

TITLE ONE

1. ADMINISTRATION

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CHAPTER 1.01

NAME, BOUNDARIES, POWER AND GENERAL PROVISIONS

1.01.01 NAME

The city of Hill City in the County of Pennington and the State of South Dakota shall be a municipal corporation under the name "City of Hill City".

Legislative History
1995 Revision
1980 Census

Authority
SDCL Ch. 9-3 generally

1.01.02 BOUNDARIES

The boundaries of the city of Hill City are those boundaries established by the Articles of Incorporation dated 1945 and all such changes in boundaries made by subsequent action of the City Council of Hill City.

Legislative History
1995 Revision

Authority
SDCL Ch. 9-3 generally

1.01.03 POWERS OF THE CITY

The city of Hill City shall have perpetual succession and the right to adopt and alter a common seal, the right to take, hold, purchase, lease and convey any and all property or interests in property, real, personal and mixed, within or without its boundaries, as the purposes of the city may require or the transaction of its business may render convenient. The city shall also have all powers, functions, rights, privileges and immunities possessed by a municipal corporation at common law or given or granted by the Constitution and laws of the State of South Dakota to municipalities of a class which includes the city of Hill City.

Legislative History
1996 Revision

Authority
SDCL Ch. 9-3 generally

1.01.04 SEAL OF HILL CITY

The seal of Hill City shall be circular in form. In the center shall be the words 'Corporate Seal', elsewhere, the words "City of Hill City, South Dakota" shall be plainly legible.

Legislative History
1996 Revision

Authority
SDCL Ch. 9-3 generally

**CHAPTER 1.02
WARDS AND WARD BOUNDARIES**

1.02.01 NUMBER OF WARDS

The city of Hill City is hereby divided into two (2) wards.

Legislative History
Ordinance 1.20.1 (1981)

Authority
SDCL 9-13-16, 12-14-1

1.02.02 WARD BOUNDARIES

Hill City shall be divided into two (2) wards. The boundary between the two wards shall be determined by the dividing line: beginning at the south boundary of Hill City following Spring Creek, downstream to south Newton Avenue, then north to Poplar Street, then west to Railroad Avenue, then north to the junction with East Main Street. All real property lying west of the described line shall be known as Ward One and all real property lying east of the described line shall be known as Ward 2. All real property north of east Main Street shall be known as Ward One and all real property south of east Main Street shall be known as Ward Two.

The polling place shall be the same for both Wards, said polling place being the City Hall wherever it is located from time to time.

Legislative History
Ordinance No. _____ (1974)

1.02.03 WARD VOTING

All eligible voters within the city of Hill City may vote in the municipal election and within their ward; an eligible voter is deemed to be one who is registered and has lived within the City limits 10 days and is currently residing within his respective ward within the City limits.

Legislative History
1974 Revisions Ord. No. 1.2
1996 Revisions

Authority
SDCL § 9-2-5

1.02.04 TIME FOR ANNUAL MUNICIPAL ELECTION

The annual municipal election shall be held as provided by statute and set by resolution of the City Council to be either the second Tuesday in April of each year or combined with the school district or county elections as provided by

law. The polls shall be open from seven o'clock in the morning until seven o'clock in the evening. Any person receiving the highest number of votes in a municipal election shall be declared elected.

Legislative History
1974 Revisions Ord. No. 1.21
1996 Revisions

Authority
SDCL Ch. 9-8 generally

1.02.05 FILING OATH OR AFFIRMATION

Upon notification of election in the manner prescribed by law a newly elected city official shall qualify within ten (10) days by filing an oath or affirmation for the office as required by the Constitution.

Legislative History
1974 Revisions Ord. No. 1.22
1996 Revisions

Authority
SDCL § 1-13-34

1.02.06 TEMPORARY FILLING OF VACANCIES AMONG ELECTED OFFICIALS

If there is a vacancy among the elected officials by death or resignation the City Council shall choose another to fill the vacancy until the next municipal election at which time the electors shall choose one to complete the unexpired term of the office.

