

**City of Brookings  
City Charter Commission  
MINUTES  
October 28, 2024 (unapproved)**

The Charter Review Committee held a meeting on Monday, October 28, 2024 at 5:30 PM, at the Brookings City & County Government Center, Community Room, with the following Commission

**Members Present:** Bob Burns, David Gilbertson, Lisa Hager, Jeanne Manzer, Dianne Nagy, Keith Corbett, Ashley Ragsdale, Gail Robertson, Roger Solum, and Tom Yseth.

**National Civic League:** Derek Okubo – Lead Facilitator.

**Members Absent:** Van Fishback

**Brookings City Staff Present:** City Manager Paul Briseno, City Attorney Steve Britzman, City Clerk Bonnie Foster, Deputy City Manager Jake Meshke, were also present.

**Public present:** None

**I. Welcome – David Gilbertson**

5:30 p.m. commenced

**II. Agenda Review – Derek Okubo and David Gilbertson**

Approval of the September 19 minutes:  
Motion to Approve: Robertson  
Second: Solum  
Motion passed by a unanimous vote.

**III. Review of Last Meeting – Derek Okubo**

Derek provided a quick review of the September 19 meeting that provided the last pieces of the red-lined version to be reviewed at this meeting.

**IV. Review of Redline Charter – Derek Okubo**

Derek walked the Commission through the red-lined changes with the purpose of a final discussion, review, and approval.

**Preamble**

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

- Change word “treat” to “acknowledge.”
  - APPROVED
- A suggestion was made to replace “inclusive citizen participation” with “uphold the principles of justice: diversity, equity, inclusion.” After discussion, the commission felt “inclusive citizen participation” was sufficient.
- A question was brought up regarding the term “citizen”. Did this sentence include Brookings residents that were not citizens of the United States – for example, international students and undocumented workers? It was noted that while they are not “citizens” and cannot vote, they still have rights. After more discussion, the commission unanimously agreed to change word “citizen” to “community”.
  - APPROVED

### **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.
    - APPROVED
- **Section 1.04 – Limitations**
  - Remove
  - APPROVED

### **Article II – City Council**

- **Section 2.02 –**
  - **C. Terms** – removed “following the completion of the terms as provided in Section 9.05.
  - **D. add “or ordinance”**
  - APPROVED
- **Section 2.04 – Compensation**
  - Remove first sentence regarding salaries
  - APPROVED
- **Section 2.06 – added “recall” to title**
  - APPROVED
- **Section 2.08 – Clerk**

- Replace first sentence with something like: “The City Manager will make a recommendation on an appointment of an official with the title of Clerk to the City Council, subject to Council confirmation. The Clerk will be supervised by the City Manager in consultation with City Council.”
- APPROVED
- **Section 2.09 – Investigations**
  - Add a third party to conduct the investigation.
  - Replace “make” with “authorize”
  - APPROVED
- Section 2.10 – add “officials or”
  - APPROVED
- Section 2.11 – grammatical changes
  - “four”
  - “of City Council proceedings”
  - “of this charter”
  - “this”
  - “four”
  - APPROVED
- Section 2.14 – various grammatical changes
  - APPROVED
- Section 2.16 – Authentication and Recording; Codification; Printing.
  - B – add ‘together with’
    - “established” instead of “fixed”
    - Various grammatical
  - ADD: Insert a new (c) City Charter Review, that says something resembling: “Review the City Charter every 10 years unless City Council views circumstances warrant a review beforehand.
  - D - Make the current (c) into a new (d) – and various grammatical
  - APPROVED

**Article IIA – City Manager (Renumber as Article III)**

- Renumber as Article III
  - APPROVED
- **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.”
  - APPROVED
- **Section 2A.02 – Removal**
  - Add resignation as an option

- APPROVED
- **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 8 or 10 – same ---- STRIKE 10
  - 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.
  - APPROVED

#### **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 (something like): “The City Manager will make a recommendation on an appointment of an official with the title of City Attorney to the City Council, subject to Council confirmation. The City Attorney will be supervised by the City Manager in consultation with City Council.”
  - Add “The city attorney must be a licensed attorney in South Dakota.”
  - APPROVED

