

Minutes

Monday, August 31, 2009



Public Service Committee

5:10 p.m.
Carnegie Town Hall
235 West Tenth Street

Members Present: Kenny Anderson Jr., Vernon Brown, and De Knudson
Members Absent: Kermit Staggers
Staff Present: Debra Owen and Tamara Jorgensen
Guests: Greg Jamison, Pat Costello (from 5:20 p.m. - 5:30 p.m.), Sue Aguilar and Jonathan Ellis.

1. Call To Order

Committee Chair Brown called the meeting to order at 4:10 p.m.

2. Review and approval of Minutes dated July 13, 2009

A motion was made by Anderson Jr. and seconded by Knudson to approve said minutes. A voice vote was taken and all members present voted yes. **Motion Passed.**

3. Review and approval of Minutes dated July 28, 2009

A motion was made by Knudson and seconded by Anderson Jr. to approve said minutes. A voice vote was taken and all members present voted yes. **Motion Passed.**

4. Affordable Housing

Council Member Anderson Jr. gave an update from the August 20th Affordable Housing meeting attended by Council Members Jamison, Litz and Brown regarding initial discussions regarding affordable housing in Sioux Falls. Specific discussion was held regarding possible re-creation of "the Lacey Park Project".

Discussion was held regarding the need for additional meetings to formulate an action plan to create affordable housing areas within Sioux Falls. Council members have received strong positive feedback on the affordable housing ideas and would like to move forward with additional ideas and assistance/cooperation from any individuals, developers, realtors, home builders, etc. to serve as who would like to assist in completing this worthwhile task.

Discussion was held regarding the current vacancy rates for apartments; the proposed prices of the affording housing units; the knowledge that acquiring the land is the hardest and most expensive piece of this puzzle; and the impact the market has had on the loss margin for Community Development homes (currently a loss of about \$50K).

Anderson Jr. stated that he would like to see additional meetings scheduled for the future. Council Member Jamison reiterated that affordable housing is a priority for the City Council.

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5. Updates to Campaign Finance Ordinance

Owen stated recent changes to state law were made to close a loop-hole in ballot question financial reports. Owen proposed the same changes by made to the city's campaign finance ordinance.

Owen stated the proposed ordinance changes can be summed up as substantial changes to sections 14-65, 14-65.1, 14.66, and 14-67.1. In addition, the proposed ordinance would cap the \$50.00 per day fine so that the fine will not exceed \$3,000 per report. Lastly, there are a few housekeeping changes to clean up language..

The following changes and corrections were reviewed and discussed:

Section 14-52: the word 'campaign' added after candidate in the second sentence;
Section 14-53: the 'S' in section in non-capitalized;
Section 14-54: section 14-66 corrected to section 14-65 in the first sentence;
Section 14-56: the words 'or political party' added after 'political committee' in (2);
Section 14-59: the words 'or organization' added after 'of another person' in the first sentence.

The sections contained on pages 4, 5 and 6 are the bulk of the changes and they mirror state law and are shown below:

Section 8. That Section 14-65 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Section 14-65. Certain political contributions and independent expenditures by organizations prohibited.

No organization may make a contribution to a candidate committee, political action committee, or political party or make an independent expenditure expressly advocating the election or defeat of a candidate. An organization may make a contribution to a ballot question committee organized solely for the purpose of influencing an election on a ballot question and independent expenditures regarding the placement of a ballot question on the ballot or the adoption or defeat of a ballot question. Any organization making expenditures, equal to or exceeding 50 percent of the organization's annual gross income, for the adoption or defeat of a ballot measure is a ballot question committee. The prohibitions of this section do not apply to independent expenditures expressly advocating the election or defeat of a candidate by a qualified nonprofit corporation from its treasury funds. An organization may create a political action committee.

Section 9. That the Revised Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 14-65.1 to read:

Section 14-65.1. Restriction on acceptance of contributions by ballot question committee.

A ballot question committee may only accept contributions from a person, organization, political committee, or political party.

Section 10. That Section 14-66 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Section 14-66. Statements required for organization to make contribution to ballot question committee—disclosure of information by committee.

Before making a contribution to a ballot question committee pursuant to section 14-65, an organization shall provide to the ballot question committee the following:

(1) A statement that the organization is filed as a domestic or foreign entity in good standing with the office of the secretary of this state;

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(2) A statement that the organization is filed as an entity in good standing with another jurisdiction, and setting forth the following:

- a. The name of the organization;
- b. The name of the state or nation under whose law the organization is incorporated or organized; and
- c. The street address of the organization's principal office.