Legislative History
1974 Revisions Ord. No. 1.2
1996 Revisions

Authority
SDCL § 9-13-1,
State ex rel. Jackson
v. Kerkow, 31 SD 491,
141 NW 377 (1913)

1.02.07 SPECIAL ELECTIONS

Special elections shall be conducted by the City in the manner prescribed by law and shall determine question as required by law or the governing body.

Legislative History
1974 Revisions Ord. No. 1.24
1996 Revisions

Authority
SDCL § 9-13-20 to 23

1.02.08 PUBLICATION AND PRINTING OF BALLOTS

The City Finance Officer shall be responsible for the publication in the City's legal newspaper of the nominees for offices and shall be responsible for having the ballots printed for the elections in Hill City.

Legislative History
1994 Revisions Ord. No. 1.25
1996 Revisions

Authority
SDCL § 9-13

**CHAPTER 1.03
THE MAYOR AND CITY COUNCIL**

1.03.01 REGULAR MEETINGS OF THE CITY COUNCIL

The Council shall meet in regular sessions on the second and forth Mondays of each month at the City Hall at such hour as the Council shall fix from time to time. If a regular meeting day shall be a holiday, the regular meeting shall be held on the day following or any other day Council approves.

Legislative History

Authority

SDCL Ch. 9-8 generally

1.03.02 SPECIAL MEETINGS

A special meeting of the City Council shall be called by the Finance Officer, or council President, or the Mayor, whenever the Mayor within discretion agrees, or whenever three Aldermen within their discretion agree. Notice shall be mailed to the Mayor and each Alderman at least twenty-four hours prior to the time set stating when and where and the object therefore, unless such person(s) can be reached by telephone two (2) hours ahead of the time set.

Legislative History
1996 Revisions

Authority

SDCL Ch. 9-8 generally

1.03.03 OFFICE OF THE MAYOR

The Chief Executive Officer of the city shall be the Mayor, who shall be elected from the City at large for a term of two years or until his successor is elected and qualified. He must be a qualified elector of the City and shall have resided therein for at least one year prior to his election.

Legislative History
1974 Revisions: Ord No. ____
1996 Revision

Authority

SDCL § 9-8-1

1.03.04 DUTIES OF THE MAYOR

The Mayor of Hill City shall have within his power the following, which may be considered duties with regard to the capacity of his position:

- A. The Mayor of the City shall have those duties as prescribed by the laws of the State of South Dakota, the ordinances of the City of Hill City and the City Council in accordance to the above mentioned state law.
- B. He shall appoint all officers of the City, but such appointments must be approved by the City Council.
- C. Except as otherwise provided by law, he shall have the power to remove from office any officer appointed by him with council approved.

- D. Within the jurisdiction of the municipality, he shall have all the powers conferred by law upon sheriffs to suppress disorder and to keep the peace.
- E. He shall annually provide the Council with information relative to the affairs of the City and recommend for their consideration such measures as he deems expedient.
- F. He shall also have the power to sign or veto any ordinance or measure passed by the City Council and the power to veto any part or any item of any ordinance to resolution appropriating money. Said veto may be overridden with a three-fourths ($\frac{3}{4}$) vote.

Legislative History
1996 Revisions

Authority
SDCL Ch. 9-8 generally

1.03.05 ALDERMEN; ELECTION AND DEFINITION OF

Two Aldermen shall be elected at large from each ward for a term of two years until their successors are elected and qualified. There shall be one Alderman elected from each ward at each annual election for the regular term. Each Alderman shall be a resident and a qualified elector of the ward from which he is elected, and shall have resided in the City at least one year prior to his election.

Legislative History
1974 Revisions: Ord No. ____
1996 Revision

Authority
SDCL § 9-8-4

1.03.06 PRESIDING OFFICERS OF CITY COUNCIL

At the first regular meeting after the annual election in each year and after qualification of the newly elected Aldermen, the common council shall elect from among its own members, a President and Vice President who shall hold their respective offices for the Municipal year.

