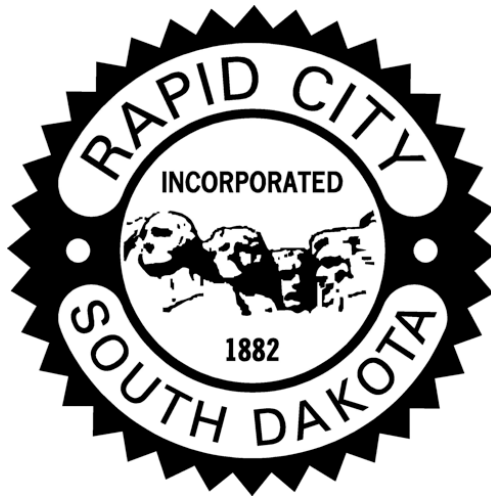


Rapid City Common Council

Policies & Procedures



Adopted: 05-19-2003
Amended: 04-18-2005
Amended: 08-02-2010
Amended: 10-03-2011
Amended: 04-16-2012
Amended: 10-30-2015

CHAPTER 1. MAYOR - COUNCIL DUTIES

STATUTORY PROVISIONS

§ 9-8-3. Powers and duties of mayor - Veto power.

The mayor shall preside at all meetings of the council but shall have no vote except in case of a tie. He shall perform such other duties as may be prescribed by the laws and ordinances, and take care that such laws and ordinances are faithfully executed. He shall annually and from time to time give the council information relative to the affairs of the first or second class municipality, and shall recommend for their consideration such measures as he may deem expedient. He shall have the power to sign or veto any ordinance or resolution passed by the common council, and the power to veto any part or item of an ordinance or resolution appropriating money.

9-19-10. Veto power of mayor - Items in appropriation ordinances.

The mayor in any municipality with a common council may veto any ordinance or resolution by filing a written objection with the finance officer within ten days after its passage. The veto may extend to any one or more items contained in an ordinance or resolution making an appropriation or to the entire ordinance or resolution. If the veto only extends to a part of such ordinance or resolution, the remainder shall take effect.

§ 9-8-4. Composition of common council - Election and terms of office.

The common council shall consist of the mayor elected at large and two aldermen elected from and by the voters of each ward of the municipality. The term of office shall be for three years. The mayor and aldermen shall hold office until successors are elected and qualified. At the first election of aldermen, the council shall stagger the initial terms of the alderman in each ward to provide that the two aldermen are not up for reelection in the same year. A person may hold office for more than one term.

§ 9-14-5. Qualification and discharge of duties of office by appointive and elective officers.

Each appointive municipal officer shall begin discharging the duties of the office as soon as the officer has qualified and shall hold office until the appointment and qualification of a successor.

Each elective municipal officer, if elected to fill a vacancy, shall begin discharging the duties of the office as soon as the officer has qualified. Except as otherwise provided, each officer, if elected for a full term, shall begin discharging the duties of the office on the first meeting of the month next succeeding the election or as soon thereafter as the officer has qualified.

§ 9-8-5. Power of council to judge members and govern proceedings - Bribery vacating office.

The council shall be the judge of the election and qualification of its own members. It shall determine its own rules of procedure, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the aldermen elected thereto, may expel a member.

Any alderman who shall have been convicted of bribery shall thereby vacate his office.

§ 9-8-7. President and vice-president of council - Election and duties.

At the first regular meeting after the annual election in each year and after the qualification of the newly elected aldermen, the council shall elect from among its own members a president and vice-president, who shall hold their respective offices for the municipal year.

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 from the first or second class municipality or his temporary disability shall be acting mayor and possess all 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 council.

§ 9-14-3 Authority to appoint municipal officers.

All appointive officers of a municipality governed by a mayor and common council shall be appointed by the mayor with the approval of the council, and in other municipalities they shall be appointed by a majority vote of the members elected to the governing body, except as provided in the city manager law and subject to the provisions of the civil service applying to employees, policemen, and firemen.

