

City Council Agenda Item Memo

From: Bonnie Foster, City Clerk

Council Meeting: December 12, 2023

Subject: Setting Election Date for Referred Resolution 23-100

Presenter: Bonnie Foster, City Clerk
Steve Britzman, City Attorney

Summary:

Set the Election Date for Referred Resolution 23-100. Staff recommends a special election on January 30, 2024.

Background:

A Municipal Referendum is a petition requiring the submission of an ordinance or resolution which has passed the governing body to a vote of the people before the measure may become effective. Petitions are filed with the City Clerk. The petition must have signatures of registered voters equal to five percent of the registered voters in the municipality. A petition form has been prescribed by the State Board of Elections for this purpose. The petition must be filed within 20 days post publication of the passage of the ordinance or resolution.

Item Details:

Petitions to refer Resolution 23-100 (Resolution Amending the Transfer of Real Property to Brookings Economic Development Corporation for Economic Development Purposes) were filed with the City Clerk's Office on December 7, 2023.

In order to refer this issue to a vote, the petitions must contain at least 651 signatures of registered voters, which is equal to five percent of the registered voters (13,018) in the City of Brookings. The City Clerk has examined the signatures and has determined a sufficient number of valid signatures (1,056) have been filed to require the resolution be referred to a vote and placed on a municipal ballot.

As per SDCL 9-20-11, the City Council must set a date of election on the referendum petition. The Council has 2 options:

- 1) place on the ballot at the next annual municipal election or the next general election, whichever is sooner; or
- 2) expedite the date of the election by ordering, within 10 days of receiving the petition, a special election to be held on a Tuesday not less than 30 days from the date of the order of the governing body, nor more than 50 days from the date of the order of the governing body (SDCL 9-13-31).

City Attorney Steve Britzman will prepare the ballot explanation as per SDCL 9-20-13.

Legal Consideration:

City Attorney Steve Britzman has been consulted on the proposed Special Election Date calendars.

Financial Consideration:

The City of Brookings would be responsible for the entire cost of the special election, which could amount to \$25,000.

Options and Recommendation:

Staff recommends a special election on January 30, 2024.

Supporting Documentation:

Proposed Election Calendars for Special Election Date