Legislative History
1974 Revisions
1996 Revision

Authority
SDCL § 9-8-7

1.03.07 CHAIN OF COMMAND

The President of the Council, in the absence of the Mayor, shall be the presiding officer of the Council and during the absence of the Mayor, or in the event of his temporary disability, the President shall be acting Mayor and possess all of the powers of the Mayor. In the absence or disability of the Mayor and President of the Council, the Vice President shall perform the duties of the Mayor and President of the Common Council.

Legislative History
1994 Revisions Ord. No.

Authority
SDCL § 9-8-7

1996 Revisions

1.03.08 COUNCIL ORDER OF BUSINESS

The mayor shall call to order all council meetings and the city finance officer shall call the roll, noting if a quorum is present so as to conduct business in the prescribed manner. Unfinished business from preceding meetings shall be taken up in order, unless some other business be made the special order of the meeting. The council may, from time to time, adopt an agenda format.

1.03.09 QUORUM

A majority of the Aldermen elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The meetings of the common council shall be open to the public.

Legislative History
1974 Revisions Ord. No.
1996 Revisions
2005 Revisions

Authority
SDCL § 9-8-8

1.03.10 SPECIAL MEETINGS OF THE CITY COUNCIL

The Council shall meet in special session whenever:

- A. The Mayor, or in his absence the President of the Council, notifies the members of the Council stating time and place of the special meetings, or whenever
- B. Two (2) or more members of the Council make a written request to the Mayor, or in his absence to the President of the Council, for a special meeting of the Council, who upon receipt of the written request for a special meeting, shall notify the members of the Council stating time and place of the special meeting. Any such special meeting as requested by two (2) or more Council members must be held no later than forty-eight (48) hours following the time the written request is presented.
- C. If the above-mentioned special meeting is called in order to accommodate a private citizen in order to expedite a request by said citizen, that private citizen shall pay the cost of such special meeting at the following rate: \$425.00.

Legislative History
1974 Revisions Ord. No.
1996 Revisions
2005 Revisions

Authority
SDCL Ch. 9-8 generally

1.03.11

RULES

Robert Rules of Order, Revised, shall be followed except when in conflict with a city ordinance. In addition the following rules and ordinances are adopted for the conduct of council meetings:

- A. If a quorum is not present at the opening of the meeting, a lawenforcement officer may be sent to compel absent members to attend.
- B. Reports made to the council for record shall be reduced to writing.

Legislative History
2005 Revisions

CHAPTER 1.04
CITY APPOINTIVE OFFICIALS

1.04.01

APPOINTMENT BY MAYOR

The Mayor, with the approval of the City Council, shall appoint the officers described in this chapter, and such officer shall then enter upon the discharge of their duties as soon as they have qualified, and shall hold office until appointment and qualification of their successors. Salaries of such officers shall be fixed by resolution. Said appointments shall be made at the first meeting in May, annually, except in election years when said appointments shall be made the first month following the mayoral election.

Legislative History
1974 Revisions Ord. No.
1996 Revisions
2004 Revisions

Authority
SDCL § 9-14-3

1.04.02

CITY ATTORNEY

In addition to those duties prescribed for a City Attorney by South Dakota Law, the City Attorney shall represent the City in all matters of City business, prepare such ordinances, notices, or other papers as are incidental to the affairs of the City, advise the City officials with respect to legal affairs of the City, to represent the City in litigation in which the City is named as a party. The City Attorney shall be entitled to reasonable compensation to be fixed by the governing body. In case of the absence of the City Attorney or his/her incapacity, or in matters deemed by the governing body to be of great importance to the City, or matters in which the City governing body deems the City Attorney needs assistance, a special attorney may be employed at such reasonable pay as shall be directed by them.

Legislative History
1996 Revisions

Authority
SDCL Ch. 8-9 generally

1.04.03 CHIEF OF POLICE

The Chief of Police shall have the general supervision of all members of the police force, and shall insure that the ordinances of the City of Hill City and the laws of the State of South Dakota are enforced within City limits. His/her duties include all those which are ordinarily undertaken by the Chief of Police and granted by local ordinances and the State. In lieu of a Chief of Police, the City may contract for law enforcement service with any appropriate law enforcement agency.

