaining multiple competitive proposals for the best possible value.

5) Professional Services subject to this policy are those defined in South Dakota Codified Law and are project-oriented for a limited duration. Professional services exempt from this policy shall be those deemed to be on-going (i.e. City Attorney, Auditor, Bond Counsel, and Financial Advisor) or specialized services with a sole source provider.

6) For professional services estimated to cost in excess of \$100,000, formal Requests for Proposals (RFP) shall be made, notification will be provided through appropriate communication channels, and an evaluation system suitable for the service(s) requested will be used. The City may utilize RFPs for projects less than \$100,000.

7) The following criteria helps to define the extent a service provider is local:

- (a) having a physical address in Brookings County;
- (b) owning or leasing commercial space in a commercially permitted address where that location is for the express purpose of providing the professional service;
- (c) employees who work from the local office; and
- (d) corporate headquarters or local ownership.

City of Brookings Policy: CC 305	Title: Arterial, Collector, & Local Streets	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council	Policy Audience: Staff, Developers, Residents	Total Pages: 1

The City of Brookings has determined there is a need for a policy pertaining to collector and arterial streets in the City. A functional classification map, referred to as the Major Street Plan, will be regularly updated and adopted by the City Council upon recommendation of the Planning Commission.

Arterial Streets

After donation, determination of need by the City, and acceptance of all necessary land for rights-of-way and easements, as determined by the City Engineer, the City of Brookings will assume and pay from the funds of the City all street construction costs including design, grading, graveling, curb and gutter, storm sewer, sidewalk, and paving for streets designated as arterial on the latest adopted Major Street Plan filed with the City Clerk.

Abutting property owners that have not donated all necessary right-of-way and easements, as determined by the City Engineer, will be subject to an assessment equal to the abutter’s frontage and cost of a typical local street. Any access to the arterial street must be approved by the City Manager.

Collector Streets

The City will pay for any extra thickness required on collector streets as designated on the adopted Major Street Plan, in excess of that described for local streets and for the extra width in excess of 31 feet measured from back of curb to back of curb. Said payment shall be computed by the City Engineer based on current bids received by the City for similar work and shall be presented for payment when said streets are complete and accepted by the City.

Local Streets

Local streets will be funded by the developer and turned over to the City once accepted in accordance with the infrastructure acceptance policy.

City of Brookings Policy: CC 306	Title: Tax Increment Financing Guidelines	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council	Policy Audience: Staff/BEDC/Developers	Total Pages: 4

Purpose: These guidelines are established to outline the City’s position governing the intended use of tax increment financing (TIF) as an economic development tool. These guidelines operate within the parameters of SDCL 11-9 as amended; and shall be used as a procedural framework for considering applications for its use. The fundamental purpose of TIF in Brookings is to encourage desirable development or redevelopment that would not otherwise occur but for the assistance provided through TIF.

The actual amount of TIF funds provided to a project will be determined at the discretion of the City Council on the basis of need, risk, project characteristics, developer qualifications, and the degree to which the project meets TIF objectives. The burden of establishing the public value of TIF shall be placed upon the applicant and the application must substantially meet the criteria contained here within. Meeting statutory requirements, policy guidelines, or other criteria listed herein does not guarantee the provision of TIF nor does the approval or denial of one project set precedent for approval or denial of another project. The City reserves the right to reject projects on a case-by-case basis. Each project is unique and must stand on its own merits.

Section 1: Basic Provisions

1. TIF will be used to assist private development in those circumstances where the proposed private project shows a demonstrated financial gap and that the financial assistance required is the minimum necessary to make the project feasible.
2. The developer is expected to have explored other financial alternative(s) prior to requesting the use of TIF, including equity participation, bonds, tax credits, loans, other federal and state funds, etc.
3. It is the intent of the City to provide the minimum amount of TIF assistance to make the project viable and not solely broaden a developer’s profit margin on the project.
4. The developer must demonstrate there will be a substantial and significant public benefit to the community by stimulating development and/or revitalization, strengthening the City’s economic and employment base, positively impacting neighborhoods, increasing property values and tax base, creating new and/or retaining existing jobs, addressing a community need, and implementing City studies/plans.
5. The preferred financing method of TIF districts shall be a “pay-as-you-go” whereby the applicant fronts the costs and will be reimbursed by the City over time as increment becomes available.

6. The City may undertake (at the developer's cost) an independent analysis of the project to ensure the request for assistance is valid.
7. To be eligible for TIF assistance, the development team must reasonably demonstrate that they can complete projects on time, on budget, and have secured financing to ensure project completion.
8. The City will only provide TIF assistance to projects which meet federal and state regulations, as well as the City's ordinances and plans/studies.
9. The City will consider the impact and demands placed upon the City and other public services and natural resources by proposed projects.

Section II: TIF Objectives

The City will consider using TIF to meet any of the following objectives:

1. Stimulate development and/or revitalization of the City, its neighborhoods, industrial areas, commercial districts, and Downtown Brookings by:
 - a. Improving infrastructure.
 - b. Increasing number and diversity of jobs that offer stable employment and/or attractive wages and benefits. These jobs should be at the level sufficient to be considered a living wage/head-of-household-income and be considered primary jobs.
 - c. Retaining existing jobs.
 - d. Creating a variety of housing and mixed-use opportunities.
 - e. Attracting desirable businesses and retaining existing businesses.
 - f. Encouraging development projects that enhance the streetscape and pedestrian experience.
2. Implement objectives identified in the City Council's Strategic Plan, Comprehensive Plan, Housing Study, Community Economic Development Master Plan, and any other City studies/plans.
3. Business attraction, retention, and expansion.
4. Mixed-use developments that creatively integrate commercial and retail projects into a residential development.
5. Promote efficient and maximized use of land through elimination of blight, environmental cleanup, and/or redevelopment of underutilized properties.
6. Revitalization of historically significant buildings, deteriorated buildings, or functionally obsolete buildings.
7. Promote neighborhood stabilization and revitalization.
8. Increase property values, tax base, and tax revenues.
9. Leverage the maximum amount of non-City funds into a development.
10. Create economic, environmental, and equitable opportunity through the use of the triple bottom line. The triple bottom line is a sustainability framework measuring success in people, profits, and planet.
11. Projects which contribute to the implementation of other public policies such as promotion of high-quality architectural design, energy conservation, green infrastructure, etc.
12. Stimulate and/or support place-making initiatives.

