



CITY OF RAPID CITY

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MEMORANDUM

TO: Mayor & City Council

FROM: Joel P. Landeen, City Attorney

DATE: 2/9/17

RE: Clarification of Vision Fund Project Selection Process

The expenditure of funds and the selection of projects to be financed through the City's Vision Account is regulated by Section 3.16.090(B) of the RCMC. This ordinance requires that the Council adopt a plan for projects to be financed from the Vision Account. The length of the plan is established by the Council prior to the solicitation of any projects to be included in the plan. Pursuant to the ordinance, the Mayor is required to appoint a citizen committee to solicit projects for consideration and make recommendations regarding the funding of projects through the plan. The formation of a citizen committee and the solicitation of proposals from the public is a prerequisite to adoption of a new plan. There are no restrictions on when a plan can be adopted or when a citizen committee can be formed to adopt a new plan. However, the creation of a new plan is obviously dependent on funds being available for allocation to projects. There are also minimum timeframes between various phases of the process for adopting a new plan which would influence the speed at which a new plan could be adopted. For example, the Council must confirm the appointment of the citizen committee so that process would delay the committee's formation until the names of the potential committee members were placed on a committee agenda for ultimate approval by the Council. There is also a minimum thirty day period between the solicitation of projects and a public hearing held by the citizen committee to review and take comment on any proposals submitted. After the citizen committee has completed its review of the proposals it will need to make its recommendations for funding to the Council and go through the normal process for placing items on the agenda for consideration.

The Council also has the ability to fund new projects by amending an existing plan. The Council has full authority to amend an existing plan without formation of a committee or any other citizen input. Amendment of a plan would obviously require that sufficient funds be available to fund a new project. This could occur either by use of any undesignated cash, reallocation of money that is freed up due to changes or the withdrawal of projects that have previously been approved, or the defunding of previously approved projects for which no agreement committing the funds has been entered into. The ordinance provides that you can reallocate funds in a previously approved plan up until the time that a contract has been entered into with the entity receiving such funds.