Legislative History
1996 Revisions
Contract Law Enforcement Agreement

Authority
SDCL Ch 9-14 generally

1.04.04 FINANCE OFFICER, ENGINEER, ADMINISTRATOR

The governing board of municipalities of the first class shall appoint an Auditor, Treasurer, Attorney, Engineer, Chief of Police, City Administrator, and such other officers as needed and provided for by ordinance. The governing board of municipalities of the second and third class shall appoint an Auditor or Clerk, Treasurer and such other officers as needed and provided for by ordinance. By resolution of the governing board of a municipality, the board may choose to appoint a Finance Officer instead of an Auditor or Clerk and Treasurer. The Finance Officer shall perform all of the duties of the Auditor or Clerk and Treasurer except where duplicate records are required, only one set of records is necessary. The Finance Officer shall be bonded in the same amount as is required for the Treasurer.

Legislative History
1994 Revisions Ord. No.
1996 Revisions

Authority
SDCL § 9-14-1

1.04.05 CITY ADMINISTRATOR

- a. Creation of Office. The office of the City Administrator is hereby created. The City Administrator shall be the chief administrative officer of the City and shall be responsible to the City Council for the proper administration of all affairs of the City.
- b. Appointment of City Administrator. The City Administrator shall be appointed by the mayor with the consent of a majority vote of the City Council for an indefinite term.
- c. Powers and Duties of City Administrator. The City administrator shall perform all duties and have all powers as provided by law and by resolution or motion of the City Council.

1.04.06 OTHER APPOINTIVE OFFICERS AND/OR EMPLOYEES
The governing body shall by resolution, appoint any such other City officers and employees as may be necessary, and at any such salary or wage as may be deemed appropriate.

Legislative History
1996 Revisions

Authority
SDCL Ch 9-14 generally

1.04.07 VACANCIES IN APPOINTIVE OFFICES
In the event of death, resignation, or removal from office of an appointed officer, the Mayor shall make such appointments as necessary to fill the unexpired portion of the term. Such appointments made by the Mayor shall be subject to the concurrence by the majority of the members of the City Council.

Legislative History
1996 Revisions

Authority
SDCL Ch. 9-14

1.04.08 REPORTS BY APPOINTIVE OFFICERS AND BOARDS
Every appointive officer and all boards shall make such reports to the City Council as required by the Council.

Legislative History
1996 Revisions

Authority
SDCL Ch. 9-14

1.04.09 DELIVERY OF BOOKS AND RECORDS
Within five (5) days after the expiration of his term of office, each officer or employee shall turn over to the Mayor or his successor, all books, papers, files, records and other property or things belonging to the City which may be in his possession or under his control.

Legislative History
1996 Revisions

Authority
SDCL Ch. 9-14

CHAPTER 1.05 DUTIES AND COMPENSATION OF APPOINTIVE OFFICERS

1.05.01 DUTIES GENERALLY
The officers of the City of Hill City shall have the powers and perform the duties as specified and all other powers and duties as given or required by the laws of the State of South Dakota, ordinances of the City of Hill City, and such other powers and duties as the City Council may from time to time order, not inconsistent with the laws of the State.

Legislative History
1996 Revisions

Authority
SDCL Ch 9-14 generally

1.05.02 COMPENSATION; DEFINITION OF

Compensation, under this chapter, means the same as reimbursement or repair or covering the costs of such specified items which would be included in repair.

Legislative History
1996 Revisions

Authority
SDCL § 9-12-1 and
Ch. 9-14 generally

1.05.03 COMPENSATION; GENERAL APPLICATION

The City of Hill City may appropriate funds to pay the necessary expenses of its officers or employees in conducting such business or attending such meetings as the governing body shall determine necessary to carry out authorized municipal activities.