Section III: Criteria for TIF Assistance

1. **But For.** The fundamental principle is the project would not occur “but for” the assistance provided by TIF. The burden is on the developer to make this case to the City through information and analysis provided.
2. **Equity Requirement.** The developer must provide a minimum of 15% equity of total project costs. Projects that exceed the 15% equity requirement will be looked upon more favorably by the City. Equity is defined as cash or un-leveraged value in land or prepaid costs attributes to the project.
3. **TIF Cap.** The total amount of TIF assistance should not exceed 25% of total project costs. This limitation may be waived if the project involves redevelopment of existing or historic structures or the assembly, brownfield cleanup, or clearance of land upon which existing structures are located or otherwise approved by City Council.
4. **Taxable Increase.** The project should result in an increase in taxable valuation of at least 20% upon project completion.
5. **Minimum Project Size.** TIF should be used for projects with total eligible project costs exceeding \$500,000.
6. **Discretionary Formula.** Applicants may agree to waive their right to use the discretionary formula. The discretionary formula provides a financial incentive in addition to the use of tax increment. Using the discretionary formula lessens the availability of increment needed to finance the project. The applicant must submit in writing to Brookings County their request to waive the discretionary formula. Failure to do so may result in nullification of the developer’s agreement. If the developer sells the land, the purchase agreement will note the buyer will agree to waive the discretionary formula.
7. **Market Demand.** The applicant must demonstrate market demand for the project. The City will not fund speculative projects.
8. **Residential Developments.** Developments residential in nature will take into consideration:
 - a. Meets Brookings Housing Study needs;
 - b. Provides affordable/workforce housing;
 - c. Maximizes available land;
 - d. Innovative design and diversity of housing stock;
 - e. Placemaking, connectivity, and added amenities;
 - f. Upward mobility;
 - g. Regional infrastructure capacity improvement; and
 - h. Equity participation.
9. **Financing Method.** The preferred financing method of TIF districts shall be a “pay-as-you-go” whereby the applicant fronts the costs and will be reimbursed by the City over time as increment becomes available. The developer shall be considered the borrower under “pay-as-you-go” and the City shall not be liable for debt. As an alternative, the City Council may consider the issuance of

bonded indebtedness through tax increment bonds only when unique circumstances determine “pay-as-you-go” is not feasible.

Section IV: Eligible Costs

Eligible project costs are identified in SDCL 11-9. The City reserves the right to further restrict eligible costs as enumerated in state law in this section as well as for each TIF project. The City reserves the right to determine the total reimbursable project costs that includes interest expense.

Section V: Structure for TIF Assistance

1. Each project or development proposal that receives TIF assistance will have a development agreement implemented between the City of Brookings and the developer. The structure of the development agreement includes:
 - a. The development agreement will describe the obligations of both the City and developer, and the terms and conditions associated with the TIF funds.
 - b. Development agreements may require additional security in the form of a letter of credit and/or a personal guarantee by all principals, partners, and others as deemed appropriate.
2. The City may maintain a retainage account and may require a performance bond or other forms of security until each project is completed and the applicant has satisfied all conditions and performance standards as described in the development agreement.
3. The City may delay, suspend, or terminate TIF reimbursements to the developer if developer fails to comply with performance requirements as outlined in the development agreement.
4. The City reserves the right to impose an administrative fee to reimburse for administrative costs per SDCL 11-9.

Section VI: Process of TIF Approval

1. A pre-application meeting is held between the developer and representatives of the City’s TIF Review Team. The City’s TIF Review Team may include the City Manager, Deputy City Manager, Finance Director, Public Works Director, Community Development Director, and Brookings Economic Development Corporation’s Chief Executive Officer.
2. A Tax Increment Financing Application is submitted by the developer to the City. An initial fee of \$10,000 shall accompany the application. This fee shall be used to partially cover the City’s legal, professional, administrative, and planning costs. If any additional amount of money is required to reimburse the City of its reasonable costs, the applicant shall be responsible for those costs. If the application is made and the project does not move forward, 80% of the application fee minus documented City expenditures for the project will be refunded to the applicant.
3. Appendix A provides a visual overview and timeline of the TIF application and approval process.

City of Brookings Policy: CC 307	Title: Special Assessment Policy	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Other
Policy Source: City Council	Policy Audience: City Council, Staff, Public	Total Pages: 2

I. PURPOSE

To establish a written policy for setting the financing terms in the resolution of necessity and for collecting special assessments.

II. POLICY

The City recognizes the need to have a consistent policy for establishing the financing terms in the resolution of necessity and in the collection of special assessments. This policy outlines the City's financial terms for special assessment projects.

III. DEFINITIONS

- A. Resolution of Necessity: As defined by SDCL 9-43-82, is a resolution approved by City Council deeming it necessary that a local improvement be financed by a special assessment.
- B. DCL: South Dakota Codified Laws.
- C. Federal Home Loan Bank (FHLBank) Chicago 10-year Fixed Rate: The 10-year fixed rate for residential single-family homes as calculated by the FHLBank Chicago (www.fhlbc.com). The rate will be determined two weeks prior to the Resolution of Necessity is heard at City Council.
- D. Special Assessment: A financing instrument that allows payment for improvements by those who benefit.

IV. ADMINISTRATION

- A. The City shall follow SDCL 9-43-75 through 9-43-101, and SDCL 9-46-1 through 9-46-11 when determining a project for special assessment.
- B. The proposed Resolution of Necessity shall also include whether the special assessments are payable under Plan One (Collection by the County Finance Office) or under Plan Two (Collection by the City's Finance Office). In addition, the proposed Resolution of Necessity shall also include the number of annual installments and interest rate payable on the unpaid balance of special assessments.
- C. Once a project has been completed after a Resolution of Necessity has been approved by the City Council, the project shall be assessed in accordance to SDCL 9-43-102 through 9-43-139.
- D. If the City chooses to assess under Plan One-Collection by County Treasurer specified in SDCL 9-43-102, the following financing terms shall

apply if the assessment is not paid in full within 30 days of the assessment roll adopted by City Council:

- a. Term of the financing shall depend on the type of project being assessed:
 - i. Sidewalks and Alleys: 5 Years
 - ii. Roadways and Utility Work: 10 years
- b. Annual interest rate charged shall be calculated by the following formula: = FHLBank Chicago 10-year Fixed Rate(%) + 3.5%
- c. Any assessment under \$300 would be assessed in one payment.