ORDINANCES

2.12.020 Qualifications - Term.

The mayor shall be a citizen of the United States and a qualified elector of, and resident of, the city. He shall hold office for four years. The provision establishing a 4-year term shall not take effect until the municipal election in 2019. (Prior code § 2-52)

2.12.030 Duties.

The mayor shall perform such duties as may be prescribed by the laws and ordinances and take care that such laws and ordinances are faithfully executed. (Prior code §2-53)

2.12.010 Designated chief executive officer.

The mayor shall be the chief executive officer of the city. (Prior code § 2-51)

2.12.040 Power to sign or veto ordinances and resolutions.

The mayor shall have the power to sign or veto any ordinance or resolution passed by the common council, as well as the power to veto any part or item of an ordinance or resolution appropriating money. (Prior code §2-54)

2.12.050 Required reports and recommendations.

The mayor shall, annually and from time to time, give the council information relative to the affairs of the city and shall recommend for its consideration such measures as he may deem expedient. (Prior code § 2-55)

2.12.060 Vacancy - Temporary disability.

If there is a vacancy from any cause in the office of the mayor, the vacancy shall be filled by appointment of a majority of the members-elect of the common council, as soon as practicable after the vacancy occurs, to serve until the office is filled by election for the unexpired term at the next annual municipal election. Until the vacancy is filled or during the time of temporary disability of the mayor, the powers and duties of the mayor shall be executed by the president of the city council. (Ord. 2929 (part), 1992: prior code § 2-56)

2:04.010 Appointive officers - Appointment, qualifications and term.

The mode of appointment of all appointive officers, their terms of office, and the manner of their qualifications shall be as provided by statute and applicable ordinance. Unless otherwise provided, all appointive officers shall be appointed by the mayor. (Ord. 2969 (part), 1992: prior code § 2-11)

2:04:020 Appointive officers - Duties.

The duties of the various appointive officers of the city shall be such as are ordinarily undertaken by such officers and as provided by the ordinances and by statute. Such officers shall do and perform such duties as may be assigned to them. (Ord. 2969 (part), 1992: prior code § 2-12)

RULES

1-1. Presiding Officer.

The Mayor shall preside at council meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter.

If the Mayor is absent, or wishes to participate in debate, the council president shall preside. If both the Mayor and council president are absent, or involved in debate, the council vice president shall preside. If neither are available the presiding officer shall designate another council member to preside over the debate.

The council president and vice president retain all of his or her rights as a member, including the right to vote on all matters. The Mayor shall have the right to vote only when there is a tie. The Mayor may not make motions, but may debate all motions, if he or she relinquishes the chair.

1-2. Organizational Meeting.

On the date and at the time of the first regular meeting following the annual municipal election, the newly elected members shall take and subscribe the oath of office as the first order of business. As the second order of business, the board shall elect a president and vice president.

CHAPTER 2. AGENDA, ORDER AND DEBATE

ORDINANCES

2.08.100 Expulsion of members.

Whenever two-thirds of the whole member of the council shall concur, the council may expel any member of the council for gross misconduct, disorder, or repeated violation of duty. (Prior code § 2-40)

RULES

2-1. Agenda.

(a) Proposed Agenda. The Finance Officer shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least two (2) working days before the meeting. Any council member may, by a timely request, have an item placed on the proposed agenda. A copy of all items shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as background information on the subject as is available and feasible to reproduce. Each council member shall receive a copy of the proposed agenda and the agenda package and it shall be available for public inspection at www.rcgov.org.

(b) Adoption of the Agenda. As its first order of business at each meeting, the council shall discuss and revise the proposed agenda and adopt an agenda for the meeting. The council may by a majority vote add items to or subtract items from the proposed agenda, except that the council may not add items to the agenda of a special meeting. If items are proposed to be added to the agenda, the council may, by majority vote, require that written copies of particular documents connected with the items be made available.

2-2. Consent calendar recommendations by standing committees.

Each standing committee may report an uncontested resolution out of committee with the recommendation that it be placed on the consent calendar. As used in this rule, an "uncontested ordinance or resolution" is any ordinance or resolution, which receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present.

2-3. Consent calendar placement, objections.

Any ordinance or resolution certified by the committee chair as having received no dissenting votes in the committee shall be placed on the consent calendar. Upon objection of any member to the placement or retention of any matter on the consent calendar, it shall be removed from the consent calendar and be placed on the agenda.

2-4. Continued items consent calendar.

If, after compilation of the agenda and before the regular meeting of the council, it is known that items will need to be continued, those items shall be placed together under an item bearing the heading "continued items consent calendar." Upon objection of any member to the placement or retention of any matter on the consent calendar, it shall be removed from the consent calendar for discussion purposes.

2-5. Consent calendar.

A matter requiring a two-thirds vote of the members-elect may not be voted on the consent calendar.

2-6. Consent calendar items - questions, voting.

