

**AN ORDINANCE TO UPDATE THE ORGANIZATION OF THE  
DEPARTMENT OF COMMUNITY DEVELOPMENT BY AMENDING  
TITLE 2 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has established a Department of Community Development; and

WHEREAS, the Department's organization has been changed to accommodate the reorganization of the various City Departments and Divisions; and

WHEREAS, the Common Council desires to update Chapter 2.47 of the Rapid City Municipal Code to reflect the organizational changes made to the Department; and

WHEREAS, the Common Council desires to add Chapter 2.49 to the municipal code to organize and govern the Community Investment Committee.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 2.47 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**CHAPTER 2.47: DEPARTMENT OF COMMUNITY DEVELOPMENT**

2.47.010 Department of Community Development created.

2.47.020 Director created.

2.47.030 Building Services Division.

2.47.040 Long Range Planning Division.

2.47.050 Current Planning Division.

2.47.060 CDBG Program Division.

2.47.070 Code Enforcement Division.

**2.47.010 Department of Community Development created.**

The Department of Community Development, previously created as the Department of Community Planning and Development Services, is hereby continued. Its function shall be to coordinate all community planning and development activities, building permitting and associated inspections, code enforcement, and CDBG Program implementation.

**2.47.020 Director created.**

A. There is hereby created the Office of the Director of the Department of Community Development-~~Department~~. The Director shall be appointed by the Mayor with approval by the Council and shall serve at the pleasure of the Mayor.

B. The duties of the Director ~~of Community Development~~ shall be as follows:

1. Administer all operations in the ~~Community Development~~ Department;
2. Supervision of all employees assigned to the ~~Community Development~~ Department and recommend to the Mayor and Council appropriate staffing levels throughout the Department;

3. Annually prepare and submit to the Mayor and Council a proposed budget for the Department;
4. Act as the liaison to the Planning Commission;
5. Act as the Executive Director of the Metropolitan Planning Organization;
6. Insure the efficient operation of the ~~Community Development~~ Department; and
7. Provide input to the Mayor, Council and other city boards and committees to insure the continued efficient operation of the Department while protecting the health, safety and welfare of the community.

#### **2.47.030 ~~Development Building Services Division.~~**

The ~~Development Building~~ Services Division of the ~~Community Development~~ Department of Community Development is hereby created and shall be responsible for building permit issuance, building plans review, building inspections, and air quality services. ~~shall review and process development applications including, re-zoning requests, within the city and all subdivision applications within the city and within the city's extraterritorial jurisdiction as established by state law and city ordinance.~~ The ~~Development Building~~ Services Division shall perform other functions as assigned by the Director ~~of Community Development.~~

#### **2.47.040 ~~Community Long Range Planning Division.~~**

The ~~Community Long Range~~ Planning Division of the ~~Community Development~~ Department of Community Development is hereby created and shall be responsible for future land use planning, annexation planning and implementation, and transportation planning. The ~~Community Long Range~~ Planning Division shall perform other functions as assigned by the Director ~~of Community Development.~~

#### **2.47.050 ~~Current Planning Division.~~**

The Current Planning Division of the Department of Community Development is hereby created and shall be responsible for the review and processing of development applications including, re-zoning requests, within the city and all subdivision applications within the city and within the city's extraterritorial jurisdiction as established by state law and city ordinance. The Current Planning Division shall perform other functions as assigned by the Director.

#### **2.47.060 ~~CDBG Program Division.~~**

The CDBG Program Division of the Department of Community Development is hereby created. The CDBG Division shall be responsible for the administration of the Community Development Block Grant Program, coordination with United States government agencies in relation to activities under the Community Development Act, and other duties as assigned by the Director.

#### **2.47.070 ~~Code Enforcement Division.~~**

The Code Enforcement Division is hereby created within the ~~Community Development~~ Department and shall be directly responsible for the enforcement of the Rapid City Municipal Code other than those functions assigned to the Police Department. The Code Enforcement Division shall perform other functions as assigned by the Director ~~of Community Development.~~

### **~~2.47.080—Community Development Block Grant Division.~~**

~~There is hereby created within the Community Development Department the Community Development Block Grant Division. The Community Development Block Grant Division shall be responsible for coordination with United States government agencies in relation to activities under the Community Development Act, and other duties as assigned by the Director of the Community Development Department.~~

### **~~2.47.090—Community Investment Committee.~~**

~~—A. *Community Investment Committee created.* The previously created Rapid City Subsidy Committee is hereby continued as the Community Investment Committee, also referred to herein as the Committee. The Committee shall make recommendations to the Common Council on the annual Community Development Block Grant sub-grantee selections, and the annual selection of non-profit grantee recipients of the general fund allocation made for that purpose.~~