City of Brookings Policy: CC 308	Title: Liquor Operating Agreements – Criteria for Issuance of Additional On-Sale Liquor Licenses	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council	Policy Audience: Staff, Establishments	Total Pages: 2

As a Local Option community, the City of Brookings is the holder of State Liquor Licenses for the sale of alcoholic beverages. The City enters into operating agreements for liquor and wine licenses with business owners permitting them to sell alcoholic beverages purchased from the City (Malt License holders do not require operating agreements.).

The City establishes the following guidelines:

1. It is not the City’s intention to allow operating agreements to be sold.
2. It is not the City’s intention to have issued operating agreements be unused by the manager. Failure to use the agreement will be grounds for termination by the City. The city manager will report any inactive operating agreements to the City Council to consider the circumstances and for appropriate action.
3. Operating agreements are not assignable or transferable to another person or location by the named manager; only the City Council can assign or transfer an agreement to another person or location.
4. The purchaser of an establishment holding an operating agreement must apply for an assignment of that operating agreement. It is the City’s intent to allow an assignment of an operating agreement to an applicant that passes the “character of the applicant” requirement as a new owner of an existing business in the same location.
5. The owner of an establishment holding an operating agreement must apply for an assignment of that operating agreement if there is a desire to move the business to a different location. It is the City’s intent to allow an assignment of an operating agreement to a new location providing the location is suitable, “second tier criteria” is considered and the business identity is the same as in the initial application.
6. Unless the circumstances are as described in numbers 4 and 5 above, it is not the City’s intent to allow the assignment of an operating agreement from one business to another or one location to another. In these instances, an application for a new operating agreement is necessary.

City of Brookings Policy: CC 309	Title: Sales Tax Incentive Grant	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council	Policy Audience: Staff, BEDC, Businesses	Total Pages: 3

The City of Brookings recognizes publicly-funded investments by local communities represent an effort to retain current economic activity and attract economic growth are necessary to remain competitive. Sales tax revenue generated from said qualifying applicant is a reasonable and prudent means of accomplishing desired economic growth. Sales tax incentive may be explored after considering other potential incentives. The following policy objectives are necessary to govern the policy process for the use of sales tax grants:

1. To facilitate significant and comprehensive investment in new and/or expanding facilities that will grow the tax base and provide a strong commitment to the community.
2. To strengthen the community’s triple bottom line. The triple bottom line is a sustainability framework measuring a business’s success in people, profits, and planet. (See City Council Policy 312: Triple Bottom Line.)
3. To encourage diversification of the area economic base and add value to the area economic clusters and employment base.
4. To generate additional sales tax revenue to support budgetary expenditures of the City.
5. To provide long-term community benefits in return for the City's investment.
6. To ensure the recipient project constitutes responsible development and further complies with all other applicable development principles and regulations.
7. To meet the goals and strategies outlined in the Brookings Community Economic Development Master Plan.

The City Council may approve a grant to qualifying applicants in any amount deemed necessary, not to exceed two percent of local sales tax generated from construction costs, equipment purchases, or local retail sales.

Qualifying businesses shall be:

1. New or expanding businesses that are retail in nature;
2. New or expanding businesses that are commercial, industrial, or technology-based in nature; or
3. New or expanding businesses that are otherwise addressed in the Brookings Community Economic Development Master Plan.

The following criteria shall be used by the BEDC and the City Council to consider awards for qualifying businesses/applicants:

1. Retail businesses that mitigate sales ‘leakage’ to other markets.

2. Retail businesses that provide niche product markets not otherwise available.
3. Commercial, industrial, technology-related, and other businesses addressed in the Brookings Community Economic Development Master Plan that meet a minimum of one of the following as determined by the City Council:
 - Diversify the economic base and occupational mix.
 - Further achieve the tenets of the triple bottom line.
 - Provide full-time, upper-income level jobs with employee benefits.
 - Have high probability of recruiting employees from other markets.
 - Are a necessity for significant and substantial job retention.
 - Meet qualifying industry targets.
 - Have high probability of complementing existing or recruiting other businesses or entities.
 - Represent significant capital investment.
 - Retain South Dakota State University (SDSU) and other local graduates.
 - Facilitates emerging markets.

No business shall place an undue burden or hardship on natural resources or services necessary to serve the business.

Grant requests shall be reviewed and awarded in a fair, consistent, and responsible manner utilizing the resources and process established by the Brookings Economic Development Corporation (BEDC) and the City Council for an objective evaluation of the application.

Grant awards shall be provided only to the extent demonstrated necessary for the success of the project, and a completed Return on Investment (ROI) analysis with an emphasis on the triple bottom line by the BEDC yielding results to the satisfaction of the City Council.

The City Council shall have final approval on all grant applications recommended for approval after having been through the BEDC and City Staff evaluation and review process.

As a means of protection and accountability of the public investment:

1. Grant awards shall be reimbursed to the applicant following payment of applicable sales tax to the State of South Dakota and remitted to the City.
2. Claims against the grant award must be accompanied by appropriate documentation prescribed by the City as verification of the grant payment.
3. Grant awards must have suitable financial guarantees as a means of security ('claw-backs') and any other such terms deemed essential by the City Council.
4. The recipient shall be entitled only to grant amounts that it generates and documented by the Department of Revenue as being paid in Brookings.
5. Grant awards shall be limited to either an aggregate amount, a specified time period, or both.

Applications for sales tax grant assistance shall be made to BEDC on application forms prepared by BEDC. Applicants may be required to cover direct costs of professional services deemed necessary by BEDC and/or the City associated with the review of the application.

Applications shall be deemed approved following adoption of a development agreement between the City and the applicant prescribing all applicable terms and conditions of the grant award. The development agreement shall be prepared by staff of the BEDC, City, and legal counsel.

City of Brookings Policy: CC 310	Title: Sale of Real Property	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: Council	Policy Audience: Staff/Public	Total Pages: 1

The City of Brookings may own or have in its possession real property it desires to see developed or redeveloped for purposes of business or commercial use in an effort to create jobs, create workforce/affordable housing, provide services, increase the tax base, or potentially increase the City’s working capital. The City may from time-to-time find it advantageous to partner with private sector entities for purposes of achieving such development or redevelopment. To achieve this, a variety of means can be utilized pursuant to South Dakota Codified Law to dispose of real property.

