

**Brookings City Council**  
**POLICY DOCUMENTS**  
**August 1999 to Present**

**Created: September 15, 2010**

**Brookings City Council**  
**POLICY DOCUMENTS**  
**August 1999 to Present**

Introductory Comments by Dr. Bob Burns .....	3
Brookings City Charter (11-12-2002) .....	6
Governance & Ends Policies (04-28-2008) .....	27
Miscellaneous Policies **	
ADA Policy – Automatic Door Openers .....	56
ADA Policy – Compliance Review .....	57
ADA Policy – Family Restrooms .....	58
ADA Policy – Platform Lifts .....	59
Bills & Claims Policy .....	60
Building Permit Fees for Certain Building Projects .....	61
Capital Assets .....	62
Cash Flow Reserves .....	70
Citizen Satisfaction Survey .....	71
City Manager Interim Policy .....	72
City Manager Salary .....	78
Construction Change Order Policy .....	79
Council Meeting Attendance .....	80
Council Vacancy .....	81
Discussion on Action Items Required Prior to Council Action .....	84
Financial Reporting Schedule .....	85
Giving Direction to the City Manager .....	87
Government Access Channel & Televised Meetings .....	88
Identity Theft Policy .....	93
Industrial Land Policy .....	94
Insurance .....	95
Investment Policy .....	96
Larson Ice Center .....	100
Liquor Operating Agreement Criteria .....	109
Research & Technology Center .....	112
Street Development Policy .....	115
Swiftel Center Policy .....	116
Tax Increment Finance District .....	118
Volunteer Boards, Committees, Commissions Appointments .....	124

\*\* Other Policy Documents not included in this review are as follows:

1. City Ordinances
2. Standard Resolutions
3. Current Adopted Planning Documents

## **Ends Policy Review April 5, 2005**

Dr. Bob Burns, Dean and Head of SDSU Political Science, Philosophy and Religion Department, was present to discuss the roles of the mayor, council and city manager in the city's new form of government.

Under the Commission form and without a home rule charter, each commissioner had direct line responsibilities over different departments. Citizens became accustomed to approaching commissioners with issues. The city was limited to those powers properly delegated by state statute and which were reasonably implied.

Things changed greatly in 1999 when the city adopted a weak mayor/council/city manager form of government with a home rule charter. Everyone had to become acquainted with new ways of doing things. Under the administration of the city manager, it is not the prerogative of the Council to be directly involved.

Members coming onto the Council had to go through a learning process to understand everyone's responsibilities. The "weak" mayor in this form has certain prerogatives, but is one among equals. The Mayor doesn't not have the institutional powers associated with the strong mayor form (i.e. budget, operational, personnel).

Bumpy roads are to be expected. Potential points of conflict in city government are to be expected. He cited several scenarios. However, evidence of conflict is not evidence of failure of what we are doing. Conflict must be a given and anticipated in the governance of the city. This is not a failure with our new form of government. However, conflict can also be very trying in the professional model form of government. As we see what is going on with Sioux Falls and their experiment with the "strong" mayor form of government, the more political form (i.e. Sioux Falls) is better structured to address conflict.

Burns recently met with the Mayor and City Manager to gain some understanding about the delineation of responsibilities.

1) Policy adoption. They discussed policy adoption as the prerogative of the Council. This is a place where elected members of Council are to be a part of defining local issues and challenges. It is the proper role of Mayor and Council, once the agenda is set, to engage in the formulation of municipal policy proposals and adopt one proposal over others.

2) Policy implementation. Once adopted, it is the responsibility of the City Manager to carry out policy. There are different sub steps of policy implementation that invite disagreement between hired a professional manager and elected lay members of the Council.

- A. *Interpretation.* The first difficult step is to lend interpretation to the policy that is already adopted. That may not be perfectly clear. It is the place of the City Manager to lend that interpretation. The way he/she interprets may not square with the Council's understanding, thereby creating potential conflict that must be resolved. If the City Manager's interpretation is at odds with the Council, it is the Council's prerogative to state the policy more clearly.

- B. *Organization and Allocation of Resources.* The second step for the Manager is the organization and allocation of resources of our municipality to carry out and implement that policy. The manner in which the City Manager allocates and organizes might not be the same as the Council envisioned, but this is the obvious prerogative of the Manager. He is hired to allocate the appropriate resources to implement policy, and the Council and weak mayor must step back. This is the person that has been hired to organize and allocate the city's resources. This is where professionalism is very important. If a decision is very unsuccessful resulting in a failure to implement a policy, there could be basis for review and appropriate action for bad decision making and organization.
  
- C. *Final Delivery of Service.* In this third step, our municipal employees must provide for final delivery of service. In most cases, our city employees will do in a quality manner. However, some citizens may be unhappy. But that would be an issue to be addressed by the City Manager and not by elected members of the City Council.

In response to a question from the Mayor, Burns clarified that the Mayor's role in this form of government is no more important than other council members. However, Mayor Munsterman is a very active "weak" mayor spending more energy and time than what is expected of that position. But his institutional powers are still no greater than if he had been an inactive weak mayor. His activeness should not be interpreted as usurpation of power.

Reed asked where the administrative line is. As more power or the line shifts toward the Manager being able to do more, does that cross a line to closed government? Burns said this is the major difference between professional and political model. The political form of government has more direct political accountability to the public and less direct political accountability in professional model. The professional model of city government has borrowed characteristics of private sector, some of which include less transparency. But, the city is expected to conduct their meetings in the open as opposed to a private corporation. The political model in Sioux Falls has more direct political accountability than Brookings. Their Mayor is doing what our hired City Manager is supposed to do. If citizens of Brookings are unhappy they can't hold the Manager directly and politically accountable. He reports to the council and has an expectation of fair and due process.

Bezdichek asked if our form was closer to the school board, president, and administrator model. Yes, there are parallels to the way we govern our school districts.

Bezdichek noted that with our mayor taking a very active role and dedicating hours of behind the scenes work, the old adage, "if you build it, they will come," may happen. Meaning, it becomes difficult to identify where you take over powers, difficult to then separate what is administrative and what is mayor. Burns said that would depend on the quality of the individual. A quality individual would dedicate their activities towards the promotion of the community. A less than quality person may seek self advancement.

