

MINUTES

Monday, December 6, 2010

Fiscal Committee Meeting 5:22 PM at Carnegie Town
Sioux Falls City Council Hall
235 West Tenth Street



Members Present: Vernon Brown, Sue Aguilar, Greg Jamison, and Rex Rolwing

Members Absent: None

Staff Present: Debra A. Owen, City Clerk/Chief of Council Operations and Denise D. Tucker, CMC, Assistant City Clerk

Guests: Bill Peterson, Mike Cooper, Don Kearney, Bill O'Toole, Mark Cotter, Mayor Mike Huether, Tom Huber, Jim Entenman, Michelle Erpenbach, Megan Luther, David Pfeifle, Cheryl Rath, Jeanne Gerken, Bob Litz, and Shirley Wieman

1. Call To Order

Committee Chair Vernon Brown called the meeting to order at 5:22 p.m.

2. Approval of Minutes

A. Tuesday, November 9, 2010

A motion was made by Aguilar and was seconded by Jamison to approve the minutes dated Tuesday, November 9, 2010.

All members present voted yes. **Motion Passed.**

3. Reports and Updates

Item C was presented at this time. See item for details.

A. Discussion of Sec. 34 ½-1. Mayor to sign contracts and agreements

Brown said there have been issues with when the City Council approves a contract and when it does not. Owen did some research on the issue. The City Council approved the Global Spectrum contract, but did not approve the SMG contract. The Council approved one contract involving Animal Control and did not approve another. He said it's unclear as to when the City Council is to be involved in contracts. Brown said today's conversation was for discussion purposes only.

Owen said Council has a strong desire to authorize contracts currently authorized by the Administration. City Charter states are a number of things that the City Council must authorize by ordinance, some of which are contracts (Ex. Cable Franchise Agreement, borrowing of money, and others). Owen stated, South Dakota Codified Law 9-1-5, requires the Council (governing body) to authorize contracts in order to be valid but also allows the governing body to delegate the authorization to a government employee. In the past, Council adopted City Ordinance, Sec. 34 1/2-1 which delegates the Council's authority to authorize contracts to the Mayor. Owen stated, if Council wanted to authorize contracts for specific topics, Council would need to revise this ordinance. She then provided Council with a draft of revisions for discussion purposes. Discussion followed.

Jamison requested a list of contracts that the City Council has voted on and haven't voted on, especially of bigger items that the City Council did not vote on. Discussion followed. David Pfeifle, City Attorney, said his office would be willing to provide a list, of contracts (voted on and not voted on), by the next Fiscal Committee Meeting on January 3, 2011. Council Member Jim Entenman also stated that he would like the Council to authorize the management contracts with public facilities. Discussion followed.

B. Discussion of Sec. 34 1/2-2. Budget Administration manuals required

Item will be discussed at a future City Council Working Session. No date has been set for the Working Session.

C. Discussion on forms of government by Bill Peterson, Initial Home Rule Charter Committee Member

Peterson spoke about the efforts to change the City's form of government, which occurred 16 years ago. The government was changed from City Commission form to the current Mayor/City Council/Charter form of government. Questions first arose if Sioux Falls needed to change its form of government from a three man Commission to something else. Many years ago, a citizens activist group, called Acorn, lobbied for a change in government, including a Mayor/City Council form without a Charter and a City Manager form. An election was held for the Mayor/City Council form of government and it failed. In the late 1980s, the number of Commissioners was changed from three to five. Peterson said he believes that bid was successful because the City of Sioux Falls was growing and people felt they weren't getting qualified people to run for office. And as a consequence, we weren't getting very good government.

In the fall of 1993, a group was formed to examine what it would take to change the City's current form of government. Peterson said, they felt one of the principal problems with the Commission form of government was that it created five separate empires in City Hall. And a lot of conflict. Another issue was that they did not attract good quality people to run for office. Peterson noted that there were a few exceptions.

The group wanted a broader representation of the City and not people from essentially the same area. It was during this time that they decided to take a look at adopting a City Charter.

Peterson said having a City Charter would allow them to try and to do things differently. He said for about six months, they asked a variety of people/groups what they thought about the proposed Charter. They utilized a lot of citizen input before the proposed Charter was finalized and placed onto a ballot. Citizen input led to an increase in the Mayor's salary, from a proposed \$50,000 to \$75,000; and the creation of three At-Large and five district City Council members. Peterson said there was opposition to the Charter and they won by less than 1% of the vote.

Peterson said the City Council is more diverse than the City Commission was and we are a better City because of it. He explained that the Mayor is the Executive branch and the City Council is the Legislative branch of government. Discussion followed.

4. Open Discussion

Brown asked Mark Cotter, Director of Public Works, to explain why and how they have gone to more pooled projects in the CIP in the last year. He said they have a matrix of information and a listing of projects that stretch out over a number of years. Cotter said the process is more efficient use of capital dollars. Discussion followed.

5. Adjournment

A motion was made by Aguilar and seconded by Jamison to adjourn the meeting at 6:36 p.m.

All members present voted yes. **Motion Passed.**

Denise D. Tucker, CMC

Assistant City Clerk