(3) If neither of the above apply, a statement providing:

- a. The name of the organization;
- b. The street address of the organization's principal office;
- c. The name and street address of the person authorizing the contribution; and
- d. The name and street address of every owner, director, and officer of the organization.

Before contributing more than \$10,000 in the aggregate to a ballot question committee pursuant to section 14-65, an organization shall provide to the ballot question committee a sworn written statement made by the president and treasurer of the organization declaring and affirming, under the penalty of perjury, the following:

(1) The name and street address of every person who owns 10 percent or more of the organization, has provided 10 percent or more of the organization's gross receipts, including capital contributions, in the current or preceding year, or has provided 10 percent or more of the funds being contributed to the ballot question committee; and

(2) That no part of the contribution was raised or collected by the organization for the purpose of influencing the ballot question.

A ballot question committee shall disclose in its applicable campaign financial disclosure statement or supplemental statement all information received from an organization pursuant to this section. No ballot question committee may accept any contribution from an organization not preceded or accompanied by the statements required by this section, except as provided by SDCL § 22-29-1.

Section 11. That Section 14-67 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Section 14-67. Expenditure of public funds to influence election outcome prohibited.

The City of Sioux Falls, an agency of the city, and the governing body of the city, or other political subdivision of the city may not expend or permit the expenditure of public funds for the purpose of influencing the nomination or election of any candidate, or for the petitioning of a ballot question on the ballot or the adoption or defeat of any ballot question. This section may not be construed to limit the freedom of speech of any officer or employee of the city, or such political subdivision in his or her personal capacity. This section does not prohibit the city, its agencies, or the governing body of any political subdivision of the city from presenting factual information solely for the purpose of educating the voters on a ballot question.

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Section 12. That the Revised Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 14-67.1 to read:

Section 14-67.1. Acceptance of contributions from public entities prohibited.

No candidate, political committee, or political party may accept any contribution from any state, state agency, political subdivision of the state, foreign government, Indian tribal entity as defined by Federal Register Vol. 72, No. 55 as of March 22, 2007, federal agency, or the federal government.

Council Member Knudson discussed concerns about requiring candidates to file their intent run for city office. Discussion was held regarding what triggers a citizen to file paperwork to run for office. Since the committee thoroughly reviewed the definitions in 2002 and 2007, there was desire for additional 'tweaking' of the definitions as the Public Services Committee.

Council member Knudson asked questions regarding the process for amending financial reports in the office. Owen explained, ordinance allows candidates to have three days to amend their reports if there is an error. The City Clerk's Office contacts candidates immediately upon learning of any errors preferring to telephone the candidate or use the email system (mailing letters would result in an additional one day delay which could result in an additional day's fine for the candidate), but are sent as follow-up. When there is an ordinance violation, this information is communicated with the City Attorney's Office who is responsible for enforcement.

The Public Services Committee agrees with the proposed changes. The next step is for the City Attorney's Office to review the proposed changes prior to Council action. The Committee would like this ordinance in effect prior to the start of receiving the financial forms for the 2010 election.

A motion was made by Knudson and seconded by Anderson Jr. to approve the proposed amendments pending any legal recommendations by the City Attorney. A voice vote was taken and all members present voted yes. **Motion Passed.**

Anderson Jr. would like to move forward with an elections official workshop lead by Owen. The purpose of the workshop is to assist candidates in 'learning the rules' regarding elections. Owen agreed to work on a presentation for an event.

6. Open Discussion

Council Member Brown explained the change to the Agenda to include a section for pending items. This will be a brief reminder to the committee of topics that are scheduled for future meetings.

The representatives from the wheelchair/stretchers transport services will be in attendance at the next meeting with their requested changes. The Council Chamber railings have been removed and the posts are still in place. A curved ledge was added today as a safety precaution for the Council Members.

Due to a schedule change with the Joint City Council/Minnehaha County Commissioners meeting, the next Public Services Committee meeting has been changed to Monday, September 21, 2009, immediately following the Informational Meeting.

7. Adjournment

A motion was made by Anderson Jr. and seconded by Knudson to adjourn the meeting at 5:48 p.m. A voice vote was taken and all members present voted yes. **Motion Passed.**

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Pending Items:

*The subjects listed below are pending and can be moved up on this Agenda when necessary. The items listed below will be on the Public Services Committee Agenda for the **September 21, 2009**. The Agenda may also contain additional topics that have been approved by the Committee Chair.*

1. Wheelchair/stretchers transport service
2. Council Chambers (Railings)