Roden said citizens don't always see what is going on. Is there a transparency issue about how the Council works together? In particular, is working in smaller groups to research issues appropriate? Legislative bodies have the ability to break down into smaller groups. There are laws about executive sessions and decision making outside the formal meetings. Burns said this is an issue that the Council will continue to struggle with and develop procedures and practices, but will never fully resolve.

Munsterman said all the members have different experiences how they react or interact with current manager. Burns said each group and new manager has different dynamics. Individuals can be very different. There is no one perfect model of effectiveness as an elected Council or hired Manager. Different characteristics contribute to success. We invite trouble if we are looking for ideal characteristics in a Council or Manager.

Reed noted that a school board elects their own leadership. In our case we have an election for mayor. By being elected separately is there a perception that the Mayor is meant to lead the council? Burns said there is an expectation that that the Mayor will preside and take initiative.

Bezdichek noted that avoidance of administration by the Council is heavily emphasized in the Charter and state statutes. Should the Council try to administer at all? Burns said the Council sets policy and the Manager administers. It's in the sub steps that disagreement about interpretation occurs. But the Council must back away during the Manager's allocation of resources. This is not the Council's place to challenge decisions of the organization.

The Manager will certainly prefer one policy over another. However, City Manager politicking could lead to growing distrust between Council and Manager, leading to a breakdown of an earlier good working relationship and can endanger position of the Manager.

Roden asked how the Council can monitor themselves. Does the Manager or Attorney have a responsibility to do that? Burns said the better you understand what your place is the better you can stay within your parameters. If we never make an effort to learn what our legal role is, the more likely we are to wander outside the boundaries.

Burns said the Manager exercises some discretion as he interprets, allocates, and delivers the final product.

Roden said the Council currently has members serving as liaisons to boards. Burns said use of ex-officios or liaisons can improve communication and is appropriate as long as they understand their "place" is to gather information and report back to the full group. It's when ex-officio might start to behave as a regular member of the board and try to control the agenda. That would be a problem that needs to be addressed and resolved.

The Council requested Ends Policy Review to occur annually in May after elections. This item as scheduled for further discussion at the May 2005 planning session.

# Brookings

# City Charter

City of Brookings  
311 Third Avenue  
Brookings, SD 57006  
605-692-6281

Election 11-05-02 - Passed; Canvassed on 11-12-02.

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
Preamble .....	1
ARTICLE I – POWERS OF THE CITY .....	1
Section 1.01 – Powers of the City .....	1
Section 1.02 – Construction .....	1
Section 1.03 – Intergovernmental Relations .....	1
Section 1.04 – Limitations .....	1
Section 1.05 – New Taxes .....	1
ARTICLE II – CITY COUNCIL .....	1
Section 2.01 – General Powers and Duties .....	1
Section 2.02 – Composition, Eligibility, Terms, Bond Required Designation of Areas of Responsibility, Powers and Duties .....	2
Section 2.03 – Mayor .....	2
Section 2.04 – Compensation; Expenses .....	2
Section 2.05 – Prohibitions .....	2 & 3
Section 2.06 – Vacancies; Forfeiture of Office; Filling of Vacancies .....	3
Section 2.07 - Judge of Qualifications .....	3
Section 2.08 – Clerk .....	3
Section 2.09 – Investigations .....	4
Section 2.10 – Independent Audit .....	4
Section 2.11 – Procedure .....	4
Section 2.12 – Action Requiring an Ordinance .....	4 & 5
Section 2.13 – Ordinances and Resolutions in General .....	5
Section 2.14 – Emergency Ordinances .....	5
Section 2.15 – Codes of Technical Regulations .....	5
Section 2.16 – Authentication and Recording; Codification; Printing .....	5 & 6
ARTICLE IIA – CITY MANAGER .....	6
Section 2A.01 – Appointment; Qualifications; Compensation .....	6
Section 2A.02 – Removal .....	6
Section 2A.03 – Acting City Manager .....	6
Section 2A.04 – Powers and Duties of City Manager .....	6 & 7
ARTICLE III – DEPARTMENTS, OFFICES AND AGENCIES .....	7
Section 3.01 – General Provisions .....	7
Section 3.01(b) – Supervision .....	7
Section 3.02 – Legal Officer .....	8

ARTICLE IV – FINANCIAL PROCEDURES .....	8
Section 4.01 – Fiscal Year .....	8
Section 4.02 – Submission of Budget and Budget Message.....	8
Section 4.03 – Budget.....	8
Section 4.04 – City Council Action on Budget .....	8
Section 4.05 – Appropriation and Revenue Ordinances.....	8 & 9
Section 4.06 – Amendments After Adoption .....	9
Section 4.07 – Lapse of Appropriation.....	9
Section 4.08 – Administration of Budget.....	9
Section 4.09 – Overspending of Appropriations Prohibited.....	9 & 10
Section 4.10 – Public Records.....	10
ARTICLE V – ELECTIONS .....	10
Section 5.01 – City Elections .....	10
Section 5.02 – Initiative and Referendum .....	10
ARTICLE VI – BROOKINGS MUNICIPAL UTILITIES AND BROOKINGS MUNICIPAL HOSPITAL .....	10
Section 6.01 – Management and Control of Brookings Municipal Utilities and Brookings Municipal Hospital.....	10 & 11
ARTICLE VII – GENERAL PROVISIONS.....	11
Section 7.01 – Conflicts of Interest, Board of Ethics.....	11
Section 7.02 – Prohibitions .....	11 & 12
ARTICLE VIII – CHARTER AMENDMENT.....	12
Section 8.01 – Proposal of Amendment .....	12
Section 8.02 – Election .....	12
Section 8.03 – Adoption of Amendment .....	12
ARTICLE IX – TRANSITION/SEPARABILITY PROVISION.....	13
Section 9.01 – Officers and Employees.....	13
Section 9.02 – Departments, Offices and Agencies .....	13
Section 9.03 – Pending Matters.....	13
Section 9.04 – State and Municipal Laws.....	13
Section 9.05 – Schedule .....	14
Section 9.06 – Separability .....	15

PREAMBLE

We the people of the City of Brookings, in order to establish a more representative and effective city government, do adopt this Charter in accordance with the Home Rule power granted in Article IX, Section 2 of the South Dakota Constitution and the procedural requirements of SDCL Chapter 6-12.