#### **Article V (former Article IV) – Financial Procedures**

- **Section 4.02 – Submission of Budget and Budget Message**
  - Change to “On or before the 30<sup>th</sup> day of September each year, the City Manager shall....”
  - Replace ‘message’ with ‘budget narrative.’
  - Remove ‘accompanying’
  - Replace in header: ‘message’ with ‘budget narrative’
  - APPROVED
- **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.
  - APPROVED
- 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.
  - APPROVED
- **Section 4.04 – City Council Action on Budget**
  - 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.
  - REMOVE: 'at a convenient time'
    - APPROVED
  - **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.
    - APPROVED
  - c. Adoption. The City Council shall adopt the final budget on or before the 30<sup>th</sup> 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.
    - APPROVED
  - **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.

- CHANGE: 'IN' to 'ON the City's official web site.'
- APPROVED

- **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.

- APPROVED

- **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...";
- APPROVED

- **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."
- APPROVED

- **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
- APPROVED

- **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.”
- APPROVED

**Article VI (former Article V) – Elections**

- No changes
  - APPROVED

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

- No changes
  - APPROVED

**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”.
  - APPROVED

**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
  - APPROVED
- **Section 8.02 – Election**
  - Second sentence – replace “one or more newspapers” with “the news media”.
  - REMOVE: ‘the’ in ‘the news media’
  - APPROVED

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

- **Section 9.05 – Schedule**
  - Remove – no longer relevant
  - APPROVED
- Page 19 – grammatical changes
  - APPROVED
- Page 20 – grammatical changes
  - APPROVED

- REMOVE: Section 9.05
  - APPROVED
- Page 21 – CHANGE: ‘separability’ to ‘severability’
  - APPROVED

## V. Outreach Discussion

Derek led a discussion on the outreach effort that will be required before the April 8, 2025 election.

He reminded the commissioners that the goal of the outreach is to inform Brookings voters of the City Charter revisions so that they vote to approve it. While David and Lisa will be the point persons and face of the revision effort, each of the commissioners still has a role with the outreach – to attend and participate in public forums and share the information through their networks.

Important points of the discussion included the following:

### When talking with others, how would you describe what a City Charter is?

- Response: It is the City of Brookings’s Constitution (the legal document that outlines the principles, structures, and functions of government).

### What are the benefits of having an updated City Charter?

Response of Commission and staff:

- Simplifies the City Charter
- Up to date: Transition language is no longer relevant and was removed
- Brings Charter in line with existing city practices
- Clarifies government roles and responsibilities
- Ensures compatibility with state and federal law
- Input on updates received from staff, council, and community members
- Increases accountability of staff and council to the residents they serve
- Current government form is working, updates were needed in some areas, it was determined some areas did not require change

### What are the best ways of sharing the information with residents?

Response of Commission and staff:

- Go to them (community organizations and groups)
- Press Releases
- Social Media; create a QR code where it takes them to a site about the project
- Graphics on posters/place in areas people gather like libraries
- Work sessions with City Council
- Media coverage, interviews with Commission Chairs
- One or more public forums
- Provide a summary of the City Charter changes



- Include benefits and the revised Charter
- Identify and line up leaders – invite to a breakfast/lunch to inform

#### Other Considerations

- Work with Brookings Public Information Officer on press releases and information shared from the city
- Website Page – DO NOT put the redlined version on the website.
- Take document as approved in black, no redlined version.
- Provide a summary – types / changes
- Chamber round table discussion. Invite key leaders and go through the changes for support and informed discussion.
- Paul Briseno add to Monday Morning meeting discussion with staff to create awareness.
- Future City Council Study Session to review changes and why.
- Will need a City Council meeting to approve it; then placed on the April Ballot.

#### **VI. Next Steps**

- CC Study Session on November 19
  - To prepare, Derek will meet via Zoom with the chairs and Paul next week
  - Determine:
    - Who is speaking on what
    - What information required for the work session
    - Derek to get the information in by November 8 for inclusion in the City Council Packet
  - Following the meeting with council, another meeting with the commission will be held if other changes are needed.
  - Will need City Council action for the ballot by February 2025

NEXT MEETING: To Be Determined

#### **VII. Adjournment**

Motion to adjourn: Corbett  
Second: Nagy  
Time: 6:55 p.m.