

Brookings City Charter Updates
as agreed to by the Brookings City Charter Commission
December 2024

Preamble

Add: “The city will treat Inclusive citizen participation as an integral part of effective and trusted governance.”

Article I – Powers of the City

• **Section 1.03 Intergovernmental Relations**

- Replace BCC 1.03 with MCC 1.03 (below):
 - **Section 1.03. Intergovernmental Relations.** The city may participate by contract or otherwise with any governmental entity of this state or any other state or states or the United States in the performance of any activity which one or more of such entities has the authority to undertake.

Section 1.04 – Limitations

- Remove

Article II – City Council

• **Section 2.04 – Compensation**

- Remove first sentence regarding salaries

• **Section 2.08 – Clerk**

- Replace first two sentences with: “The City Manager shall recommend the appointment of a City Clerk, subject to advice and confirmation by the City Council. The Clerk will be supervised by the City Manager in consultation with the City Council.”

• **Section 2.09 – Investigations**

- Add a third party to conduct the investigation.
- Replace “make” with “authorize”

• **Section 2.16 – Authentication and Recording; Codification; Printing.**

- Insert a new (c) City Charter Review, that says: “The City Council shall provide for a review of the City Charter at least every ten years, and more frequently if the City Council determines the circumstances warrant a City Charter review.
- Make the current (c) into a new (d)

Article IIA – City Manager (Renumber as Article III)

- Renumber as Article III

- **Section 2A.01 – Appointment; Qualifications; Compensation.**

- Require residency with 90 days transition (more if approved by council).
- Third sentence: Strike “as a city manager or assistant city manager.”
- **Section 2A.02 – Removal**
 - Add resignation as an option
- **Section 2A.04 – Powers and Duties of the City Manager**
 - Change “five-year” to “ten-year” in subsections 6-7
 - Replace subsection #8 of BCC with subsection #8 of MCC (below)
 - MCC #8: Keep the city council fully advised as to the financial condition and future needs of the city;
 - Subsection #13– strike and replace with “Update City Council on all matters of the city.”
 - BCC 2A.04 #11 – Change “the Clerk” to “Finance Director”
 - BCC 2A.04 #12 – Change to “Oversee and assert final authority over operations and decisions regarding personnel.”
 - Add MCC subsections 11-13
 - 11. Assist the council to develop long term goals for the city and strategies to implement these goals;
 - 12. Encourage and provide staff support for partnerships with community organizations and for regional and intergovernmental cooperation and equitable programming;
 - 13. Promote partnerships among council, staff, and community members in developing public policy and building a sense of community.

Article IV (former Article III) – Departments, Offices and Agencies

- **Section 3.02 – Legal Officer**
 - Replace the first sentence “There shall be a legal officer of the City Appointed by the City Council” with: “The City Manager shall recommend the appointment of a City Attorney, subject to advice and confirmation by the City Council. The City Attorney will be supervised by the City Manager in consultation with the City Council.”
 - Add “The city attorney must be a licensed attorney in South Dakota.”

Article V (former Article IV) – Financial Procedures

- **Section 4.02 – Submission of Budget and Budget Message**
 - Change to “On or before the 30th day of September each year, the City Manager shall...”
- **Section 4.03 – Budget**
 - Highlights refer to new language approved by the Charter Commission
 - Second Sentence, change to the following:
 - The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt

service, for the ensuing fiscal year, and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the current-preceding fiscal year.

- Add a subsection #3:
 - 3. The long-term financial impact of the proposed budget, including future debt service requirements and the impact on fund balances. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus the fund balance carried forward, exclusive of reserves.
- **Section 4.04 – City Council Action on Budget**
 - Change to the following:
 - a. Budget Hearings. The City Council ~~may schedule~~ shall hold at least one public hearings at appropriate times and ~~may direct changes in the City Manager’s proposed budget.~~ on the proposed budget at a convenient time to allow for public input. Additional hearings may be scheduled as needed. Notice of the time and place of such hearings shall be published in accordance with applicable laws.
 - **Add a new: b. Amendment Before Adoption.** After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.
 - c. Adoption. The City Council shall adopt the final budget on or before the 30th day of November of the fiscal year currently ending. If it fails to adopt the budget by this date, the budget proposed by the City Manager shall go into effect.
 - **Add a new d. "Publish" defined.** As used in this article, the term "publish" means to print in the contemporary means of information sharing, which includes, but is not limited to, one or more newspapers of general circulation in the city, and, if available, in a web site.
- **Section 4.05 – Appropriation and Revenue Ordinance**
 - Strike existing BCC 4.05 (a) and (b) and replace with:
 - To implement the adopted budget, the City Council shall adopt, prior to the beginning of the fiscal year:

- (a) an appropriation ordinance making appropriations by department or major organizational unit ~~department, fund, service, strategy, or other organizational unit~~ and authorizing an allocation for each program or activity;
- (b) a tax levy ordinance authorizing the property tax levy or levies and setting the tax rate or rates; and
- (c) any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.

- **Section 4.06 (c) Reduction of Appropriations**
 - First sentence, change “...any remedial action taken by the Council and recommendations...” to “...any remedial action taken by the City Manager and recommendations...”;
- **Section 4.07 – Lapse of Appropriations**
 - Remove BCC 4.07 – Lapse of Appropriations and replace with the following;
 - “Section 4.07 – Administration *and Fiduciary Oversight* of the Budget. The City Council shall provide by ordinance the procedures for *administration and fiduciary oversight* of the budget.”
- **Section 4.09 – Overspending of Appropriations Prohibited.**
 - Remove this whole 4.09 section – Part of state law (SDCL 9-21-9), is not in MCC and is redundant
- **Section 4.10 – Public Records**
 - Change to:
 - Section 4.08 – Public Records. “Copies of the budget, **capital improvement plan, independent audits**, and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the city, **including the official web site.**”

Article VI (former Article V) – Elections

- No changes

Article VII (former Article VI) – Brookings Municipal Utilities and Brookings Municipal Hospital

- No changes

Article VIII (former Article VII) – General Provisions

- **Section 7.02 – Prohibitions**

- Subsection 7.02 (a)(1): Add “employed” to first sentence to read:
 - No person shall be employed, appointed to, or removed from, or in any way favored or discriminated against...”
- Subsection 7.02 (a)(1): Change “handicap” to “disability”.
- Subsection 1: Add “sex and gender identity”.

Article IX (former Article VIII) – Charter Amendment

- **Section 8.01 – Proposal of Amendment**

- Subsection (a) change to:
 - In the manner provided by law, initiative and referendum, or

- **Section 8.02 – Election**

- Second sentence – replace “one or more newspapers” with “the news media”.

Article X (former Article IX) – Transition/Separability Provision

- **Section 9.05 – Schedule**

- Remove – no longer relevant