**ARTICLE I**

**POWERS OF THE CITY**

**Section 1.01 – Powers of the City.** The City shall have all powers possible for a city to have under the Constitutions of this State and of the United States. It is the intention of this Charter to confer upon the City every power it may have under law, as fully and completely as though the power was specifically mentioned.

**Section 1.02 – Construction.** This Charter shall be construed liberally in favor of the City and the specific mention of particular municipal powers in other sections of this Charter does not limit the powers of the City to those so mentioned.

**Section 1.03 – Intergovernmental Relations.** The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more states or any state division or agency, or the United States or any of its agencies or any township, county or municipality.

The City retains and reserves its right to Joint Exercise of Governmental Powers as set forth in SDCL Title 1. Further, the City adopts and ratifies each and every contract and agreement entered into by virtue of that power under any prior City organization or form of government.

**Section 1.04 – Limitations.** Nothing in this Charter shall be construed to permit the City to do any of the following:

1. Levy a personal or corporate income tax,
2. Issue more liquor licenses,
3. Permit increased gaming, or
4. Incur additional debt,

unless and except to the extent otherwise authorized to any City established as a SDCL Title 9 authorized form of City government.

**Section 1.05 – New Taxes.** Any tax which is approved by the City Council may be submitted by the City Council to a vote of the people for approval or disapproval before it becomes effective. Any tax which is approved by the City Council may also be referred to a vote of the people by referendum for approval or disapproval.

**ARTICLE II**  
**CITY COUNCIL**

**Section 2.01 – General Powers and Duties.** All powers of the City shall be vested in the City Council except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law. The Council shall act as a part-time, policy making and legislative body, avoiding management and administrative issues which are hereafter assigned to a City Manager.

**Section 2.02 – Composition, Eligibility, Terms, Powers and Duties.**

- a. Composition. There shall be a City Council composed of the Mayor and six (6) Council Members to be elected by the voters of the City at large.
- b. Eligibility. Only the registered voters of the City who have resided in the City for at least six months immediately prior to the date of election shall be eligible to hold the office of Council Member or Mayor.
- c. Terms. The terms of Council Members and the Mayor shall be for three (3) years following the completion of the terms as provided in Section 9.05.
- d. The Council by resolution shall establish the powers and the duties of the Council and of the Mayor in addition to those assigned by the Charter.

**Section 2.03 – Mayor.** The Mayor shall have the powers and duties as a Council Member, including the power to vote, and in addition, shall preside at the meetings of the Council, represent the City in intergovernmental relationships, appoint with the advice and consent of the Council the members of citizen advisory boards, committees, and commissions, present an annual state of the City message, and perform other duties specified by the Council. The Mayor shall be recognized as head of the government for all ceremonial purposes and by the Governor for the purpose of military law. The Mayor shall have no administrative duties. The Council shall elect annually, from among its members, a Deputy Mayor who shall act as Mayor during the absence or the disability of the Mayor, or until a vacancy in the office of Mayor is filled.

**Section 2.04 – Compensation; Expenses.** The initial annual salary for Council Members of the City Council shall be \$3,600 and shall be \$4,800 for the Mayor. The Council, by resolution approved by at least five Council Members, may increase the salaries of the Council Members and of the Mayor provided that no such resolution shall become effective until the date of commencement of the term of the Council Member or Mayor elected at the next regular election. The Mayor and Council Members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

**Section 2.05 – Prohibitions.**

- (a) Holding Other Office. Except where authorized by law, no Council member shall hold any other elected public office during the term for which the member was

elected to the Council. No Council member shall hold any other City office or City employment during the terms for which the member was elected to the Council. No former Council member shall hold any compensated appointive office or employment with the City until one year after the expiration of the term for which the member was elected to the Council. Nothing in this section shall be construed to prohibit the Council from selecting any current or former Council member to represent the City on the governing board of any regional or intergovernmental agency.

- (b) Appointments and Removals. The City Council or any of its members shall not in any manner control or demand the appointment or removal of any City administrative officer or employee whom the City Manager or any subordinate of the City Manager is empowered to appoint, however the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officer or employee.
- (c) Interference with Administration. Except for the purpose of inquiries and investigations under Section 2.09, the Council or its members shall deal with the City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

**Section 2.06 – Vacancies; Forfeiture of Office; Filling of Vacancies.**

- (a) Vacancies. The office of a Council Member or Mayor shall become vacant upon the person's death, resignation, removal from office or forfeiture of office in any manner authorized by law.
- (b) Recall. The power of recall of the Mayor or Council Members shall be allowed as set forth in SDCL Title 9.
- (c) Forfeiture of Office. The Mayor or a Council Member shall forfeit that office if the Mayor or Council Member:
  - 1. Lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law.
  - 2. Violates any expressed prohibition in Section 7.02 of this Charter.
  - 3. Fails to maintain residency within the city limits.
  - 4. Is convicted of a felony.
  - 5. Fails to attend at least fifty percent (50%) of the regular meetings of the Council during a fiscal year, or three consecutive regular meetings of the Council, without being excused by the Council.

- (d) Filling of Vacancies. Filling of Vacancies. Except as provided below, a vacancy in the office of Mayor or of a City Council Member shall be filled for the remainder of the unexpired term at the next regular City election. The Council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. However, if the vacancy occurs less than sixty days prior to the next regular City election, then the person appointed to fill the vacancy shall continue to serve and the vacancy shall be filled at the regular City election immediately following the next regular City election. Notwithstanding the requirement in Section 2.11, if at any time the membership of the Council is reduced to less than 6, the remaining members shall, within sixty (60) days, fill the vacancies by appointment or call for a special election to fill the vacancies.

**Section 2.07 – Judge of Qualifications.** The City Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. The Council shall have the power to set additional standards of conduct for its members beyond those specified in the charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the Council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least 7 days in advance of the hearing. Decisions made by the Council under this section shall be subject to judicial review.

**Section 2.08 – Clerk.** The City Council shall appoint an officer of the City who shall have the title of Clerk. The Clerk shall give notice of Council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this Charter or by the Council or by state law.

**Section 2.09 – Investigations.** The City Council may make investigations into the affairs of the City and the conduct of any City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the Council shall be a misdemeanor punishable by a fine and/or jail sentence to be established by resolution of the Council.