The City of Brookings may dispose of real property currently owned or otherwise in its possession by any of the following methods:

1. Sealed Bids, Public Auction, or through a Licensed Real Estate Broker whereby the City Council may stipulate terms and conditions of an accepted bid and such terms and conditions shall be considered pre-bid stipulations that shall be made known prior to the auction/bid date. Such conditions may include, but not be limited to:
 - a. Terms and conditions of payment of accepted bid.
 - b. Bid security and payment security.
 - c. A development/re-development plan acceptable to the City Council.
 - d. Performance deadlines and other guarantees of the development/re-development.
 - e. Reversionary provisions of the parcel(s) for failure to perform.

2. Request for Proposal whereby the City Council may include terms, conditions and/or an end-use development plan parameters, requirements, or other provisions to be offered by respondents for the City Council to consider.

3. Legislative Authorization whereby the City Council may choose to dispose of qualifying property by utilizing South Dakota Codified Law and declaring the development intent and purpose for which property will ultimately be disposed.

City of Brookings Policy: CC 311	Title: Volunteer Boards, Committees, Commissions Appointments	
Issue Date:	Updated:	Section:

August 13, 2024	August 13, 2024	Other
Policy Source: City Council	Policy Audience: Council, Staff & Public	Total Pages: 1

Residents of Brookings are eligible to serve on volunteer boards, committees, and commissions of the City of Brookings. Appointments to these volunteer positions are recommended on an annual basis or as vacancies occur by the Mayor and approved with advice and consent of the City Council.

The public will be notified of any volunteer board position vacancies. Notification of vacancies will consist of press releases shared with local newspaper and radio media, and posted on the City’s website and social media pages.

City of Brookings Policy: CC 312	Title: Reporting by Economic Development Entities	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council	Policy Audience: Economic Development Partners	Total Pages: 1

Objective: The Brookings City Council requires additional information from entities that receive city funds for economic development and promotional activities in and for the city of Brookings.

Policy: All economic development and promotional entities receiving funding from the City budget will become directly accountable to the City Manager. Selected organizational representatives will be required to regularly attend monthly meetings as needed and provide regular updates for the purpose of keeping the City Manager and City Council apprised of organizational activities. Economic Development partners may miss no more than three meetings a calendar year. Virtual attendance is an acceptable means of attendance if necessary.

Goals:

- 1) City Meeting Representation. The City Manager or their designee will attend various organizational Board of Directors meetings to include the Brookings Economic Development Corporation, Downtown Brookings, Chamber, Visit Brookings, and Research Park at SDSU.
- 2) Monthly Meeting. Representatives of the Economic Development Partners will attend monthly meetings as determined by the City Manager.
- 3) Regular Reports. Each organizational representative will provide regular updates to the City Manager. The update will consist of a summary of the promotional and economic development activities to include associated metrics outlined within the Community Economic Development Masterplan. Updates are to be submitted at a time and in a format prescribed by the City Manager. Updates from the Economic Development Partners will be made available to City Council.

City of Brookings Policy: CC 313	Title: Reconsideration Action	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council	Policy Audience: City Council	Total Pages: 1

Brookings City Ordinance, Chapter 1, Article 2, Section 2-32, provides the following procedure for reconsidering and/or rescinding actions: “The City Council may elect to reconsider and/or rescind any action taken by the Council on the same date that such action is taken or at the next regularly scheduled City Council meeting. A motion to reconsider or rescind may only be made by a Councilmember who voted with the prevailing side.”

There is no statutory procedure for consideration at a later date. In the event the City Council votes to reconsider a previous action taken, it shall be the policy of the Brookings City Council to table final action to the next meeting if the original applicant cannot attend or is not present.

City of Brookings Policy: CC 314	Title: City Council Member Professional Development	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council	Policy Audience: City Council	Total Pages: 1

Brookings City Council Members are encouraged to attend meetings, seminars, and other professional development opportunities on subject matters relevant to the responsibilities of the City Council, which will be beneficial to the governance of the City of Brookings.

City Council members will be provided the opportunity to attend and participate in opportunities outside the city of Brookings, which depends on funding, professional development outcomes, and member availability.

City Council Members will decide which meetings or seminars to attend outside the scope of regular Council meetings.

The Council will consider the availability of the Council members to attend a given meeting and will attempt to balance this opportunity among all its members.

Council members are encouraged to make themselves available for such opportunities. City Council members attending the meetings or seminars will report on the meetings at a future City Council meeting.

City of Brookings Policy: CC 315	Title: Larson Ice Center	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council	Policy Audience: City Council	Total Pages: 1

Purpose: This policy shall serve as a basis for all decisions regarding the use of the Larson Ice Center:

GENERAL USE

Competition (Red) Rink

- Any ice skating activities.
- Dry floor activities such as trade shows, rummage and auction sales, and other uses suitable for a painted floor surface.
- No live animal events.

Practice (Blue) Rink

- Any ice skating activities.
- Dry floor activities, auto shows, auctions, roller skating, floor hockey, and other uses suitable for an unpainted concrete floor.
- Live animal events permitted with appropriate precautions to protect floor, rink facilities and equipment.

Multi-Purpose Room (Holding Barn)

- Any dirt floor activities such as auctions, automotive or motor-cross events, sport shows, athletic, etc.
- Live animal events and as an animal holding barn for Dacotah Bank Center activities.
- Recreational field activities including baseball, softball, soccer and football.

City of Brookings Policy: CC 316	Title: Construction Manager-At-Risk	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: City Council Other
Policy Source: City Council	Policy Audience: Staff, Contractor/Consultants	Total Pages: 5

Section 1. Purpose

In order to comply with State law requirements for construction manager-at-risk ("CMAR") projects, the City of Brookings adopts these procedures and will select CMAR firms to provide construction management services for authorized projects in accordance with the following procedures:

Section 2. Findings and Determinations

The City of Brookings makes the following determinations:

- a. It is in the City's interest to utilize the services of a construction manager for the renovation or replacement of facilities; and
- b. That the construction management services would not unreasonably duplicate and would be in addition to the normal scope of separate architect or engineer contracts concerning the renovation or replacement of facilities; and
- c. The construction manager shall be a CMAR and be solicited through a qualification-based request for proposals method of procurement as provided in state law. The CMAR, for any actual construction contracted by the CMAR to be performed on the project shall provide payment and performance bonds and competitive bids for the work as required by any statute governing bidding and bonding for public improvement projects.