Items on the consent calendar are not debatable. The presiding officer shall allow a reasonable time for questions from the council. Immediately before voting on the first item on the consent calendar, the presiding officer shall call to the attention of the members the fact that the next roll call will be the roll call on the items on the consent calendar. Approval of the consent calendar by a majority of the members-elect of the council is considered final disposition of all matters on the consent calendar.

2-7. Public Address to the Council.

Any individual or group who wishes to address the council shall make a request to be on the agenda on forms provided. Each speaker will be limited to three (3) minutes per individual with a maximum of ten (10) minutes per side (pro and con), unless otherwise ordered by the council by a majority vote. The council retains the right to determine not to hear public testimony and may designate the specified times on the agenda for public input.

2.8. Public Hearings.

Public hearings required by law or deemed advisable by the council shall be organized by a special order that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the pertinent matters. The special order is adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups or persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meeting law, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to council meetings shall also apply to public hearings at which a majority of the council is present; such a hearing is considered to be a part of a regular or special meeting of the council. These requirements also apply to hearings conducted by appointed or elected committees of council members, if a

majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement.

At the time appointed for the hearing, the chair or his or her designee shall call the hearing to order and preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

2.9. Order of Business.

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall normally be as follows: (Amended by City Council 4-18-05; 4-16-2012)

ROLL CALL AND DETERMINATION OF QUORUM

INVOCATION

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA

AWARDS & RECOGNITIONS

EXECUTIVE SESSION

STAFF DIRECTION

GENERAL PUBLIC COMMENT

NON-PUBLIC HEARING ITEMS

Public Comment Opened

Public Comment Closed

CONSENT ITEMS

Approve Minutes

Vacations of Right-of-way Set For Hearing

Alcoholic Beverage License Applications Set For Hearing

Public Works Committee Consent Items

Legal & Finance Committee Consent Items

Community Planning & Development Services Department Consent Items

Continued Consent Items

END OF CONSENT CALENDAR

NON-CONSENT ITEMS

Public Comment Opened

Public Comment Closed

Ordinances

Community Planning & Development Services Department Items

Legal & Finance Committee Items

Public Works Committee Items

Bids

Alcoholic Beverage License Applications

Reissuance

Special Event

Mayor's Items

Council Items & Liaison Reports

Reconsideration Notices

Motion for Delivery of Items from Committee

Staff Items

Appeals

DARB

License Application Appeals

Sign Code Appeals

Other Appeals Heard by the Council

CIP Committee Items

PUBLIC HEARING ITEMS

Open Public Hearing (comment) [Public Hearing Remains Open]

CONTINUED PUBLIC HEARING CONSENT ITEMS

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Close Public Hearing (comment)

CONSENT PUBLIC HEARING ITEMS

Community Planning & Development Services Department Items

Alcohol Licenses

Assessment Rolls

Other Items Requiring Public Hearings

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS

BILLS

ADJOURN

Once a proposed agenda has been adopted, a two-thirds vote is required to change the agenda.

2.10. Questions of order.

Only members of the Council, and the Mayor if not the presiding officer, may raise a point of order. The presiding officer shall decide all questions of order, subject to a motion of appeal. No member may speak more than once on an appeal without the consent of a majority of the members present. The presiding officer may speak without relinquishing the chair.

2.11. Recognition of members for remarks.

When a member desires to speak, that member shall respectfully address the presiding officer. When the presiding officer recognizes the member, that member is entitled to the floor. The member first to address the presiding officer shall speak first, subject to the right of the maker of a motion to speak first. If two or more members address the presiding officer at the same time, the presiding officer shall name the member who is to speak first.

2.12. Time allowed for a member to speak.

Each member may speak on the pending subject before any member speaks twice. No member may speak more than twice nor longer than five minutes on the same subject without the consent of a majority of the members present. However, a member may speak an additional ten minutes if the time is yielded by individual members of the council. In computing the time allowed for argument, the time consumed in asking questions is considered. If a member consents to the question, the time consumed by the answer is taken out of the time allowed to

the person answering the question.

2-13. Questions of other members.

If a member wishes to ask a question of another member, that member shall courteously do so through the presiding officer and with the consent of the member to whom the question is addressed. Any question addressed to a member shall relate to a question before the body and shall be concisely asked for the sole purpose of obtaining information. No question may reflect upon the character or conduct of any official, contain argument or debate, or inquire about the course a member proposes to follow.

2-14. Those permitted to speak to the body.

No person other than a member may speak upon any subject before the council once public testimony has been closed and final action is being considered unless a member makes a motion to allow another person to speak and the members present unanimously consent. Questions may, however, be directed by the council to staff or a member of the public through the presiding officer at any time.