**Section 2.10 – Independent Audit.** The City Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits, as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, but the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the Department of Legislative Audit makes such an audit, the Council may accept it as satisfying the requirements of this section.

**Section 2.11 – Procedure.**

- a. Meetings. The Council shall meet regularly at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or of 4 or more members and, whenever practicable, upon no less than twenty-four (24) hours notice to each member. Except as allowed by state law, all meetings shall be public.
- b. Rules and Journal. The City Council shall conduct all meetings under the provisions of Roberts Rules of Order with the exception of any conflict with this Charter, City Ordinance, State or Federal statute, determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.
- c. Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in the Charter or the preceding sentence and in Section 2.06, shall be valid or binding unless adopted by the affirmative vote of 4 or more members of the Council.

**Section 2.12 – Action Requiring an Ordinance.** In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- 1. Adopt or amend an administrative code or establish, alter, or abolish any City department, office or agency;
- 2. Levy taxes;
- 3. Grant, renew or extend a franchise;
- 4. Regulate land use and development;
- 5. Amend or repeal any ordinance previously adopted;
- 6. Establish and regulate the conduct of elections;

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

**Section 2.13 – Ordinances and Resolutions in General.** City ordinances and resolutions shall be introduced, published, enacted, recorded, and codified as provided in state law; however, the City Council may by ordinance amend such requirements.

**Section 2.14 – Emergency Ordinances.** To meet a public emergency affecting life, health, property or the public peace, the City Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except as provided in Section 4.06(b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least 5 members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to Section 4.06(b) shall automatically stand repealed as of the 61<sup>st</sup> day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

**Section 2.15 – Codes of Technical Regulations.** The City Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

1. The requirements of Section 2.13 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance.
2. A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Clerk pursuant to Section 2.16(a).

Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

**Section 2.16 – Authentication and Recording; Codification; Printing.**

- a. Authentication and Recording. The City Clerk shall authenticate by signing and shall record in full in a properly indexed book kept for that purpose all ordinances and resolutions adopted by the City Council.
- b. Codification. Within three years after adoption of this Charter and at least every ten years thereafter, the City Council shall provide for the preparation of a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of South Dakota, and such codes of technical regulations and other rules and

regulations as the Council may specify. This compilation shall be known and cited officially as the Brookings City Code of Ordinances. Copies of the Code shall be furnished to City officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the Council. The term “City Council” or “Council” shall replace and mean the term “City Commission” or “Commission” in the Code of Ordinances.

- c. Printing of Ordinances and Resolutions. The City Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the Council. Following publication of the first Brookings City Code of Ordinances and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or addition to the provisions of the Constitution and other laws of the State of South Dakota, or the codes of technical regulations and other rules and regulations included in the code.

## ARTICLE IIA

### CITY MANAGER

**Section 2A.01 – Appointment; Qualifications; Compensation.** The City Council by the affirmative vote of four (4) or more members of the Council shall appoint a City Manager for an indefinite term and fix the manager’s compensation. The City Council shall conduct a review of the performance of the City Manager at least annually. The City Manager shall be appointed solely on the basis of executive and administrative qualifications and professional employment experience as a city manager or assistant city manager. The Manager need not be a resident of the City or state at the time of appointment but may reside outside the City while in office only with the approval of the Council.

**Section 2A.02 – Removal.** The City Manager may be suspended by a resolution approved by the affirmative vote of four (4) or more Members of the City Council which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have fifteen days in which to reply thereto in writing. The City Manager may request and shall be afforded a public hearing, and the City Council shall set a time for a public hearing upon the question of the City Manager’s removal. After the public hearing, if one is requested, the City Council by the affirmative vote of four (4) of its total membership may adopt a final resolution of removal. The City Manager shall continue to receive full salary until the effective date of a final resolution of removal.

**Section 2A.03 – Acting City Manager.** By letter filed with the City Clerk, the City Manager shall designate a City officer or employee to exercise the powers and perform the duties of City

Manager during the manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager returns.

**Section 2A.04 – Powers and Duties of City Manager.** The City Manager shall be the chief administrative officer of the City, responsible to the Council for the administration of all city matters placed in the manager's charge by or under this Charter. The City Manager shall:

1. Appoint and, when necessary in their discretion, suspend or remove all city employees and appointive administrative officers provided for by or under this Charter. The City Manager may authorize any administrative employee or officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that employee or officer's department, office or agency;
2. Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law;
3. Attend all City Council meetings. The City Manager shall, except when the governing body may be considering suspension or removal of the City Manager, have the right to take part in discussion but shall not vote;
4. See that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by employees or officers subject to the manager's direction and supervision, are faithfully executed;
5. Prepare and submit the annual budget and capital program to the City Council;
6. Submit updates annually on the date specified by the City Council a five-year capital program in such form as the City Manager deems desirable or the Council may require;
7. Submit updates annually on the date specified by the City Council a five-year financial plan in such form as the City Manager deems desirable or the Council may require;
8. Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
9. Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to the City Manager's direction and supervision;
10. Keep the City Council fully advised as to the financial condition and future needs of the City;

11. Sign all warrants for the payment of money, and the same shall be countersigned by the Clerk, but no warrant shall be issued until the claim therefor has been approved by the City Council, except as may be otherwise provided by ordinance or resolution;
12. Be the personnel director of the City;
13. Make recommendations to the City Council concerning the affairs of the City;
14. Provide staff support services for the Mayor and Council members; and
15. Perform such other duties as are specified in this Charter or as may be required by the City Council.

### **ARTICLE III**

#### **Departments, Offices and Agencies**

##### **Section 3.01 – General Provisions.**

- a. Creation of Departments. The City Council may establish City departments, offices or agencies in addition to those created by this charter and may prescribe the function of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

**Section 3.01 (b) – Supervision.** All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an officer or employee appointed by and subject to the direction and supervision of the City Manager. With the consent of Council, the City Manager may serve as the head of one or more of such departments, offices or agencies or may appoint one person as the head of two or more of such departments, offices or agencies.

**Section 3.02 – Legal Officer.** There shall be a legal officer of the City appointed by the City Council. The legal officer shall serve as chief legal advisor to the Council and all City departments, offices and agencies; shall represent the city in all legal proceedings and shall perform any other duties prescribed by state law, by this Charter or by ordinance.