Legislative History
1996 Revisions

Authority
SDCL § 9-12-2;
see also Ch. 9-14

1.05.04 PERSONNEL POLICIES AND BENEFITS

The City Council of the City of Hill City shall have the power and authority to establish and from time to time amend by resolution, personnel policies for City employees which shall include but are not limited to, policies regarding job descriptions, salaries and employee benefits such as sick leave and vacation leave.

Legislative History
1996 Revisions

**CHAPTER 1.06
CITY BOARDS AND EMPLOYEES**

1.06.01 SUPERVISION OF PARKS

City parks shall be under the supervision of the Park Board. The purpose of the Park Board shall be to establish, improve, care for, regulate and manage a system of public parks and parkways in and for the City of Hill City. Said Park Board shall be under the control and supervision of the governing body, and the governing body shall prescribe all rules, regulations, and responsibilities of said Park Board.

- A. Composition: The Park Board shall be composed of five members, to serve without pay, each of whom shall be a resident of the City.
- B. Members Not to Be Elected Officer: The members of the Park Board shall not hold any elective office in the government of the City.
- C. Appointment: The members of the Park Board shall be appointed by the Mayor with the approval of the Common Council of the City.

- D. Terms: After the passage of the amendment to the Park Board Ordinance, the governing body shall appoint five members to the Park Board. One member shall be appointed to hold office until the first regular meeting of the governing body in May after his appointment and until his successor is appointed and qualified, and one to hold office for one year, and two to hold office for two years, and one to hold office for three years after the first meeting in May after his appointment and until his successor is appointed and qualified.
- E. Vacancies: Any vacancy on the Park Board shall be filled for the unexpired term of the member vacating such Board in the same manner as is required for a regular appointment and shall also qualify for such position as is provided herein.
- F. Qualification of Members: The President and Treasurer of the Park Board, before entering upon his or her official duties, shall give bond to the City in the amount of \$2,500.00 for the faithful performance of his or her duties shall take and file in the City Finance office with said bond, the usual oath of office required for appointive officers of the City. The City shall pay any premium for the bonds required to be given by members of the Board or its officers or its employees. All official bonds required under the provision of this Ordinance shall be approved by the Council of the City of Hill City.
- G. Meetings: The Park Board shall hold regular meetings at least once each month and as many special meetings as it deems proper.
- H. Officers: At the first regular meeting of the Park Board in May of each year, the Board shall elect from its members a president, vice-president, secretary and treasurer, each of whom shall serve until the first meeting of said Board in May of the following year. The vice-president shall act in the absence or disability of the president. In case of death or retirement of an officer, a successor shall be elected immediately.
- I. Quorum: Three (3) members of the Park Board shall constitute a quorum for the transaction of business.
- J. Affirmative Action: An affirmative vote of at least three (3) members of the Park Board shall be necessary to authorize any action of the Board.
- K. Records: The secretary of the Park Board shall keep a record of its proceedings and make such reports as may be required by the Board. In the absence or inability to act, the Board may appoint a secretary pro temp to perform his or her duties. The records of such Board kept by its secretary shall be competent evidence of the proceedings of such Board and kept on file at the City Finance Office.

- L. Reports: A member of the Park Board shall report to the City Council at the next meeting of the City Council which follows the regular monthly meeting of the Park Board.
- M. Powers and Duties: The Park Board shall have all of the powers and duties and be subject to limitations and enjoy those privileges and immunity as provided by State Law.
- N. Limitations: The Park Board shall obtain approval from the Common Council before taking action on any capital expenditures in excess of Three Hundred Dollars (\$300.00).
- O. Contributions, Donations and Monies:
Monies received from contributions, donations and income generated from park promotions shall be placed in the City's account in the local bank and designated for the Park Board with the authorized signature being the City Finance Officer.
- P. Payment of Funds: The City Finance Officer shall pay out funds from said account upon requisition of the president and secretary of the Board and pay warrants drawn and executed as other warrants for general expenditures.

1.06.02 PROTECTION OF PARK PROPERTY

It is unlawful to deface, damage, or in any way interfere with any structure or property in any city park. The penalty for violation of this section shall be \$50.00.

1.06.03 PROTECTION OF TREES

It is unlawful to interfere with or damage any trees or vegetation in any city park. The penalty for violation of this section shall be \$50.00.