2-15. Preservation of decorum.

The presiding officer shall preserve order and decorum and, in the case of disturbance or disorderly conduct, may order the meeting room to be cleared.

2-16. Call to order.

If a member is called to order, that member shall remain silent until the presiding officer determines whether the member is in order. The decision of the presiding officer is subject to a motion of appeal.

2-17. Cellular telephones prohibited.

Cellular telephones may not be used while the council is in session.

CHAPTER 3. MEETINGS, QUORUMS, AND ATTENDANCE

STATUTORY PROVISIONS

§ 9-8-8 Meetings of council - Quorum - Journal of proceedings.

The council shall hold its regular meetings on the first and third Mondays of each month. It may prescribe by ordinance the manner in which special meetings may be called and may so change the day of its regular monthly meetings.

A majority of the aldermen elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absentees under such penalties as may be prescribed by ordinance.

It shall sit with open doors and shall keep a journal of its proceedings.

9-8-11. Reconsideration of council action.

No vote of the council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

9-19-11. Reconsideration of vetoed ordinance - Vote required to override veto.

If the mayor vetoes any ordinance or resolution, the finance officer shall present the ordinance or resolution with the mayor's written objection at the next meeting of the council and it may be reconsidered. If the ordinance or resolution is passed by a two-thirds vote of all the aldermen, it shall be published and become effective notwithstanding the mayor's disapproval.

ORDINANCES

2.08.010 Meetings - Time and place.

The regular meetings of the common council shall be on the first and third Mondays of each month, at the city/school administration center, at such hour as the council shall fix from time to time. If a regular meeting day falls upon a holiday observed by the city, the regular meeting shall be held on the day following. (Ord 2969 (part), 1992: prior code § 2-31)

2.08.020 Meetings - Special.

Special meetings of the council may be called by the mayor or by any three council members at any time, to consider only such matters as shall be mentioned in the call for such hearing, by written notice thereof given to each member of the council then in the city. Upon demand for such call, the finance officer shall give the notice above specified. (Ord. 2969 (part), 1992: prior code §2-32)

2.08.030 Meetings - Open to public - Addressing.

The meetings of the council shall be open to the public except such executive sessions as may be allowed by law, but it shall be unlawful for any person to interfere in any way with the deliberation of the council at such meetings, and no person not a member of the council shall address or deliver any remarks to the council at such meetings without first asking for and receiving the privilege of so doing. (Ord. 2969 (part), 1992: prior code § 2-33)

2.08.050 Meetings - Attendance may be compelled - Penalty for failure to attend.

The council may compel the presence of absent members by sending the chief of police or any police officer to require their attendance. If any member refuses to attend after being so notified, he shall state his reasons therefor to the council at its next meeting. If the council deems such reasons insufficient, the council may impose any reasonable penalty which is provided in any bylaws adopted by it. (Prior code § 2-35)

2.08.060 Meetings - Recess.

The council may recess a meeting to a later time, in which event the recessed meeting shall be considered as part of the first meeting. (Ord. 2969 (part), 1992: prior code § 2-38)

2.08.070 Quorum.

A majority of the alderman shall constitute a quorum for the transaction of all business, but a lesser number may adjourn from time to time and may compel the attendance of absentees, as provided by Section 2.08.050 (Ord. 2969 (part), 1992: prior code § 2-36)

RULES

3-1. Regular Meetings.

The regular meetings of the Rapid City Common Council shall be on the first and third Mondays of each month, at the city/school administration center, at such hour as the council shall fix from time to time. If a regular meeting days falls on a holiday observed by the city, the regular meeting shall be held on the day following.

3-2. Special, Emergency, and Recessed Meetings.

(a) Special Meetings. Special meetings of the council may be called by the mayor or by any three council members at any time, to consider only such matters as shall be mentioned in the call for such meeting, by written notice thereof to each member of the council then in the city. Upon demand for such call, the finance officer shall give the notice above specified. No consideration of a veto override may be considered at any special meeting unless there is in attendance at that meeting no less than the number of council members present at the time of the vote on the final passage of the vetoed measure.

(b) Recessed Meetings. A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion made and

adopted in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed session of a properly called regular, special, or emergency meeting.

3-3. Minutes.

Full and accurate minutes of the council proceedings shall be kept, which shall include a summary of the discussion and issues raised by the members. These minutes shall be open to inspection by the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the council, the entire council shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes if the council approves.

CHAPTER 4. VOTING REQUIREMENTS AND PROCEDURE EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS

STATUTORY PROVISIONS

9-1-5. Contracts to be authorized by governing body - Execution of contracts and conveyances.

