

Ordinance 23-018

An Ordinance Amending Article III of Chapter 42 of the Code of Ordinances of the City of Brookings, SD.

Be It Ordained by the City of Brookings that Article III of Chapter 42 of the Code of Ordinances of the City of Brookings be amended to read as follows:

I.

ARTICLE III. Brookings Health System.

Division I. Generally.

Section 42-71. Brookings Health System.

The Brookings Health System is the healthcare system of the City of Brookings serving the regional area.

Section 42-72. Purpose of article.

The purposes of the Brookings Health System are:

- (1) To provide health care services to inpatients and outpatients in need of hospital based services.
- (2) To maintain a long term nursing care facility which will provide necessary services for the elderly, chronically ill or disabled persons for which it is equipped.
- (3) To provide other health care related facilities, including Brookhaven Estates.
- (4) To provide quality health care and supportive services to all persons within the capabilities of the facility, without regard to gender, race, creed, religious preference, ethnic background, age or economic status.

Sections 42-73 - 42-90. Reserved.

Division 2. Brookings Health System Board of Trustees

Section 42-91. Continued.

The city has established a board of trustees to govern the Brookings Health System. Brookings Health System consists of the Brookings Hospital, Brookhaven Estates, The Neighborhoods at Brookview and other health care related facilities.

Section 42-92. Name, composition, appointment and criteria for appointment.

- a) The board of trustees is known as the "Brookings Health System Board of Trustees," and consists of nine members.
- b) Five members of the board of trustees shall be appointed by the mayor with the advice and consent of the city council. Three members of the board of trustees shall be appointed by the Brookings County Commission. A minimum of six members of the board of trustees must reside in the City or County of Brookings.

- c) One member of the board of trustees shall be a practicing physician representative who is a member of the ~~medical~~ staff of the Brookings Health System and who has been a member of the medical staff for at least one year. Physician representatives of the board of trustees shall have all of the voting privileges as other members of the board of trustees, and are not required to reside within the City or County of Brookings.
- d) Individuals recommended to the city council or to the county commission to serve as members of the board of trustees shall evidence an interest in fostering and maintaining a system of quality health care through support of the mission of the Brookings Health System. The city and county shall also consider, but are not required to appoint, prospective board members recommended by the board of trustees. Prospective board members who are recommended by the board of trustees shall be recommended to represent a particular experience and expertise which would enhance the composition and effectiveness of the board of trustees. In order to fill vacancies in a timely manner, the applications of prospective board members shall be submitted to the city and county by October 30th each year.
- e) The physician members may be asked at times to recuse themselves if there is a conflict of interest with their particular practice or contractual or other issues under discussion. Advice from physician representatives is particularly needed to provide information from their medical background that would be beneficial to the needs of the Brookings Health System, and, in addition, to represent the members of the medical staff of the Brookings Hospital.
- f) Appointment to the board of trustees shall be made without reference to actual or perceived race, color, sex, creed, ancestry, national origin, familial status, marital status, gender identity, disability, sexual orientation, age, religion or political affiliation.

Section 42-93. Compensation; terms.

- a) The members of the board of trustees may be compensated for their service as members of the board of trustees in an amount not to exceed \$300.00 per month per member and \$400.00 per month for the president.

In addition, members of the board of trustees will be reimbursed for reasonable expenses when performing Brookings Health System business. The members of the board of trustees shall be appointed for staggered three-year terms. New members shall be appointed prior to January 1 of each year. No members may serve more than three consecutive three-year terms. A partial term may be served in addition to this limit.

- b) If a board member resigns or is disqualified prior to the end of their term, the city or the county, as the case may be, shall appoint a new board member to complete the departing board member's term following a process similar to that for a regular appointment. The city or county, as the case may be, shall communicate a deadline for submission of recommended candidates for the new appointment to the board of trustees.

- c) If a member is absent more than 50 percent of the meetings annually without authorization of the board, the member shall automatically be disqualified from serving on the board, and a replacement shall be appointed.

Section 42-94. Council members and county commission member may attend meetings.