1.06.04 RUBBISH

It is unlawful to throw or deposit any refuse or garbage of any kind in any city park or any body of water within or adjoining a city park, unless such garbage or refuse is deposited within a proper receptacle. The penalty for violation of this section shall be \$50.00.

1.06.05 DRIVING IN PARKS

It is unlawful to drive any vehicle upon the grass or planting space in a city park, except places provided for parking and driving. The penalty for violation of this section shall be \$50.00.

1.06.06 SELLING MERCHANDISE

It is unlawful to peddle or offer for sale any merchandise in a city park without permission from the Park Board. The penalty for violation of this section shall be \$50.00.

Legislative History
for 1-6-1 through 1-6-6
1986 Revisions Ord. No. 1.05.05
1996 Revisions

Authority
SDCL Ch 9-14 generally

1.06.07 CEMETERY AND CEMETERY SUPERINTENDENT

The City Council shall have the authority and responsibility to own, care for and maintain a cemetery. The town finance officer shall have the responsibility for the receipt and disposition of all fees, money gifts, deposits, perpetual care payments and the establishment and control of all cemetery funds, the issuance of all lot sale certificates. The cemetery superintendent shall be the actual supervisor of all work done at the cemetery and shall keep a record of all lost, sold and used. The City Finance officer duplicate and keep a separate record of lots sold and used. The cemetery superintendent shall also be hired by the City Council for a term established by the City Council.

1.06.08 LIBRARY

Board of Trustees

The public library shall be governed by a board of public library trustees. The name of the board shall be "The Board of Trustees of the Hill City Library". The purpose of the Board of Trustees is to oversee the operation of the public library. The Board of Trustees shall consist of five voting members appointed by the City Council; one member of the City Council shall be appointed by the Mayor to serve as a voting member; and, the city librarian shall be a non-voting member of the Board of Trustees. In addition, the City Council may appoint additional members as may be required by intergovernmental agreements or law.

The Board of Trustees shall perform the functions authorized by South Dakota Codified Laws. The Board of Trustees shall adopt bylaws for the conduct of their business and adopt policies for the selection of library materials, the governance of the library, and the use of public library services and materials. The Board of Trustees shall prepare and submit an annual budget request to the City Council and adopt a final budget within the funds the City Council determines to appropriate for the public library. The Board of Trustees may contract for the provision or improvement of services. It may also contract with the school district for provision of any or all school library services.

Authority: SDCL 14-2-35 through SDCL 9-14-41

Librarian

The Board of Trustees shall appoint a librarian on an annual basis. The librarian shall be an employee of the City, shall receive the benefits provided all other City employees, and shall be subject to all City personnel rules and policies. The librarian shall be paid the rate of compensation and benefits established by the City Council.

The librarian will be responsible for the management and administration of the library under the direction of the Board of Trustees of the Hill City Library. The librarian shall work directly with the City Administrator on day to day operational issues and report those issues to the Board of Trustees.

The librarian shall be responsible for coordinating employment and directing the staff, for selecting library material, for the care of the buildings and equipment, the publishing and enforcement of the policies approved by the Board, executing all contracts and agreements approved by the Board, and, for operating the library under the financial conditions set forth in the annual budget. The librarian shall keep accurate account of money's received or expended and shall perform the duties of Secretary of the Board, shall prepare and present such reports as required by the Board or are required of the Board by the City, and shall attend all Board meetings except when his or her employment or salary is to be discussed. The librarian may carry out any other activities authorized by law that the Board considers appropriate in the development, improvement, and provision of public library services.

Authority: SDCL 14-2-42

Prohibited Acts

A. It is unlawful for any person to write in, injure, deface, tear or destroy, any book, plate, picture, engraving, map, newspaper, magazine, pamphlet, periodical, manuscript, microfilm or phonograph record, recording tape, compact disk, dvd or other media belonging to the Hill City Public Library.

B. It is unlawful for any person to damage or deface the grounds, buildings, furniture, fixtures or other property of the public library.