Contracts of a municipality shall not be valid unless authorized by a vote of the governing body at a duly assembled meeting thereof.

All written contracts of and conveyances by the municipality shall be executed in the name of the municipality by the mayor or president of the board of trustees, be countersigned by the auditor or clerk, and have the corporate seal attached.

9-8-9. Deferral of final action on council committee reports.

Any report of a committee of the council shall be deferred for final action thereon to the next regular meeting of the council after the report is made, upon the request of any two aldermen present.

9-8-10. Recording of votes by council members - Number of votes required for action.

The yeas and nays shall be taken upon the passage of all ordinances and upon any proposal to create a liability against the first or second class municipality or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings.

The concurrence of a majority of all the aldermen shall be necessary to the passage of any such ordinance or proposal.

It shall require a two-thirds vote of all the aldermen to sell any city property.

9-8-11. Reconsideration of council action.

No vote of the council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

9-19-1. Definitions of terms.

The word "ordinance" as used in this title shall mean a permanent legislative act of the governing body of a municipality within the limits of its powers.

The word "resolution" as used in this title shall mean any determination, decision, or direction of the governing body of a municipality of a special or temporary character for the purpose of initiating, effecting, or carrying out its administrative duties and functions under the laws and

ordinances governing the municipality.

9-19-3. Power to adopt, amend and repeal ordinances and resolutions - Maximum penalty.

Every municipality may enact, make, amend, revise, or repeal all such ordinances, resolutions, and regulations as may be proper and necessary to carry into effect the powers granted thereto, and to provide for the punishment of each violation thereof by a fine not exceeding two hundred dollars or by imprisonment not exceeding thirty days or by both such fine and imprisonment.

9-19-7. Reading, passage and publication of ordinances - Codes incorporated by reference.

The title of all ordinances shall be read twice with at least five days intervening between the first and second reading. The ordinance shall be signed by the mayor or acting mayor or president of the board of trustees, filed with the auditor or clerk, and published once except that an ordinance incorporating and adopting comprehensive regulations or a code promulgated, approved, and published by a recognized and established national organization prescribing building, electrical, plumbing, safety, fire, health or milk regulations need not be published in a newspaper, but upon adoption of such an ordinance the auditor or clerk shall publish a notice of the fact of adoption once a week for two successive weeks in the official newspaper, and twenty days after the completed publication of such notice, unless the referendum shall have been invoked, such ordinance shall become effective.

9-19-8. Passage, recording and publication of resolutions.

Any resolution may be passed after one reading and shall be recorded at length in the minutes of the meeting at which it is passed, with a statement of the number of votes for and against it. Such resolution shall be published in full either as part of the minutes or separately.

9-19-9. Recording of votes on ordinances.

The vote upon all ordinances upon the second reading and to pass the same over any veto shall be taken by yeas and nays and entered upon the minutes of the meeting.

9-19-11. Reconsideration of vetoed ordinance - Vote required to override veto.

If the mayor vetoes any ordinance or resolution, the finance officer shall present the ordinance or resolution with the mayor's written objection at the next meeting of the council and it may be reconsidered. If the ordinance or resolution is passed by a two-thirds vote of all the aldermen, it shall be published and become effective notwithstanding the mayor's disapproval.

9-19-12. Ordinances becoming law without mayor's signature.

If the mayor fails to sign any ordinance or resolution or file written objections thereto within ten days after its passage, the ordinance or resolution shall be published and become a law without the mayor's signature.

9-19-13. Effective date of resolutions and ordinances.

Except such resolutions or ordinances as may be necessary for the immediate preservation of the public peace, health, or safety, or support of the municipal government and its existing public institutions, or which provide for an election or for hearing on an improvement or assessment or which call for bids, which take effect upon the passage and publication thereof, every resolution or ordinance passed by the governing body shall take effect on the twentieth day after its publication unless suspended by operation of a referendum.

9-19-16. Revision of ordinances - Committee to prepare revision.

Every municipality shall have the power to revise the ordinances as provided herein. The governing body of any municipality not oftener than once every five years may appoint a committee of one or more competent persons to prepare and submit for its consideration an ordinance in revision of the ordinances of the municipality.