Section 3. Definitions

For purposes of these procedures, the following definitions apply:

- a. "City" means the City of Brookings.
- b. "CMAR" means construction manager-at-risk.
- c. "Department" is defined as any department of the City of Brookings, including the Dacotah Bank Center.
- d. "Firm" is defined as any individual, firm, partnership, corporation, association, joint venture, or other legal entity permitted by law to practice construction contracting in the State of South Dakota.
- e. "Project" is defined as that project described in the public announcement.

Section 4. Minimum Qualification Requirements for Firms Providing CMAR Services

Firms providing CMAR services shall be registered with the Department of Revenue prior to contract award. Where required by State law, the CMAR shall be able to provide construction management services by licensed or registered individuals.

Section 5. Public Announcement Procedures

Except in emergency situations, the Department will publish an announcement in accordance with state law. The announcement will set forth a general description of the project requiring construction management services and will define the time frame and procedures for interested qualified firms to apply for consideration. The public announcement will further state whether construction management firms will be pre-qualified for the project.

Section 6. Request for Proposals

1. The City will prepare a Request for Proposal ("RFP"). The RFP developer may be either a private firm retained by the City or may be a staff member of the City. The RFP developer is prohibited from being part of the bidding entity. The RFP may include the following:

- Background and Description of the project.
- Preliminary Project Schedule.
- Outline of CMAR Best Value selection process and timeline.
- Detailed description of the scope of services for each phase of the project.
- RFP evaluation criteria and requirements of RFP response.

2. The purpose of the RFP is to furnish sufficient information for firms to prepare qualitative proposals and price proposals. The firm submitting the successful proposal shall develop a detailed proposal based on the criteria in the RFP. All Requests for Proposals shall also comply with the City's Purchasing Policy Guide.

Section 7. Evaluation Criteria for Shortlisting Construction Management Firms

The City's selection committee will review proposals from all candidate firms and shortlist no more than three firms who will be invited to be interviewed. Shortlisting will be based the following qualifications:

- a. Company background.
- b. Applicable and relevant experience and education of proposed key team members.
- c. Team personnel experience working together and on similar projects.
- d. Project approach including working in South Dakota on CMAR projects for public sector clients.
- e. Demonstrated knowledge of the local and regional subcontractor market.

To be considered for the shortlist selection, the firm must demonstrate the ability to provide a performance and payment bond as described in the RFP.

Section 8: Criteria for Selecting Construction Manager Firm

The City's selection committee will rely on the information contained and presented in the proposals, interviews, and reference checks in making the decision to select the best value and the most qualified firm to provide services for this project. Selection criteria will be based on:

- a. Experience, qualifications, and availability of proposed team leaders.

- b. Broader team structure.
- c. History of project team working together.
- d. Technical work process.
- e. Proposal, interview and response.
- f. Price Proposal.

Section 9. Construction Manager-at-Risk Proposal Requirements

1. The RFP shall outline proposal submittal requirements including but limited to the following:
 - a. Letter signed by an individual authorized to commit the proposed team to the scope of work proposed consortiums, joint ventures, or teams submitting proposals must establish contractual responsibility solely with one company or one legal entity. Each submittal should indicate the entity responsible for execution on behalf of the proposal team.
 - b. Identification of proposed team members with proposed roles and responsibilities.
 - c. Project approach and management capabilities.
 - d. Relevant project experience.
 - e. Statement from a surety company authorized to do business in South Dakota indicating the firm(s) bonding capacity and ability to obtain a performance and payment bond in the amount specified in the RFP.
 - f. Certification statement that proposal response will remain in effect for 30 days, and all representations stated in the Response to RFP are true and accurate, and acknowledge that all costs associated with preparation of the Response to RFP will be the responsibility of the proposing CMAR.

2. Each firm submitting a proposal shall submit a Qualitative Proposal and a Price Proposal. Proposals shall be segmented into two packages:

Qualitative Proposal. A qualitative proposal shall include management plan, schedule, and other data requested in response to the RFP. Qualitative proposals shall be submitted in a sealed package, which identifies the project and the construction management firm on the outside of the package. Each firm shall place the words "QUALITATIVE PROPOSAL" on the outside of the package.

Price Proposal. Price proposals shall include CMAR fee per phase of the project, a detailed description of management staff general conditions, a detailed description of certain reimbursable general conditions and other cost related questions that pertain the performance of the requested scope of services. Each firm shall submit its price proposal in a separate sealed package. Each firm shall place the words "PRICE PROPOSAL" on the outside of the package.

Section 10. Negotiating Owner / Construction Manager at Risk Agreement and Preservation of Confidential Information

The procedures for negotiations between the City of Brookings and those submitting proposals prior to the acceptance of a proposal are as follows:

Upon completion of the interviews, the firms will be ranked. The City will start negotiations of the contract with the highest-ranking firm. If an agreement for services cannot be reached with the highest ranked firm, the City will move to the second ranked firm. The same process will be repeated with the other ranked firms if no such agreement can be reached. The City reserves the right to not select a firm as part of this process if an agreement cannot be reached with the interviewed firms.

The procedures shall also contain safeguards to preserve confidential information and proprietary information supplied by those submitting proposals consistent with state law, which are as follows:

Until a proposal is accepted, information in the proposal remain the property of the person making the proposal. The City will make reasonable efforts to maintain the secrecy and confidentiality of any proposal and all information contained in any proposal and the City will not disclose any proposal or the information contained in a proposal to the CMAR's competitors. The City will not disclose, except as may be permitted pursuant to state law, confidential and proprietary information contained in any proposal to the public until such time as the City takes final action to accept a proposal.

Section 11. Emergency Procedures

The procedures for awarding construction management firm contracts in the event of public emergencies as defined in state law are as follows:

The City may make an emergency procurement without advertising the procurement if there exists a threat to public health, welfare, or safety or for other urgent and compelling reasons. An emergency procurement will be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor will be included in the contract file.

City Council Policy: CC 317	Title: Government Access Cable Television Channel	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council	Policy Audience: City Council, Staff	Total Pages: 2

BACKGROUND

Section 611 of the Communications Act of 1984 authorizes local franchising authorities to require cable operators to set aside channels for public, educational or governmental use. The City of Brookings has secured a government access cable television channel (hereinafter will be referred to “Government Access Channel”) to provide local government programming in an effort to inform and educate its citizenry and to make local government more accessible.