**Section 3.03 - Copying of Public Records.** Any officer or public servant required to keep or preserve any record, document, or other instrument subject to the provisions of SDCL 1-27-1 shall keep the records open to inspection and copying by any person during normal business hours. A reasonable fee established by the City Manager may be charged for copying the record.

## ARTICLE IV

### **Financial Procedures**

**Section 4.01 – Fiscal Year.** The fiscal year of the City shall begin on the first day of January and end on the last day of December.

**Section 4.02 – Submission of Budget and Budget Message.** On or before the first day of August of each year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.

**Section 4.03 – Budget.** The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the current fiscal year. It shall indicate in separate sections:

1. The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures.
2. Proposed capital expenditures during the ensuing fiscal year; detailed for each fund by organization unit when practicable, and the proposed method of financing each such capital expenditure.

For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus the fund balance carried forward, exclusive of reserves.

#### **Section 4.04 – City Council Action on Budget.**

- a. Budget Hearings. The City Council may schedule public hearings at appropriate times and may direct changes in the City Manager’s proposed budget.
- b. Adoption. The City Council shall adopt the final budget on or before the 30<sup>th</sup> day of September of the fiscal year currently ending. If it fails to adopt the budget by this date, the budget proposed by the City Manager shall go into effect.

**Section 4.05 – Appropriation and Revenue Ordinances.** To implement the adopted budget of the ensuing fiscal year, the City Council:

- a. Shall, no later than its first regular meeting in September of each year or within 10 days thereafter, introduce the annual appropriation ordinance for the ensuing fiscal year, in which it shall appropriate the sums of money necessary to meet all lawful

expenses and liabilities of the municipality. The ordinance shall specify the function and subfunction as prescribed by the Department of Legislative Audit for which the appropriations are made and the amount appropriated for each function and subfunction, which amount shall be appropriated from the proper fund. It is not necessary to appropriate revenue to be expended from an enterprise or trust and agency fund if the fund is not supported or subsidized by revenue derived from the annual appropriated tax levy. However, an annual budget for these funds shall be developed and published no later than the last day of December of each year.

- b. Shall adopt any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.

#### **Section 4.06 – Amendments After Adoption.**

- a. Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- b. Emergency Appropriations. To meet a public emergency affecting life, health, property, or the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 2.14. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- c. Reduction of Appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the City Manager, shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the Council and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one or more appropriations.
- d. Transfer of Appropriations. At any time during the fiscal year the City Council may by resolution transfer part or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units. The City Manager may transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit and shall report such transfers to the Council in writing prior to the next Council meeting.

- e. Limitation; Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

**Section 4.07 – Lapse of Appropriations.** Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

**Section 4.08 – Administration of Budget.** The City Council shall provide by ordinance the procedures for administering the budget.

**Section 4.09 – Overspending of Appropriations Prohibited.** No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or the City Manager’s designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payments made illegal. A violation of this provision shall be cause for removal of any employee or officer who knowingly authorized or made such payment or incurred such obligation. Such employee or officer may also be liable to the City for any amount so paid. Except where prohibited by law, however, nothing in this Charter shall be construed to prevent the making of improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, but only if such action is made or approved by ordinance.

**Section 4.10 – Public Records.** Copies of the budget, and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the City.

## ARTICLE V

### Elections

**Section 5.01 – City Elections.**

- a. Regular Elections. The regular city election shall be held at the time established by state law or as established by ordinance of the City Council.
- b. Registered Voter Defined. All citizens legally registered under the Constitution and laws of the State of South Dakota to vote in the City shall be registered voters of the City within the meaning of this Charter.

- c. Conduct of Elections. The provisions of the general election laws of the State of South Dakota shall apply to elections held under this Charter or as set forth in any ordinance adopted by the City Council. All elections provided for by this Charter shall be conducted by the election authorities established by law. Candidates shall run for office without party designation. For the conduct of City elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt ordinances consistent with law and this Charter, and the election authorities may adopt further regulations consistent with law and this Charter and the ordinances of the Council. Such ordinances and regulations pertaining to elections shall be publicized in the manner of City ordinances generally.

**Section 5.02 – Initiative and Referendum.** The powers of initiative and referendum are hereby reserved to the electors of the City. The provisions of the election law of the State of South Dakota, as they currently exist or may hereafter be amended or superseded, shall govern the exercise of the powers of initiative and referendum under this Charter.

## ARTICLE VI

### **Brookings Municipal Utilities and Brookings Municipal Hospital**

#### **Section 6.01**

- a. Management and Control of Brookings Municipal Utilities. The management and control of the Brookings Municipal Utilities is vested in the Utility Board as established by a vote of the Brookings city voters on April 14, 1970. The Utility Board may take any and all action it deems advisable in the furtherance of any utilities or enterprises now existing or hereafter acquired under its control including the borrowing of money, issuance of bonds and other forms of indebtedness.
- b. Management and Control of Brookings Municipal Hospital. The management and control of the Brookings Municipal Hospital is vested in a Hospital Board as established by Chapter 18 of the Code of Ordinances of the City of Brookings. The Hospital Board may take any and all action it deems advisable in the furtherance of the hospital or its related facilities under its control including the borrowing of money, issuance of bonds and other forms of indebtedness.

## ARTICLE VII

### General Provisions

#### **Section 7.01 – Conflicts of Interest; Board of Ethics.**

- a. Conflicts of Interest. The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official, the use of confidential information; and appearances by city officials before other city agencies on behalf of private interests. The appearance of impropriety shall be avoided. Municipal officials shall be, at a minimum, restricted from conflict of interest to the same extent that state public officials are bound by state law; provided however, that the City Council may adopt an ordinance setting a stricter standard.

#### **Section 7.02 – Prohibitions.**

- 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, age, handicap, religion, country of origin, or political affiliation.
  2. No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
  3. No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with any test, appointment, proposed appointment or proposed promotion.
  4. No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription, or contribution for any political party or political purpose to be used in conjunction with any city election from any city employee.
  5. No city employee shall, directly or indirectly, contribute money or anything of value to or render service in behalf of the candidacy of any candidate for nomination or election to any City office. The expression of private or personal views concerning candidates for political office is not prohibited hereby.