The mayor, with the advice and consent of city council, may appoint up to two members of the city council or alternatively shall designate the city manager, to attend meetings of the hospital board of trustees so that the city council may at all times be fully advised of the proceedings of the hospital board. The city council members so designated shall not be counted for purposes of determination of a quorum and shall not be entitled to vote or take any official action on matters before the hospital board of trustees.

The county commission may also appoint up to two members of the county commission to attend meetings of the hospital board of trustees so that the county commission may also be fully advised of the proceedings of the hospital board. The county commission member so designated shall not be counted for purposes of determination of a quorum and shall not be entitled to vote or take any official action on matters before the hospital board of trustees.

Section 42-95. Meetings

The board of trustees shall designate a time and place for their meetings. Special meetings may be called at any time by the president or by a majority of the board of trustees by giving 24 hours' advance notice to the public and other members of such board. The president shall call a special meeting within 14 days of receipt of a written request of three or more members of the board of trustees. Notice of the special meeting shall be given a minimum of 24 hours prior to meeting time and shall state the reason for requesting the special meeting. Only business stated as the reason for calling a special meeting shall be transacted.

Section 42-96. Officers.

Annually, the board of trustees shall elect from among its members a president, vice-president and secretary, each of whom shall hold office for one year and until their successors have been elected.

Section 42-97. Duties of the president.

The president shall preside over all board meetings and, as appropriate, make committee or special assignment appointments. The president shall be kept advised of the general affairs of the Brookings Health System and shall monitor the implementation of resolutions and policies with appropriate procedures. The president shall have other usual powers and duties customarily vested in the office of president and shall perform such other duties as may be assigned by the board.

Section 42-98. Duties of the vice-president.

In the absence of the president, the vice-president shall perform duties of the president and when doing so, shall have all powers of and be subject to all the restrictions of that

office. The vice-president shall also perform such other duties as from time to time may be assigned by the board or president.

Section 42-99. Duties of secretary.

The secretary shall establish and maintain a record of minutes of proceedings of the board. The secretary shall also perform such other duties as from time to time may be assigned by the board or president.

Section 42-100. General authority.

The board shall have and is vested with all powers and authority to operate a health care system, except as may be expressly limited by applicable law. The board of trustees shall have power and authority to direct and control Brookings Hospital, Brookhaven Estates, The Neighborhoods at Brookview and other health care facilities, and shall have the power and authority to adopt bylaws necessary in the proper governance of the hospital and its health and nursing care facilities, provided that such bylaws are consistent with state law, city ordinance and city charter.

Section 42-101. Collection of funds.

All funds and revenues derived from the operation of the Brookings Health System shall be collected by the Brookings Health System business office, and a record of all such funds and revenues received shall be accounted through submission of an annual audited financial report.

Section 42-102. Payment of warrants and transfers.

All expenditures of the health system shall be approved by the board of trustees, and warrants for payment of such expenditures shall be drawn on the health system funds.

All transfers of funds or revenues not needed for current operations derived from the operation of the health system to the health system investment authority shall be approved by the board of trustees, and such transfers shall be drawn on the health system funds.

Section 42-103. Staff.

The board of trustees shall have the power to make any and all rules and regulations for the supervision and control of Brookings Health System staff.

Section 42-104. Auxiliary.

The board of trustees may permit volunteers to organize an auxiliary and grant them privileges to serve the Brookings Health System through such an organized auxiliary.

Section 42-105. Publication of minutes.

The minutes of the board of trustees shall be published in the legal newspaper of the city within 30 days after each meeting, providing, at a minimum, the following information:

- (a) The names of the members attending the meeting and those absent;
- (b) The date and place of the meeting and time the meeting was called to order and adjourned;

- (c) A list of the topics discussed, providing an accurate report of the matters discussed in sufficient detail to truly reflect the matters discussed;
- (d) A description of each motion made at the meeting, whether the motion was seconded, and the names of the members who make and second each motion;
- (e) The results of every vote taken at the meeting; and
- (f) The vote of every member on every recorded roll call vote.

Sections 42-106 - 42-140. Reserved.

II.

Any or all ordinances in conflict herewith are hereby repealed.

First Reading: May 9, 2023
Second Reading: May 23, 2023
Published: May 25, 2023

CITY OF BROOKINGS, SD

ATTEST:

Oepke G. Niemeyer, Mayor

Bonnie Foster, City Clerk