~~—B. *Composition.* The Committee shall consist of 5 members, and 2 alternates each of whom shall be a resident of the city or of the city's extraterritorial platting jurisdiction as provided by SDCL Ch. 11-6. In addition, 1 of the members shall also be a member of the Strengthening Families Committee, and 1 of the members shall be associated with a foundation or other charitable funding source in the City of Rapid City. Members shall be appointed by the Mayor and confirmed by the Common Council.~~

~~—C. *Terms, quorum, majority vote to transact business.*~~

~~—1. Initially, the Common Council shall appoint 2 members and 1 alternate for terms of 3 years, 2 members and 1 alternate for terms of 2 years and 1 member for a term of 1 year. Thereafter, members and alternates shall serve 3-year terms. Members and alternates may be reappointed, but no member may serve on the Committee for more than 2 consecutive terms. Any vacancy on the Committee shall be filled for the unexpired term in the same manner as required for a regular appointment. The Mayor with the confirmation of the Common Council, shall after public hearing have authority to remove any member of the Committee for cause which cause shall be stated in writing and made a part of the record of the hearing. Three members of the Committee shall constitute a quorum for the transaction of business. An affirmative vote of a majority of the members of the Committee shall be required to authorize any action of the Committee.~~

~~—2. The alternate members should attend every meeting as though they were regular members of the Committee. The alternate members can participate and vote at the meeting only when there is an absence at the meeting that results in less than 5 members being present. Each alternate member shall be designated as either the first or second alternate, with the first alternate participating to fill the first seat that is vacant, and the second alternate participating if there are any additional vacancies. If a regular member should leave during a meeting and the alternate members are not already participating, then the alternates may fill the seat in the same manner as previously described. The foregoing shall also apply should a regular member abstain from voting.~~

~~—D. *Board to act in accordance with applicable federal law when reviewing Community Development Block Grant Program matters.*~~

~~—1. When any item before the Committee pertains to the Community Development Block Grant Program, also referred to herein as the CDBG Program, any review, recommendation or other action taken by the Committee shall be done in conformance with any and all federal laws,~~

rules, and regulations that pertain to the CDBG Program, which is run by the United States Department of Housing and Urban Development, also referred to herein as HUD.

~~—2. In keeping with the foregoing, the Board shall not take up for review, nor shall any action be taken on any item that pertains to the CDBG Program without the presence at the meeting of the city's HUD-designated CDBG Grant Administrator, or his or her designated delegate. In cases of absence from the meeting of the city's HUD-designated CDBG Grant Administrator, or his or her designated delegate, any and all CDBG Program items on the agenda shall be continued to the next regularly scheduled Committee meeting, or a special Committee meeting may be scheduled.~~

~~—E. *Members not to hold elective office.* The members of the Committee shall not hold any elective office in city government or be an employee of the city.~~

~~—F. *Officers.* At the first regular meeting of the Committee, and after that in January of each year, the Committee shall elect from its number a Chair and a Vice Chair. The Vice Chair shall act in the absence or disability of the Chair. In case the Chair or Vice Chair vacates their appointment, the Committee shall immediately select a replacement. The Community Development Manager or his or her designee shall serve as the Secretary to the Committee.~~

~~—G. *Meetings.* The Committee shall establish its regular meeting time and location, which shall be not less often than quarterly, and shall hold additional meetings as necessary to meet any CDBG Program deadlines that may be applicable to the Committee's duties. A meeting agenda shall be posted at least 24 hours in advance of the meeting at city hall.~~

~~—H. *Bylaws.* The Committee shall adopt bylaws and rules of procedure to govern its operation. No bylaw or rule of procedure shall be effective until approved by the Common Council. The bylaws and rules of procedure may be amended at any time by the Committee with the approval of the Common Council.~~

~~—I. *Duties.* In addition to those duties set out in other sections of this code, the Committee shall have the following duties:~~

~~—1. Review annual sub-grantee applications submitted to the city grantee under the CDBG Program, and make recommendations to the Common Council as to which sub-grantee applicants should be awarded CDBG Program funding;~~

~~—2. Upon receipt from HUD of actual CDBG Program funding awarded to the city grantee for any fiscal year, review the same and make recommendations to the Common Council as to final award amounts to be appropriated to those sub-grantees the Common Council selected to receive CDBG Program awards for that fiscal year;~~

~~—3. Appoint and confirm the members of the Rapid City Strengthening Families Committee; and~~

~~—4. Receive and review quarterly reports from the Rapid City Strengthening Families Committee, and advise that body as the Community Investment Committee sees fit.~~

~~—J. *Bond.* The Common Council does not require a bond from Committee members for the faithful performance of a member's duties.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 2.49 be added to the Rapid City Municipal Code to read in its entirety as follows:

## **CHAPTER 2.49: COMMUNITY INVESTMENT COMMITTEE**

2.49.010 Created-Purpose.

2.49.020 Composition-Qualifications-Bond.

2.49.030 Terms-Quorum-Votes required.

2.49.040 Participation by Alternates.

2.49.050 Officers.

2.49.070 Bylaws.

2.49.080 Compliance with law.

2.49.090 Duties of Committee.

### **2.49.010 Created-Purpose.**

The previously created Community Investment Committee is hereby continued. The Committee shall make recommendations to the Common Council on the annual Community Development Block Grant sub-grantee selections, and the annual selection of non-profit grantee recipients of the general fund allocation made for that purpose.