Violation of this section shall be grounds for discharge or other disciplinary action.

- b. Penalties. Any violation of this section shall be sufficient cause for the suspension, demotion, or termination of the employment of any City employee found to be in violation of this section. The City Council shall establish by ordinance such further penalties as it may deem appropriate.

## ARTICLE VIII

### Charter Amendment

**Section 8.01 – Proposal of Amendment.** Amendments to this Charter may be framed and proposed:

- a. In the manner provided by law, or
- b. By ordinance of the City Council containing the full text of the proposed amendment (except Sections 1.04, 1.05, 2.01, 2.02, 2.03 and 2.04 cannot be so amended) and effective upon adoption, or
- c. By report of a charter commission created by ordinance, or
- d. By the voters of the city, when any 15 qualified voters initiate proceedings to amend the Charter by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed charter amendment. Promptly after the affidavit of the petitioners' committee is filed, the Clerk shall issue the appropriate petition blanks to the petitioners' committee. The petitions shall contain or have attached thereto throughout their circulation the full text of the proposed charter amendment and must be signed by registered voters of the City in the number of at least ten percent of those individuals actually voting in the City in the preceding gubernatorial election.

**Section 8.02 – Election.** Upon delivery to other City election authorities of the report of a charter commission pursuant to Section 8.01(c) or delivery by the City Clerk of an adopted ordinance proposing an amendment pursuant to Section 8.01(b) or a petition finally determined sufficient to propose an amendment pursuant to Section 8.01(d), the election authorities shall submit the proposed amendment to the voters of the City in an election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one or more newspapers of general circulation in the City at least 30 days prior to the date of the election. If the amendment is proposed by petition, the amendment may be withdrawn at any time prior to the 13<sup>th</sup> day preceding the day scheduled for the election by filing with the City Clerk a request for withdrawal signed by at least two-thirds of the members of the petitioners'

committee. The election shall be held not less than 60 and not more than 120 days after the adoption of the ordinance or report or the final determination of sufficiency of the petition proposing the amendment. If no regular election is to be held within that period, the City Council shall provide for a special election on the proposed amendment; otherwise, the holding of a special election shall be as specified in the state election law.

**Section 8.03 – Adoption of Amendment.** If a majority of the registered voters of the City voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment, or if no time is therein fixed, 30 days after the initial canvas certifying its adoption by the voters.

## **ARTICLE IX**

### **Transition/Separability Provision**

#### **Section 9.01 – Officers and Employees.**

- a. Rights and Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.
- b. Continuance of Office or Employment. Except as specifically provided by this Charter, if at the time this Charter or any amendment thereof takes full effect a City administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until the taking effect of some specific provision under this Charter directing that he or she vacate the office or position.
- c. Personnel System. An employee holding a city position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in Article III.

#### **Section 9.02 – Departments, Offices and Agencies.**

- a. Transfer of Powers. If a City department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the City department, office or agency designated in this charter or, if the charter makes no provision, designated by the City Council.
- b. Property and Records. All property, records and equipment of any department, office or agency existing when this Charter or any amendment thereof is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or

in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the City Council in accordance with this Charter.

**Section 9.03 – Pending Matters.** All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

**Section 9.04 – State and Municipal Laws.**

- a. In General. All City ordinances, resolutions, orders and regulations which are in force when this amended Charter becomes effective shall continue except any ordinance is repealed to the extent it is inconsistent with this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of South Dakota permit, all laws relating to or affecting this City or its agencies, officers or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

**Section 9.05 – Schedule.**

- a. Transition and Election Schedule. Three (3) members of the City Council and the Mayor shall be elected at the regular city election in 2003, with two (2) members of the City Council elected to serve until the regular city election in 2004, after which the three (3) year terms of their successors shall begin, and one (1) member and the Mayor elected to serve until the regular city election in 2006 after which the three (3) year terms of their successors shall begin.

Three (3) members of the City Council shall be elected at the regular city election in 2005, with one (1) member of the City Council elected to serve until the regular city election in 2006, after which the three (3) year term of their successor shall begin, and two (2) members elected to serve until the regular city election in 2008 after which the three (3) year terms of their successors shall begin.

At the regular city election in 2006 and thereafter vacancies shall be filled for three year terms with regular city elections being held annually.

- b. Temporary Ordinances. In adopting ordinances as provided in Section 9.05(c), the City Council shall follow the procedures prescribed in Article II, except that at its first meeting or any meeting held within 60 days after the first City Council meeting of this Charter, the Council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective city government.

Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for other adopted ordinances. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the 91<sup>st</sup> day following the date on which it was adopted, renewed or otherwise continued except by adoption in the manner prescribed in Article II of this Charter for ordinances of the kind concerned.

- c. Initial Expenses. The initial expenses of the City Council, including the expense of recruiting a City Manager, shall be paid by the City on warrants signed by the Mayor and Clerk.

**Section 9.06 – Separability.** If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

**City of Brookings  
Governance  
and  
Ends Policies**

# City of Brookings

## Governance and Ends Policies

This document, established by the Brookings City Council, defines, protects, and prioritizes the workings of City Government. It is the ongoing hope of the Brookings City Council to lead the Citizens of Brookings in an ethical and prudent manner, in the best interests of the citizens, looking to the future rather than the past, as provided in the Mission Statement:

***The City of Brookings is committed to providing a high quality of life for its citizens, and fostering a diverse economic base, through innovative thinking, strategic planning, and proactive, fiscally responsible municipal management.***

### Table of Contents:

#### **Governance Policies**

*Defining the Purpose of the City Council, City Manager, and all City Employees*

1. Governance Process
  - 1.1 Ownership of the Council
  - 1.2 Council Role
  - 1.3 Council Style and Vision
  - 1.4 Council Action
  - 1.5 Council Code of Conduct
  - 1.6 Citizen Advisory Boards
  - 1.7 Review and Update of Policies
  
2. Council-Staff Linkage
  - 2.1 City Manager Role
  - 2.2 Delegation to the City Manager
  - 2.3 Monitoring Executive Performance

#### **Ends Policies**

*Establishing what is to be done, for whom, at what cost, and Executive Limitations to define unacceptable means*

1. Financial Stability
2. Municipal Services
3. Business Models
4. Economic Development
5. Employee Training and Development
6. Intergovernmental Cooperation and Relations

Appendix A: City Council Code of Ethics

Appendix B: Volunteer Code of Ethics

# City of Brookings

## Policy 1, Governance Process

*Defining the purpose of the City Council, City Manager, and all City Employees:*

### 1.1 Governance Process, Ownership of the Council – Key Performance Area

Governance Process is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “municipal management.”