I. PURPOSE

To define the function of the Government Access Channel and provide general guidance on its management and use.

II. DEFINITION

For the purposes of this policy, the following term will have the meaning set forth below:

Government Access Channel. The term “Government Access Channel” will mean a channel intended for use by local governmental bodies for informing the public about local government happenings.

III. ELIGIBILITY FOR USE

The City, under the City-granted franchise, controls the Government Access Channel. The Government Access Channel is limited to City departments / divisions / agencies. It is not a public access channel.

IV. POLICY

The City Council recognizes the need to provide information to its citizens in order to cultivate a safe, inclusive, and connected community. It is the policy of the City of Brookings that the information shared on the City’s Government Access Channel will align with the City’s:

- Vision to be a welcoming and inclusive community;
- Mission to provide high quality of life through exceptional services and proactive solutions; and
- Values of integrity, accountability and innovation.

V. ADMINISTRATION

Responsibility for administration and management of the Government Access Channel lies with the City Manager or designees.

VI. PROGRAMMING GUIDELINES

Programming will provide non-editorial information concerning City government deliberations, services, programs, and activities. All public meetings of the Brookings City Council are authorized for broadcast.

The Government Access Channel will not be available for:

- a. Advertising promoting the sale of a commercial product or service. (Note: Non-commercial program underwriting is permitted.)
- b. Endorsement for or opposition to any consumer product or service.
- c. Advertisements for or endorsements on behalf of political candidates or ballot measures. (Note: This does not preclude forums which allow the opportunity for candidates to appear and/or for proponents and opponents of an issue to be represented.)
- d. Information concerning any lottery, gift enterprise, or similar promotion offering prizes based in whole or in part upon lot or chance.
- e. Material copyrighted by any entity for which written release has not been obtained.
- f. Material promoting religious beliefs or religious philosophies.
- g. Material that is defamatory or likely to invade an individual's privacy.
- h. Material providing personal identification information or confidential information.
- i. Material meeting the legal definition of obscenity.
- j. Material in judgment of legal counsel subjects the City to potential liability.
- k. Material violating federal, state or city rule, regulation, statute, law, or ordinance.

City of Brookings Policy: CC 318	Title: Change Orders	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council	Policy Audience: Staff, Public	Total Pages: 1

Change orders to contracts for publicly bid public improvements may require City Council approval. Change orders increasing a contract cumulatively in an amount exceeding 10% of the originally approved contract value or a maximum dollar value of \$75,000 will be placed on a City Council agenda as a regular agenda item. All change orders will be disclosed during a certificate of completion approval process at a City Council meeting.

City of Brookings Policy: CC 319	Title: Bills & Claims	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council	Policy Audience: Staff, Public	Total Pages: 2

Objective: Financial stability is considered a key performance area by the Brookings City Council. Good stewardship by the City Council requires they be kept informed of issues concerning the city, including expenditures.

Authority: According to the City Charter, Section 2A.04 – Powers and Duties of City Manager: The City Manager shall be the chief administrative officer of the City, responsible to the Council for the administration of all city matters placed in the Manager’s charge by or under this Charter. The City Manager shall ... sign all warrants for the payment of money, and the same shall be countersigned by the Clerk, but no warrant shall be issued until the claim therefore has been approved by the City Council, except as may be otherwise provided by ordinance or resolution...”

Policy: Copies of the financial reports detailing expenditures from the City General Departments are retained in the Finance Department and available via the public records request. All bills and claims will be published in the official newspaper.

- Specifics:**
- 1) Approval of bills and claims remains the responsibility of the City Manager. The Finance Director shall be designated as the Clerk, performing all counter signing of warrants.
 - 2) The sequence of paying warrants is as follows:
 - Supervisors and office managers in each department review the bills and submit to the department head for submission to the finance department.
 - The finance department prepares the warrants and submits to the City Manager for inquiry, further investigation and approval.
 - 3) Questions pertaining to a specific bill or claim will be directed to the City Manager.

City of Brookings Policy: CC 320	Title: Investment Policy	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council	Policy Audience: City Manager, Staff	Total Pages: 11

Objective: The purpose of “The City of Brookings Investment Policy” is to set investment objectives, policies, establish guidelines, and define responsibilities for the investment of funds for the City of Brookings.

1.0 PURPOSE

The purpose of “The City of Brookings Investment Policy” is to set investment objectives, policies, establish guidelines, and define responsibilities for the investment of funds for the City of Brookings.

2.0 POLICY

The policy of the City of Brookings is to invest idle public funds in a manner based upon state law, that will provide the maximum security, sufficient liquidity, and competitive investment return to meet the daily cash flow demands of the City. The primary goals are:

- A. To ensure compliance with all Federal, State, and local laws governing the investment of public funds under the control of the City Manager.
- B. To protect the principal monies entrusted to the City’s Finance Department.
- C. Achieve a reasonable rate of return within the parameters of prudent risk management while minimizing the potential for capital losses arising from market changes or issuer default.

3.0 SCOPE

This policy applies to the investment of all funds of Brookings, South Dakota. Except for funds held in trust or special funds that are otherwise specifically provided for, the city will consolidate the balances from all funds to maximize investment.

3.1 Pooling of Funds

Except for cash in certain restricted and special funds or specifically designated to a certain fund, the City of Brookings will consolidate cash balances from all funds, including Brookings Municipal Utilities , to maximize investment earnings and meet the liquidity requirements of the city subject to the primary objective of providing security of principal. Investment income will be allocated to the various funds based on their respective participation of capital in the overall portfolio in accordance with generally accepted accounting principles.

4.0 OBJECTIVE

Pursuant to South Dakota Codified Law, Chapter 4-5-8 it is the policy of the City of Brookings to invest funds in a manner to meet the daily cash flow demands of the City. The primary objectives, in priority order, being: a) Safety of Principal b) Liquidity c) Return on Investments:

A) Safety of Principal. Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate the following risks.

1. Credit Risk

The City of Brookings will minimize credit risk, which is the risk of loss due to the failure of the investment issuer or backer, by limiting the portfolio to the types of investments listed in section 8.

Authorized and Suitable Investments of this policy and diversifying the investment portfolio to diminish the impact of potential losses from any one type of investment or from any one individual issuer.