C. It is unlawful for any person to borrow any book or other item from the Hill City Public Library and thereafter fail to return the book or other item to the library within 30 days of the date the person borrowed the book or other item from the library.

D. It is unlawful for any person to remove or assist in the removal from the public library, any book, plate, picture, engraving, map, newspaper, magazine, pamphlet, periodical, manuscript, phonograph record, microfilm, videos, compact disks, computer software or recording tape or other item belonging to the public library, without first having the same charged or checked out by the proper agent or employee of the library in accordance with the requirements of the bylaws or other rules and regulations of the library Board of Trustees.

1.06.09

PUBLIC WORKS SUPERINTENDENT AND STREET COMMISSIONER

A water and wastewater (sewer) superintendent shall be hired by the City Council. The salary for the superintendent shall be determined by the Board. The superintendent shall be responsible for the proper and sanitary operation and maintenance of the city water and wastewater plants. All operators of such plants shall be certified by the State Health Officer as provided by law. The fees for license application and renewal shall be paid from town funds.

Legislative History
1995 Revisions

Authority
SDCL Ch 9-12-3,
36-22A-18

CHAPTER 1.07
CODE OF CONDUCT; FEDERAL GRANTS

1.07.01

APPLICATION

This Code of Conduct applies to all officers, employees, or agents of the City engaged in the award or administration of contracts supported by federal grant funds.

Legislative History
1996 Revisions

Authority
SDCL § 9-1-5

1.07.02

REQUIREMENTS

No officer, employee, or agent of the City shall participate in the selection, award or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- A. The employee, officer or agent;
- B. Any member of his or her immediate family;
- C. His or her partner; or
- D. An organization which employs, or is about to employ any of the above has a financial or other interest in the firm selected for the award.

Officers, employees or agents of the City shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

Legislative History
1996 Revisions

Authority
SDCL § 9-1-5

1.07.03 REMEDIES

To the extent permitted by federal, state or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the City officers, employees, or agents or the contractors, potential contractors, or their agents.

Legislative History
1996 Revisions

Authority
SDCL § 9-1-5

**CHAPTER 1.08
FINANCIAL REGULATIONS**

1.08.01 PROPOSAL OF BUDGET BY CITY FINANCE OFFICER

The City Finance Officer shall prepare a recommended budget in August for the fiscal year beginning the following January first. The finance officer shall receive estimates of receipts and expenditures from the departments of town government (supra, 1.05) and make necessary investigations concerning the budget.

Legislative History
1974 Revisions Ord. No. 2.01

Authority
SDCL § 9-12-3,
9-21-2, 9-22-23

1.08.02 FORM OF RECOMMENDED BUDGET

The recommended budget shall include receipts and expenditures of the general fund, the liquor fund, water and sewer fund, other special funds, outstanding bond issues and special assessment funds, if any, and shall comply with the manual published by the State Director of Audits and Auditor.

Legislative History
1974 Revisions Ord. No. 2.02

Authority
SDCL § 4-11-6,9-21-6

1.08.03 CONSIDERATION OF BUDGET BY CITY COUNCIL

The City Council shall consider the budget and entire annual appropriation ordinance at the first meeting in September or within 10 days thereafter as provided by law.

Legislative History
1974 Revisions Ord. No. 2.03

Authority
SDCL § 9-21-6

1.08.04 FILING OF THE APPROPRIATIONS ORDINANCE AND TAX LEVY

The appropriations ordinance containing the budget and the tax levy shall be passed by at least a majority of the governing body and filed with the county auditor on or before October 1, or each year as prescribed by law.

Legislative History
1974 Revisions Ord. No. 2.05
1996 Revisions

Authority
SDCL § 9-11-19,
9-21-20

1.08.05 CONTINUATION OF SPECIAL FUNDS

The special funds created for the receipt of revenue from the municipal liquor store and the water and sewer service shall continue in existence. Monies from these two operations may be transferred to the general fund. The City Council may set up other special funds as it finds necessary and as allowed by law.