ORDINANCES

2.28.010 Approval as to form, legality and ability to administer.

All ordinances, resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney or his authorized representative, and shall have been examined and approved for administration by the mayor or his authorized representative, where there are substantive matters of administration involved. All such instruments shall have first been referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would devolve and be approved by the department head; provided, however, that if approval is not given, then the same shall be returned to the mayor with a written memorandum of the reasons why such approval is withheld. In the event the questioned instrument is not redrafted to meet the department head's objection, or objection is not withdrawn and approval in writing given, then the mayor shall so advise the council and give the reasons advanced by the department head for withholding approval. (Prior code § 2-274)

2.28.020 Introduction - Sponsorship.

Ordinances, resolutions and other matters or subjects requiring action by the council must be introduced and sponsored by a member of the council, except that the mayor or city attorney may present ordinances, resolutions and other matters or subjects to the council, and any councilman may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered. (Prior code § 2-275 (a))

2.28.030 Ordinances - Initiation - Duty to prepare.

All ordinances shall be prepared by the city attorney or finance officer. No ordinance shall be prepared for presentation to the council unless ordered by a majority vote of the council, or requested in writing by the mayor or prepared by the city attorney or finance officer on his own initiative. (Ord. 2969 (part), 1992; prior code § 2-273)

RULES

4-1. Duty to vote - Conflict of interest.

All members of the council present at a meeting shall cast their vote. No member may abstain unless he or she has a conflict of interest that prevents their impartiality or that results from their having a direct or indirect personal financial interest in the outcome. The basis for the conflict of interest shall be stated on the record.

4-2. Changing votes.

If the yeas and nays have been taken on any question, no member may change a vote after the decision is announced from the chair, unless by unanimous consent of the body.

CHAPTER 5. MOTIONS

STATUTORY PROVISIONS

9-19-5. One subject expressed in title of ordinance.

An ordinance must embrace but one subject which shall be expressed in its title.

RULES

5-1. Entertainment of motions.

No motion may be entertained and debated until it is seconded. Following the second of a debatable motion, the presiding officer shall first recognize the member making the motion. Any member, except the Mayor, may make a motion.

5-2. Restatement and reading of motions.

When a motion is made and seconded, it shall be restated by the presiding officer.

5-2.1. Withdrawal of motions.

After a motion is stated by the presiding officer, it may not be withdrawn without unanimous consent of the members present.

5-3. Priority of motions.

When a question is under debate, no motion may be made except the following motions which have precedence in the order listed:

- (1) To adjourn;
- (2) To recess;
- (3) To lay on the table;
- (4) To end debate and vote on the previous question;
- (5) To defer indefinitely;
- (6) To defer to a day certain;
- (7) To refer to committee;
- (8) To amend.

5-4. Debate.

The chair shall state the motion and then open the floor to debate. The chair shall preside over the debate according to the following general principles:

The maker of the motion is entitled to speak first;

To the extent possible, the debate shall alternate between proponents and opponents of the measure.

5-5. Priority of motion for adjournment.

A motion for adjournment is always in order, unless the roll is being called or the previous question has been ordered, and shall be decided without debate.

5-6. Application and nondebatability of motions to lay on the table.

A motion to lay on the table which effects a disposition on the merits of any ordinance or resolution requires the vote of a majority of the members-elect to carry and shall be decided without debate. Any other motion to lay on the table requires the vote of a majority of the members present and shall be decided without debate. No member may make introductory remarks prior to making a motion to lay on the table.

5-6.1. Scope of motions to lay on the table.

A motion to lay on the table may be made so as to apply either to the main question or to a proposed amendment or to the motion and all pending amendments, and the motion shall clearly state to which it is intended to apply.

5-6.2. Motion to take from the table.

Whenever any motion or resolution is laid on the table, it requires a majority vote of the members-elect to take it from the table. The motion to take from the table is debatable. A motion laid on the table at a council meeting may be taken from the table at any subsequent council meeting.

5-7. Motion for the previous question.

A motion to close debate and vote on the previous question shall be decided immediately by a majority of the members present and without debate. The motion shall clearly indicate the question to which it applies. No member may make introductory remarks prior to making a motion to call the previous question. The effect of adopting a motion to call the previous question is to close debate, to prevent the moving of amendments or other subsidiary motions, and to bring to vote immediately the question to be voted upon. The effect of defeating a motion to call the previous question is to allow continuation of debate on the question before the body.

5-8. Priority of vote after call of the previous question.

After a motion to call the previous question has prevailed, it is not in order to move a recess or to move to adjourn, prior to a decision of the question before the body.

5-9. Dilatory motions to defer or refer.

If a motion to defer to a day certain, to defer indefinitely or to refer to committee is decided in the negative, such motion is not again in order at the same stage of consideration of the motion or proposition.