2. Interest Rate Risk

The City of Brookings will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by structuring the portfolio to meet the cash requirements of ongoing operations, thereby mitigating the need to liquidate securities at a loss prior to maturity.

3. Concentration Risk

The City of Brookings will minimize Concentration of Credit Risk, which is the risk of loss due to having a significant portion of resources invested in a single issuer, by diversifying the investment portfolio as described in section 11. Diversification so the impact of potential losses from any one type of security or issuer will be minimized. Investments issued or explicitly guaranteed by the U.S. government and investments in mutual funds, external investment pools, and other pooled investments are excluded from this requirement.

4. Custodial Credit Risk

The City of Brookings will minimize Custodial Credit Risk for deposits, which is the risk that in the event of the failure of a depository financial institution the deposits or collateral securities that are in the possession of an outside party would not be able to be recovered, as addressed in section 10. Collateralization.

The City of Brookings will minimize Custodial Credit Risk for investments, which is the risk that in the event of the failure of the counterparty to a transaction the value or collateral securities that are in the possession of an outside party would not be able to be recovered, as addressed in section 9. Safekeeping and Custody.

B) Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements which may be reasonably anticipated. This is accomplished by structuring the portfolio so securities mature concurrent with cash needs to meet anticipated demands (static liquidity).

Furthermore, since all possible cash demands cannot be anticipated, the portfolio should include securities with active secondary or resale markets (dynamic liquidity). Alternatively, a portion of the portfolio may be placed in money market mutual funds or local government investment pools which offer same-day liquidity for short-term funds.

C) Return on Investments

The portfolio shall be designed to obtain a reasonable rate of return throughout budgetary and economic cycles. The return on investments is to be accorded secondary importance compared to the safety and liquidity objectives described above. The core of investments will focus on relatively low risk securities with an expectation of earning a reasonable return relative to the risk being assumed. Securities shall not be sold prior to maturity, with the following exceptions:

- A security with declining value may be sold early to minimize loss of principal.
- A security may be exchanged to improve the quality, yield, or target duration in the portfolio.
- A security may be sold in order to satisfy liquidity requirements.

When selling a security prior to maturity, the City Manager shall provide an explanation for any gains or losses.

When investing in Certificates of Deposit (CDs) public funds will be invested at the highest rate of interest possible.

Policy compliance does not provide a benchmark to meet or exceed, but is a model to follow. The City will benchmark its portfolio performance to the appropriate "treasuries constant maturity" rate based on portfolio maturities of the investment plan.

5.0 Standard of Care

5.1 Prudence

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers, acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes.

The "prudent person" standard states that "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

5.2 Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City of Brookings.

The City Investment program shall be managed in a professional and prudent manner worthy of the public trust and review.

6.0 Authority and Responsibility

6.1 Authority

In accordance with the City of Brookings, the responsibility for conducting investment transactions resides with the City Manager. The Finance Director, under the general direction of the City Manager, shall be responsible for all transactions undertaken and shall establish a system of controls to regulate activities.

6.2 Responsibility

Parties shall refrain from personal business activity that could impair his/her ability to make impartial decisions. The Finance Director acting in accordance with this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual investment's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of investments are

carried out in accordance with the terms of this policy. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

6.3 Local Preference

The City of Brookings strives to support the local economy and community. To honor this, the City will give a local preference to bids from qualified financial institutions in the City of Brookings by allowing the closest, non-successful, local bidder the opportunity to match the high, non-local bidder. This post-bid match opportunity would only occur when the high bidder was a non-local institution. There would be no preference recognized among all local bidders. The purpose of this is to strike a balance between giving local financial institutions credit for their community investments to the local economy and still preserving the fiduciary responsibility of attempting to receive the highest rate of return possible.

Example:

Financial Institution "A" not located in Brookings bids 1.2%

Financial institution "B" located in Brookings bids 1%

Financial Institution "C" located in Brookings bids .9%

Financial Institution "A" has winning bid, however, if Financial Institution "B" is willing to match Financial Institution "A" bid, Financial Institution "B" will be awarded the bid.

7.0 Authorized Financial Dealers and Institutions

7.1 Selection Process

A list of financial institutions authorized to provide investment services to the City of Brookings will be maintained.

In addition, a list of broker/dealers will be maintained. This list may include both primary and regional dealers. Dealers will be approved by the Finance Director on the following:

- Credit worthiness.
- License to conduct business in South Dakota.
- Qualification under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).

8.0 Authorized & Suitable Investments

The City of Brookings is empowered to invest in securities as outlined in SDCL 4-5-6. Authorized deposits will be kept in banks in South Dakota as required by SDCL

9-22-6.

9.0 Safekeeping and Custody

9.1 Delivery vs. Payment

All trades of marketable securities, where applicable, will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds.

9.2 Safekeeping

Physical custody of all securities for the City General and Brookings Municipal Utilities will be maintained by the City's Finance Department per SDCL 4-5-9.

9.3 Internal Controls

The Finance Director is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City of Brookings are protected from loss, theft, or misuse. The internal controls shall address the following points:

- Control of collusion.
- Separation of transaction authority from accounting and recordkeeping.
- Custodial safekeeping.
- Delivery versus payment.
- Clear delegation of authority.
- Confirmation of transactions for investments and wire transfers.

10.0 Collateralization

In accordance with the SDCL 4-6A and 51A-10-9 Qualified Public Depositories will furnish collateral in the sum equal to one hundred percent (100%) of the public deposit account that exceed deposit insurance. The Finance Director will review semi-annually the Under-Collateralized Bank Accounts report found on the SD Department of Legislative Audit website to ascertain compliance by financial institutions of adequate collateral coverage.

SDCL 4-6A-3 requires that collateral be segregated by each depository in such manner as approved by the South Dakota Deposit Protection Commission.

11.0 Diversification

The purpose of diversification is to reduce overall portfolio risk while attaining market rates of return and to enable the City of Brookings to meet all anticipated cash requirements. The investments shall be diversified by:

- Limiting investments to avoid over-concentration in securities of a specific issuer (excluding treasury bills).
- Limiting investment in securities that have higher credit risks.

- Investing in securities with varying maturities.

12.0 Maximum Maturities

To the extent possible, the City of Brookings will attempt to match its investments with anticipated cash flow requirements. The City of Brookings will keep investments for duration not to exceed five (5) years.