Legislative History
1974 Revisions Ord. No. 2.06
1996 Revisions

Authority
SDCL § 9-22-16

1.08.06 WARRANTS AND RECEIPTS

All warrants shall be signed by the Mayor and countersigned by the Finance Officer and in all other ways comply with state law. The City Finance Officer shall be responsible for using consecutively numbered receipts for better fiscal administration. The Finance Officer shall keep a warrant register which shall show in columns arranged for that purpose the number, date, and amount of each warrant presented, the name of the person presenting the same, the date notice for payment is made, the amount of interest and the total amount paid thereon.

Legislative History
1974 Revisions Ord. No. 2.07
1996 Revisions

Authority
SDCL § 9-22-18,
9-23-3

1.08.07 REQUIRED EFFORT TO KEEP WITHIN BUDGET

It shall be the obligation of all municipal officials, elected and appointed, to make reasonable efforts to keep within the expenditures specified in the City budget and to limit supplemental appropriations except for real financial emergencies.

Legislative History
1974 Revisions Ord. No. 2.08
1996 Revisions

1.08.08 ANNUAL FISCAL REPORT TO COUNTY AUDITOR

It shall be the duty of the City Finance Officer to report to the Pennington County Auditor the total indebtedness, and the purpose for which issued, the liabilities, assets, resources and the total receipts and disbursements for the fiscal year past or as of December 31.

Legislative History
1974 Revisions Ord. No. 2.08
1996 Revisions

Authority
SDCL § 6-9-1

1.08.09 AUTHORITY TO ISSUE BONDS

The governing body of a municipality has authority to issue general obligation bonds and bonds for special purposes that pledge the credit of the municipality after a special or regular municipal election sixty percent of the voters assent to issuance of the bonds. A resolution must be passed by the board stating the need for a general obligation bond. An ordinance passed supporting the issuance of revenue bonds must state specifics of the proposed undertaking, the maximum amount of the bonds to be issued, the maximum interest rate and the number of such bonds.

Legislative History
1974 Revisions Ord. No. 2.20

Authority
SDCL § 9-26-2, 9-19-1
9-26-3, 9-40-5

1.08.10 BONDS TO BE COUNTERSIGNED BY AN ATTORNEY

All bonds issued by this municipality, general obligation, special purpose and others shall be countersigned by an attorney actually residing in the state of South Dakota and duly licensed to practice therein. All bonds not countersigned as provided above shall be void and unenforceable.

Legislative History
1974 Revisions Ord. No. 2.21
1996 Revisions

Authority
SDCL § 6-8-8, 6-8-9

1.08.11 SPECIAL FUNDS

The gross receipts from all operations built by issuance of revenue bonds shall be deposited in a special fund from which shall be drawn money only for maintenance of the operation and payment of interest to the bondholders. When the bonds have all been paid, receipts shall go to the general fund.

1.08.12 INVESTMENT OF FUNDS

If cash on hand exceeds the requirements of current expenditures, the City Finance Officer is hereby authorized and directed to invest such idle funds individually or by pooling cash resources in interest-bearing accounts and certificates of deposit, insured by FDIC. All eligible funds shall be invested locally. All interest earnings must be credited to the respective funds providing the principal amount for investments.

Legislative History
Resolution 1990-04

Authority
SDCL § 4-5-8

CHAPTER 1.09 RECORDS

1.09.01 RECORDS MANUAL

That the Records Retention and Destruction Schedule Manual, authorized for South Dakota Municipalities by the Office of Records Management, Bureau of Administration, State of South Dakota, is hereby adopted, and that a printed copy of such Records Retention and Destruction Schedule Manual shall be filed with the Municipal Finance Officer as an original ordinance.

Legislative History
1996 Revisions

Authority
SDCL Ch. 9-14

1.09.02 EMPLOYEE SALARIES

The salaries of all City employees shall be kept on record in the City Finance Office, after they have been approved of by the City Council. The salaries shall be passed according to the resolution and shall take effect immediately upon majority approval.

Legislative History
1996 Revisions

Authority
SDCL § 9-14-28