The Brookings City Council shall answer to, and take into consideration the best interests of, all residents of the City of Brookings, both vocal and silent citizens, with respect paid to all residents, regardless of their economic status. Since the City is “owned” by the Citizens, the Council’s thinking shall be influenced by this ownership. Secondly, the City Council shall consider the needs of any person who regularly shops in, uses facilities of, or accesses services from the City of Brookings.

1. The Council represents the Citizens. Therefore, it shall educate itself regarding the values held by the persons it represents and shall act always under the influence of those values. The Council’s education may be facilitated by (a) formal and informal Citizen opinions; (b) formal and informal focus groups to explore specific issues; (c) considering input by citizen volunteers who participate on advisory boards, committees and commissions; (d) monitoring the demand and utilization of services; (e) discussions with representatives from other governmental and educational bodies; and (f) reviewing reports and citizen responses in the media.
2. The Council shall report periodically to the Citizens on its stewardship. At least once per year, the Mayor shall give an accounting of the City’s financial resources and the extent to which these funds have been translated into services, in the State of the City message.

### 1.2 Governance Process, Council Role

The role of the Council, on behalf of the Citizens of Brookings, is to assure that the City of Brookings (a) accomplishes what it should, and (b) avoids unacceptable activities and conditions.

1. The Council will engage in structured contact with citizens of Brookings to represent their diversity.
2. The Council will define in Ends policies what is to be accomplished in terms of benefits, recipients, and their relative priorities. It will define in Executive Limitations policies those activities and conditions it considers unacceptable. The Council will delegate performance on these matters to a City Manager.
3. The Council will carry out its job with discipline, emphasizing strategic rather than short-term issues, policy rather than single events, and group rather than individual decisions.
4. Whenever possible, the Council will avoid the use of committees that separate the wholeness of the Council. When further research on a topic is needed, the Council may appoint one member to investigate. However, the Council should avoid subgroups of Council members, since subgroups tend to develop a life separate from the Council as a whole.

5. The annual cycle of the Council will conclude with a review of Ends policies, in April, just prior to City Manager construction of a new annual plan and budget.

6. The Council shall honor all demands and restrictions outlined in the Brookings City Charter.

### **1.3 Governing Process, Council Style & Vision**

The Council will govern with an emphasis on (a) outward vision rather than an internal preoccupation, (b) strategic leadership rather than administrative detail, (c) clear distinction of Council and City Manager roles, (d) collective rather than individual decisions, (e) future rather than past or present, and (f) proactively rather than reactivity. The Council will:

1. Deliberate in many voices, but govern in one.

2. Cultivate a sense of excellence. The Council will be responsible for excellence in governing. The Council will be an initiator of policy, with the advice and counsel of the City Manager.

3. Cultivate a sense of group responsibility. The Council will use the expertise of individual members to enhance the ability of the Council as a body. However, it is not the intention of the Council to defer the group's judgment to any one individual.

4. Direct, control and inspire the organization through the careful establishment of broad written policies reflecting the Council's values and perspectives. The Council's major policy focus will be on the intended long-term impacts outside the operating organization, not on the administrative or programmatic means of attaining those effects.

5. Enforce upon itself whatever discipline is needed to govern with excellence. Discipline will apply to matters such as attendance, preparation for meetings, policymaking principles, respect of roles, and ensuring the continuity of governance capability. Continual Council development will include orientation of new members in the Council's governance process and periodic Council discussion of process improvement. The Council will allow no officer, individual or committee of the Council to hinder or be an excuse for not fulfilling its commitments. In compliance with this policy, in May 2002 the City Council adopted a City Council Code of Ethics. It is attached to this document as Appendix A.

6. Monitor and discuss the Council's process and performance at each meeting. Self-monitoring will include comparison of Council activity and discipline to policies in the Ends, Governance Process and Council-Staff Linkage categories.

### **1.4 Governance Process, Council Action**

The job of the City Council of Brookings is to achieve the mission in a prudent and ethical way. The job of the Council is to make certain contributions to the total, which are unique to its public trusteeship role and necessary for proper governance and management of the City. Consequently, the "products" of the Council itself shall be:

A. Connection between the Council and its "ownership," the Citizens.

B. Written governing policies that concern:

Governance Process (how the Council carries out its task, and the passing of power and measurement of its use) and

Ends Policies (what benefits, for whom, at what cost), and Executive Limitations (prudent and ethical limitations binding upon the staff);

C. The assurance of staff performance (through guidance and evaluation of the City Manager).

### **1.5 Governance Process, Council Code of Conduct**

Since Council members have no authority as individuals, members shall refrain from efforts that may lead to situations in which a Councilperson might have occasion to overstep their bounds. Although not every situation can be outlined, some common areas of concern include:

1. Staff being intimidated or manipulated by a Councilperson's individual comments or actions. Council members must bear in mind that at times, staff may ask for an individual opinion from a Council member, and while the Council member may sincerely respond only as an individual, staff will often place undue emphasis on the opinion, due to the Council member's status.
2. Staff being polarized by dissention. Although all Council members are obligated to register differences of opinion on Council issues at the Council level as passionately as desired, individual members must not direct their differences of opinion to staff in a manner which creates dissension or polarization in the organization.
3. Since no one has the right to speak on behalf of the entire Council, individual Council members are encouraged to conduct themselves in a professional manner in all communications.
4. Members will not individually render binding judgments of the City Manager or staff performance apart from compliance with Council policies as monitored by the Council as a body.

### **1.6 Governance Process, Citizen Advisory Boards**

The Council values the expression of citizen viewpoints on topics of concern to the Council. Therefore, the Council will continue the tradition of seeking input from volunteer citizen advisory boards and committees, although final responsibility for decisions, and the implementation that follows, rests entirely with the Council. The Council reminds staff that the ideal purpose of citizen involvement is not to advance staff agendas, but to seek objective opinions from a diverse range of citizens.