5-10. Motion to postpone as final action.

A motion to defer indefinitely requires the vote of a majority of the members-elect.

5-11. Division of the question.

Any member may call for a division of the question. The presiding officer shall divide the question if it contains questions so distinct that, one being taken away, the rest may stand as a separate proposition.

5-12. Notice of intention to reconsider.

Notice of intention to move for reconsideration shall be made before the body proceeds to the next item of business. If any member fails to give notice of intention to reconsider, the vote on a question shall be deemed to have been moved for reconsideration and such motion for reconsideration to have been laid on the table. The effect of giving notice of intention to reconsider is to hold in abeyance the finality of the vote.

5-12.1 Motions to reconsider.

Having given notice of intent to reconsider, the member giving notice may move to reconsider the question not later than the next regular council meeting. Any motion to reconsider shall be made and takes precedence over all other motions except to recess or to adjourn. No motion to reconsider the same question may be made twice without unanimous consent. Every motion to reconsider shall be decided by a majority vote of the members-elect on a roll call vote. No question may be reconsidered except the final disposition of ordinances or resolutions and the override of vetoes.

5-13. Failure to make timely motion for reconsideration.

If any member has given notice of intent to move for reconsideration and does not move for reconsideration before the stated deadline, the presiding officer shall immediately state that any member voting on the prevailing side may move for reconsideration.

5-14. Germaneness of amendments.

No motion to amend is in order unless it is germane to the subject as expressed in the title of the ordinance or resolution.

5-15. Order of questions.

All questions, other than privileged questions shall be put in the order they are moved.

5-16. Limitations on number of motions to amend and substitute motions.

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment is in order. It is also in order to offer a further amendment as a substitute, but such substitute is not subject to amendment.

5-17. Motion to Rescind or Repeal.

The council may vote at any time to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

5-18. Motion to Go Into Closed Session.

The council may go into closed session only for one or more of the permissible purposes listed in SDCL §1-25-2. The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on SDCL §1-25-2 shall also state the name or citation of the law that renders the information to be discussed privileged or confidential.

CHAPTER 6. COMMITTEES

ORDINANCES

2.28.050 Ordinances - Review by subject committee after drafting.

Unless the council shall otherwise direct, all ordinances after drafting will be returned to the committee having jurisdiction of the subject matter to which the measure pertains and shall after reviewing and making any additional amendments, return the same to the council with its recommendations attached thereto. The chairman of the committee may appoint a subcommittee to study and make recommendations. (Ord. 2969 (part), 1992; prior code § 2-275 (c))

2.28.060 Ordinances - Review by legal and finance committee required.

Unless the council shall otherwise direct, prior to final passage or second reading, all ordinances shall be reviewed and approved by the legal and finance committee. (Ord. 2969 (part), 1992; prior code § 2-275 (d))

RULES

6.1 Committees and Boards - Establishment and Appointment.

The council may establish and appoint members for such temporary and standing committees and boards as are required by law or needed to help carry on the council's work. Any specific provisions of law relating to particular committees and boards shall be followed.

6.2 Committee procedure - Relaxed debate.

The rules of procedure in a committee are the same as the rules of the body insofar as the rules are applicable to committee procedure. However, as conditions permit, the rules limiting debate may be relaxed to allow free discussion and to facilitate the work of the committee.

6.3 Subcommittees.

The presiding officer of the council or a chair of a standing committee may designate subcommittees, the number of members to serve on each subcommittee, the chair of each subcommittee, the members of the subcommittee, and the period of time the subcommittee shall serve.

6.4 Committee action on ordinances and resolutions.

Unless otherwise ordered all ordinances or resolutions shall be referred to one of the standing committees. The chair of a standing committee may then assign an ordinance or resolution to a subcommittee of that standing committee. All subcommittees shall return such ordinances or resolutions as are assigned to them for consideration, to the standing committee with or without recommendation and within the time which will permit the full standing committee to act upon

the ordinance or resolution.

6.5 Meetings open to public.

All committee or subcommittee meetings shall be open to the public.

6.6 Posting of agendas.

In accordance with SDCL § 1-25-1, agendas of the ordinances, resolutions, and other proposals to be considered at any meeting of a standing committee or subcommittee shall be posted on the bulletin board located next to the Finance Office. At least one day shall intervene between the date of posting and the date of consideration. An agenda must be posted 24 hours in advance of the meeting.

6.7 Consideration of matters not posted.

A two-thirds majority of the committee members present may bring a matter up for consideration at any time.

