

Charter Amendment Election
—Official Ballot—
April 12, 2016

The following amendments to the Sioux Falls City Charter have been proposed by the City's Charter Revision Commission.

Instructions to Voters:

Voters desiring to vote in favor of the proposed amendment should completely blacken the oval (Φ) immediately preceding the word "Yes."

Voters desiring to vote against the proposed amendment should completely blacken the oval (Φ) immediately preceding the word "No."

Amendment A

Shall Section 2.02(c) be amended to read:

Sec. 2.02 (c) [City Council] Election and terms.

The terms of council members shall be four (4) years beginning no later than whichever day the City Council meets during the third week of May following the official canvass of any final council or mayoral election, whichever is later, and shall continue until a successor has been elected and takes office. No council member may serve more than two (2) full or partial terms consecutively, unless a partial term was for 50 percent or less of the full term then the council member may serve an additional two full terms; however, a council member may immediately thereafter be eligible to be a candidate for mayor. The two consecutive term limit shall apply regardless of whether a council member has served as a district or an at large council member or both.

City Attorney's Explanation of Amendment A:

The current language allows a City Council member to serve only two consecutive full or partial terms, regardless of duration of the partial term. The proposed change, as approved and submitted by the Charter Revision Commission, would allow City Council members to serve a partial term of up to two years, then still be eligible to serve two additional consecutive full four-year terms.

Shall the City of Sioux Falls adopt Amendment A?

Φ Yes

Φ No

Amendment B

Shall Section 2.04 be amended to read:

Section 2.04 [Mayor] Compensation; expenses.

The annual salary of the mayor and part-time council members is set in section 9.05, and shall be automatically adjusted annually for inflation or deflation, as determined by a generally accepted federal government index (e.g., CPI-U). The mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. The mayor, but not the council members, shall participate in the city's employee benefits programs which are available to other management employees. Upon taking office the mayor may elect to participate in the employees' retirement system, if allowed by ordinance, or may elect not to participate in the employees' retirement system.

City Attorney's Explanation of Amendment B:

The proposed change, as approved and submitted by the Charter Revision Commission, would eliminate obsolete language regarding an incoming Mayor's ability to participate in the "city pension system," which has now been closed to any incoming employees hired after June 30, 2013. An incoming Mayor, like other City employees hired after that date, may participate in the City employee's retirement system, which is now administered by the South Dakota Retirement System.

Shall the City of Sioux Falls adopt Amendment B?

Φ Yes

Φ No

Amendment C

Shall Section 2.14 be amended to read:

Section 2.14 Updating the Code of Ordinances.

The Code of Ordinances must be updated at least every twenty years, pursuant to the provisions of state law.

City Attorney's Explanation of Amendment C:

By law, the City of Sioux Falls is required to update its Code of Ordinances of the City every 20 years. The current Charter language references specific dates of 1972 and 1992. The proposal would simply require updating every 20 years without citing specific dates where this update has already occurred.

Shall the City of Sioux Falls adopt Amendment C?

Yes

No

Amendment D

Shall Section 3.02 be amended to read:

Section 3.02 Election and qualifications of mayor.

The mayor shall be elected for a term of four years by a direct vote of the people at the regular city election. No mayor shall serve more than two (2) full or partial terms consecutively, unless a partial term was for 50 percent or less of the full term then the mayor may serve an additional two full terms; however, the mayor may immediately thereafter be eligible to be a candidate for council member. The mayor's terms shall begin no later than whichever day the City Council meets during the third week of May following the official canvass of the mayor's election and shall continue until a successor has been elected and takes office.

City Attorney's Explanation of Amendment D:

The current language allows a Mayor to serve only two consecutive full or partial terms, regardless of duration of the partial term. The proposed change, as approved and submitted by the Charter Revision Commission, would allow a Mayor to serve a partial term of up to two years, then still be eligible to serve two additional consecutive full four-year terms.

Shall the City of Sioux Falls adopt Amendment D?

Yes

No

Amendment E

Shall Section 4.01(b) be amended to read:

Section 4.01(b) Direction by mayor.

All departments, offices, and agencies under the direction and supervision of the mayor shall be administered by one (1) or more officers appointed by and subject to the direction and supervision of the mayor. The appointment by the mayor of any director or head of any city department shall only be effective with the advice and consent of the council. The mayor may appoint one (1) person as the head of two (2) or more departments.

City Attorney's Explanation of Amendment E:

This amendment would require the advice and consent of the City Council for the mayoral appointment of all 12 City Department Directors. The current language provides that the Directors of the 12 City Departments are appointed by the Mayor with the advice and consent of the City Council, except when a Director has final authority over less than five percent of the City's employees or budget.

Shall the City of Sioux Falls adopt Amendment E?

Yes

No

Amendment F

Shall Section 7.02(a)(1) be amended to read:

(a) Activities prohibited.

- (1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, gender, sexual orientation, age, disability, religion, country of origin, or political affiliation.

City Attorney's Explanation of Amendment F:

The Charter prohibits favoritism or discrimination in any City employment position or appointive administrative office with respect to the listed classifications in this section. This amendment would add sexual orientation to this list, and would replace the word "handicap" with "disability" to use more modern terminology.

Shall the City of Sioux Falls adopt Amendment F?

Yes

No