13.0 Reporting

13.1 Methods

The Finance Director prepares a monthly investment report, which is available upon request, and includes a list of individual securities held at the end of the reporting period further broken down by issuer, purchase date, maturity date, coupon rate, par value, and yield to maturity.

13.2 Performance Standards

The investment portfolio shall be designed with the objective of obtaining a competitive rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and cash flow needs.

14.0 Policy Control

14.1 Exemption

Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy as long as it was in compliance with State of South Dakota Law and the City's investment policy in effect at the time of purchase. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

14.2 Amendments

This policy shall be reviewed to ensure consistency to overall objectives of safety, liquidity, yield, compliance to current law, and economic trends.

14.3 Requirements

This investment policy is required by SDCL 4-5-8 and approved by the city council.

GLOSSARY

Agency: A debt security issued by a federal or federally sponsored agency. Federal agencies are backed by the full faith and credit of the U. S. Government. Federally sponsored agencies (FSAs) are backed by each particular agency with a market perception that there is an implicit government guarantee. An example of a federal

agency is the Government National Mortgage Association (GNMA). An example of an FSA is the Federal National Mortgage Association (FNMA).

Benchmark: A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investment.

Broker: A broker brings buyers and sellers together for a commission.

Certificate of Deposit (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CDs are typically negotiable.

Certificate of Deposit Account Registry Service (CDARS): A program with an approved depository that removes the need for collateral by providing full FDIC insurance for certificates of deposit.

Collateral: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Coupon: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

Credit Risk: The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

Delivery Versus Payment: There are two methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

Diversification: Dividing investment funds among a variety of securities offering independent returns.

Duration: A measure of the timing of the cash flows, such as the interest payments and the principal repayment, to be received from a given fixed-income security. This calculation is based on three variables; term to maturity, coupon rate, and yield to maturity. The duration of a security is a useful indicator of its price volatility for given changes in interest rates.

Federal Deposit Insurance Corporation (FDIC): A federal agency that insures bank deposits, currently up to \$100,000 per deposit.

Fiduciary: Person, company, or association holding assets in trust of a beneficiary.

Investment Policy: A concise and clear statement of the objectives and parameters formulated by an investor or investment manager for a portfolio of investment securities.

Liquidity: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

Local Government Investment Pool (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

Market Risk: The risk that the value of a security will rise or decline as a result of changes in market conditions.

Market Value: The price at which a security is trading and could presumably be purchased or sold.

Maturity: The date upon which the principal or stated value of an investment becomes due and payable.

Money Market: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

Portfolio: Collection of securities held by an investor.

Prudent Person Rule: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state - the so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

Qualified Financial Institutions: Pursuant to SDCL 9-22-6 and 6.1, the City Council of the City of Brookings, South Dakota, annually designates depositories for Municipal Funds of the City of Brookings. Qualified financial institutions would be those listed in the adopted annual Resolution.

Qualified Public Depositories: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

Rate of Return: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity.

Repurchase Agreement (RP or REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security “buyer” in effect lends the “seller” money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money that is, increasing bank reserves.

Safekeeping: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank’s vaults for protection.

Speculation: Assumption of risk in anticipation of gain but recognizing a higher than average possibility of loss.

Treasury Bills: A non-interest bearing discount security issued by the U. S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

Treasury Bonds: Long-term coupon-bearing U. S. Treasury securities issued as direct obligations of the U. S. Government and having initial maturities of more than 10 years.

Treasury Notes: Medium-term coupon-bearing U. S. Treasury securities issued as direct obligations of the U. S. Government and having initial maturities from two to 10 years.

Volatility: A degree of fluctuation in the price and valuation of securities.

Yield: The rate of annual income return on an investment, expressed as a percentage.

City of Brookings Policy: CC 321	Title: Triple Bottom Line, Economic Development	
Issue Date: August 13, 2024	Updated: August 13, 2024	Section: Other
Policy Source: City Council	Policy Audience: City Council, City Manager, Staff, Economic Development Partners	Total Pages: 2

I. PURPOSE

To establish a written policy for Triple Bottom Line initiatives in economic development which aids in developing sustainable organizational/community practices. The triple bottom line is a sustainability framework that measures success in people, profits, and planet.

II. POLICY

City Council is committed to being “an inclusive, diverse, connected community that fosters creativity and innovation, sustainability, and a high-quality life for all” (City Council Vision Statement). The City recognizes the need to have a consistent policy for establishing the necessity of weighing social, environmental, and economic impacts when determining the viability of economic development projects.

Economic development is a priority of the City of Brookings and its Economic Development Partners. This Policy addresses how economic development policies, projects and incentives shall follow Triple Bottom Line Standards.

III. ADMINISTRATION

A. To promote a healthy, prosperous and equitable community, City Council and Staff will:

1. Incorporate sustainable development principles by considering and addressing the social, economic, environmental and smart growth impacts of all its decisions and actions, with regard to planning, policy, strategies, services, operations, approvals, and all other City business;
2. Make decisions and take actions that balance environmental quality, economic prosperity, and social equity;
3. Think beyond our first costs and consider long-term, cumulative impacts when making policy and financial decisions; and
4. Support community development or housing affordability.

B. In adopting this Policy, the City of Brookings recognizes this Policy will ensure a more comprehensive, systematic and integrated approach to decision-making by City Council and Administration in regard to economic

development policies, projects, and incentives.

- C. A waiver of requirements of this Triple Bottom Line, Economic Development Policy may be granted by the City Council if the City Council determines that extenuating circumstances exist to which make policies, projects, and incentives unable to establish triple bottom line practices.

IV. PROCEDURE

A. Economic Development Internal City Standards

- 1. Triple Bottom Line statements will be a required component for each memorandum or report to Council should the project pertain to economic development endeavors.

B. Economic Development Partnership Standards

- 1. External economic development projects where the City has partnered with another organization, developer, or consultant shall be subject to the same Internal City Standards; and
- 2. If Tax Increment Financing is requested by another organization, developer, or consultant, the project must meet all criteria laid out in the Triple Bottom Line Analysis Scorecard and the Tax increment Financing Guidelines Policy.
 - a. An overall score of 5 or higher on the Triple Bottom Line Scorecard is required for Administration's consideration of project viability. This scorecard shall be completed by an economic development organization, developer, or consultant and verified by City Staff.

The City of Brookings is committed to ensuring that this Policy is implemented, and to promoting a Triple Bottom Line approach in the broader community.