6.8 Formal action required on all proposals.

Standing committees shall take formal action regarding each proposal submitted for their consideration.

6.9 Final disposition.

Final disposition is any action which moves a matter out of a committee to the Council or to another committee or which removes it from further consideration by the committee. Examples of final disposition include "Recommend for Approval," "Recommend for Denial," "Without Recommendation," "Refer to Another Committee," and "Lay on the Table." Final disposition of an ordinance or resolution requires a majority vote of the members-elect taken by roll call.

6.10 Smoke out.

The council may by motion order a committee to deliver an ordinance or resolution under its consideration to the council. If the motion is supported by a vote of a majority or more of the members-elect, the committee shall, not later than the next meeting, deliver the ordinance or resolution to the council with or without recommendation. The ordinance or resolution shall be delivered to the council in the same form as it was when it was tabled or deferred indefinitely by the committee and shall be placed on the agenda.

6.11 Attachment of amendments to ordinances or resolutions reported unfavorably.

A committee may amend an ordinance or resolution that it reports "~~Do Not Pass~~" or "Without Recommendation."

6.12 Committee reports.

Each committee shall report final committee action on proposals before it. The chair of a committee shall sign the reports of the committee and present them to the council when the call for committee reports is made. The chair is responsible for the accuracy and propriety of the chair's statements and shall answer any questions pertaining to the report. Formal actions shall be reported to the council not later than the next council meeting in an informational committee report which is printed.

6.13. Report of select committees.

Select committees to which matters are referred shall in all cases report a statement of facts and their opinion on the matters to the council.

6.14. Minutes.

Full and accurate minutes of the committee proceedings shall be kept, which shall include the number or description of each proposal considered, a list of all persons testifying before the committee on each proposal and the interest they represent, along with a synopsis of the points raised. A synopsis of the discussion of the committee shall be included. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the committee, the entire committee shall be polled by name on any vote. These minutes shall be open to inspection by the public, except as otherwise provided in these rules or by law.

6.15 Filing of committee minutes.

The minutes of all standing committees shall be prepared and filed in the Finance Office.

6.16 Sign up sheet.

Each committee shall have a sign up sheet where anyone wishing to testify shall indicate their name, their organization if any, the issue or item, and whether they are for, against, or a commentator.

CHAPTER 7. ROBERTS RULES OF ORDER/AMENDMENT

ORDINANCES

2.08.090 Rules.

Robert's Rules of Order, Revised, are adopted as the rules to govern the deliberations of the council, insofar as applicable, and as may be amended or interpreted by resolution of the common council. (Ord. 3783, 2002: prior code § 2-39)

RULES

7.1 Rule adoption.

A motion to adopt the rules of the council shall be decided by a majority of the members-elect, subject to debate.

7-2. Rule amendment.

No rule may be amended without the concurrence of a two-thirds majority of the members-elect, subject to debate. The final vote on any amendment may not be taken at the same meeting it was offered. The council may not amend provisions of the rules imposed by law or state regulation.

7.3 Rule suspension.

A rule may be temporarily suspended at a meeting of the council by a two-thirds vote of the council members-elect. The council may not suspend provisions of the rules imposed by law or state regulation, and any suspension shall expire at the end of the meeting.

7-4. Proceedings governed by Roberts Rules of Order.

The latest revision of Roberts Rules of Order governs the proceedings of the council in all cases not covered by these rules, state law, or ordinances.

CHAPTER 8. NOTIFICATION PROCEDURES

In the event a Council Member or the Mayor learns of the existence of facts or circumstances as set forth below, that Council Member or the Mayor shall make reasonable efforts to notify the Rapid City Common Council and the Mayor of all the pertinent facts and circumstances known to the reporting Council Member or the Mayor, as soon as practical, but not later than the next regularly scheduled Council meeting. Individual notification to the Mayor and to each Council Member is preferred. The following events are subject to this notification process:

- Decision of Mayor in Step II grievance and appeal to Step III grievance, or lawsuits against the city or any of its entities. (Amended by City Council 10-3-11)
- A documented loss or theft from the City greater than ten thousand dollars (\$10,000.00).
- Notice of claims greater than ten thousand dollars (\$10,000.00) or if the dollar amount is not identified on the face of the claim, whenever the City has incurred actual expenses of more than ten thousand dollars (\$10,000.00) as a result of a claim.
- Receipt of a written notice of violation from a state or federal agency.
- Receipt of a written notice of investigation from a law enforcement agency.
- Reports from city contracted consultants or a government agency critical of City management or processes.