### **2.49.020 Composition-Qualifications-Bond.**

The Committee shall consist of 5 members and 2 alternates, each of whom shall be a resident of the city or of the city's extraterritorial platting jurisdiction as provided by SDCL Ch. 11-6. One of the members shall be associated with a foundation or other charitable funding source in the city. Members shall be appointed by the Mayor and confirmed by the Common Council. The members and alternates shall not hold any elective office in city government or be an employee of the city. No bond shall be required from members or alternates for the faithful performance of a their duties

### **2.49.030 Terms-Quorum-Votes required.**

Members and alternates shall serve three-year, staggered terms. Members and alternates may be reappointed, but no member may serve on the Committee for more than two consecutive terms. Neither terms served as alternate, nor filling an unexpired term due to vacancy shall count toward the two-term limit. Any vacancy on the Committee shall be filled for the unexpired term in the same manner as required for a regular appointment. Three members, or any combination of three members and alternates, shall constitute a quorum for the transaction of business. An affirmative vote of a majority of the members of the Committee shall be required to authorize any action of the Committee.

### **2.49.040 Participation by Alternates.**

The alternate members should attend every meeting as though they were regular members of the Committee. The alternate members can participate and vote at the meeting only when there is an absence at the meeting that results in fewer than 5 members being present. Each alternate member shall be designated upon appointment as either the first or second alternate, with the first alternate participating to fill the first seat that is vacant, and the second alternate participating if there are any additional vacancies. If a regular member should leave during a meeting and the alternate members are not already participating, then the alternates may fill the seat in the same manner as previously described. The foregoing shall also apply should a regular member abstain from voting.

#### **2.49.050 Officers.**

At the first regular meeting of the Committee, and after that in January of each year, the Committee shall elect from its number a Chair and a Vice-Chair. The Vice-Chair shall act in the absence or disability of the Chair. In case the Chair or Vice-Chair vacates their appointment, the Committee shall immediately select a replacement. The CDBG Program Manager or his or her designee shall serve as the Secretary to the Committee.

#### **2.49.060 Meetings.**

The Committee shall establish its regular meeting time and location, which shall be not less often than quarterly, and shall hold additional meetings as necessary to meet any CDBG Program deadlines that may be applicable to the Committee's duties. A meeting agenda shall be posted at least 24 hours in advance of the meeting at city hall.

#### **2.49.070 Bylaws.**

The Committee shall adopt bylaws and rules of procedure to govern its operation. No bylaw or rule of procedure shall be effective until approved by the Common Council. The bylaws and rules of procedure may be amended at any time by the Committee with the approval of the Common Council.

#### **2.49.080 Compliance with law.**

A. When any item before the Committee pertains to the Community Development Block Grant Program, also referred to herein as the CDBG Program, any review, recommendation or other action taken by the Committee shall be done in conformance with any and all federal laws, rules, and regulations that pertain to the CDBG Program, which is run by the United States Department of Housing and Urban Development, also referred to herein as HUD.

B. In keeping with the foregoing, the Board shall not take up for review, nor shall any action be taken on any item that pertains to the CDBG Program without the presence at the meeting of the city's HUD-designated CDBG Grant Administrator, or his or her designated delegate. In cases of absence from the meeting of the city's HUD-designated CDBG Grant Administrator, or his or her designated delegate, any and all CDBG Program items on the agenda shall be continued to the next regularly scheduled Committee meeting, or a special Committee meeting may be scheduled.

#### **2.49.090 Duties of Committee.**

The Committee shall review annual sub-grantee applications submitted to the city-grantee under the CDBG Program, and make recommendations to the Common Council as to which sub-grantee applicants should be awarded CDBG Program funding. Upon receipt from HUD of actual CDBG Program funding awarded to the city-grantee for any fiscal year, the Committee shall review the same and make recommendations to the Common Council as to final award amounts to be appropriated to those sub-grantees the Common Council selected to receive CDBG Program awards for that fiscal year.

**CITY OF RAPID CITY**

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Mayor

Attest

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Finance Officer

(seal)