**Guideline A:**

The Council will make every effort to offer overall direction and guidelines to citizen volunteers, through the use of Council Ends Policy statements, and by reviewing the mission and need for each citizen advisory board and committee on an annual basis. During the annual review:

1. The Council will determine if the need for a citizen advisory board or committee justifies continuation of the board or committee. If continuation is justified, proceed to #2.
2. The Council will make an effort to determine the most effective use of citizen volunteers, with a primary decision being the length of service for each board and committee. The Council believes citizen input will be more likely objective and updated if the advisory board or committee is kept in an ad hoc (short-term) format. However, the Council recognizes that some complex issues require citizen involvement for a longer period in order to be effective.
3. Unless otherwise specified by the Council, the City Manager will coordinate the activities and reporting functions of all citizen advisory boards and committees.
4. The City Manager will base his guidance of citizen advisory boards and committees on Ends Policies established by the Council.
5. The Mayor, with advice and consent of the Council, will make all appointments to citizen advisory boards and committees.
6. Upon recommendation of the City Manager, the Council may approve the creation of ad hoc committees to assist the City Manager or his staff.
7. In compliance with this policy, in May 2002 the City Council adopted a Volunteer Code of Ethics. It is attached to this document as Appendix B.

**Guideline B:**

The Council directs all staff to review relevant Ends Policies with citizens upon their appointment to an advisory board or committee. The Council asks staff to be as objective as possible in educating and presenting options to citizens, since the purpose of advisory boards and committees is not only to hear from citizens, but to increase citizen involvement, loyalty, and creativity toward their City.

1. The Council asks the City Manager to create and regularly update an orientation packet for each new volunteer that includes relevant Ends Policies.
2. The Council asks staff to review this orientation packet with each potential volunteer, prior to their appointment, emphasizing this very policy (Policy 1.6), and asking for a citizen signature on the line that indicates understanding of this policy.
3. Staff will provide regular summaries of citizen committee work to the Council.

**1.7 Governance Process, Review and Update of Policies**

The Council will review all policies (including Governance, Council-Staff Linkage, Ends, and Executive Limitations) during the first quarter of each year, although the Council may also review and update any policy at any time deemed prudent and necessary by the Council. The Council expects immediate adjustment by the City Manager to any policy change instituted by the Council.

# City of Brookings

## Policy 2, Council-Staff Linkage

*Defining the purpose of the City Council, City Manager, and all City Employees:*

### 2.1 Council-Staff Linkage, City Manager Role

As the Council's single official link to the operating City government, the City Manager's performance will be considered to be synonymous with organizational performance as a total. Consequently, the City Manager's job contributions can be stated as performance in these, but not limited to:

1. City government accomplishment of the provisions of Council policies within the Policy Governance Model, especially Ends Policies, but also including Governance Process, and Council-Staff Linkage policies.
2. City government operation within the boundaries of prudence and ethics established in Council policies on Executive Limitations.

### 2.2 Council-Staff Linkage, Delegation to the City Manager

All Council authority delegated to staff is delegated through the City Manager, so that all authority and accountability of staff--as far as the Council is concerned--is considered to be the authority and accountability of the City Manager.

1. The Council will direct the City Manager to achieve certain results, for the citizens, at a certain cost, through the establishment of Ends policies. The Council will limit the latitude the City Manager may exercise in practices, methods, conduct, and other "means" through the establishment of Executive Limitations within those policies.
2. As long as the City Manager uses *any reasonable interpretation* of the Council's Ends and Executive Limitations policies, the City Manager is authorized to establish all further policies, make all decisions, take all actions, establish all practices, and develop all activities.
3. The Council may change its Ends and Executive Limitations policies, thereby shifting the boundary between Council and City Manager domains. By doing so, the Council changes the latitude given to the City Manager. Council members will respect and support the City Manager's decisions and choices, whenever made pursuant to existing Council Policies.
4. Only decisions of the Council acting as a body are binding upon the City Manager.
5. In the case of Council members, citizen advisory committees, or others, requesting information or assistance without Council authorization, the City Manager may turn to the Council for guidance, especially when such requests will require an inordinate amount of staff time or funds, or are disruptive to the efficient operation of the City.

### **2.3 Council-Staff Linkage, Monitoring Executive Performance.**

Monitoring executive performance is synonymous with monitoring organizational performance against Council policies on Ends and on Executive Limitations. Any evaluation of the City Manager's performance, formal or informal, may be derived only from these monitoring data. This policy places the burden of measuring success on two pivotal points: well-defined Ends and Executive Limitation policies, and accurate measurements. Without well-defined policies and accurate measurements, the point of monitoring performance is lost. The Council recognizes the need to insulate the City Manager's role from performance reviews that rate personality rather than performance.

1. The purpose of monitoring is simply to determine the degree to which Council policies are being fulfilled. Information which does not do this will not be considered monitoring. Monitoring will be as automatic as possible, using a minimum of Council time so that meetings can be used to create the future rather than to review the past.
2. A given policy may be monitored in one or more of three ways:
  - A. Internal report: Disclosure of compliance information to the Council from the City Manager.
  - B. External report: Discovery of compliance information by an objective party who is selected by and reports directly to the Council. Such reports must assess executive performance only against policies of the Council, not those of the external party unless the Council has previously indicated that party's opinion to be the standard.
  - C. Direct Council inspection: Discovery of compliance information by a Council member, or the Council as a whole. This is a Council inspection of documents, activities or circumstances directed by the Council which allows a "prudent person" test of policy compliance.
3. The Council recognizes that, at times, non-compliance with a policy may be necessary and prudent in the short term. However, in order to monitor the performance of the City, and to modify policies that need improvement, the Council must be constantly aware of compliance issues. The Council expects monitoring and reporting compliance or non-compliance to be the City Manager's highest priority. To promote regular monitoring, the Council asks the City Manager to follow these guidelines:
  - A. All Ends and Executive Limitations statements will be monitored and compliance will be formally announced by the City Manager to the Council on a quarterly basis.
  - B. Any non-compliance will be reported immediately, at the next Council meeting, if not before, and non-compliance will then be monitored on a monthly basis, until compliance is reestablished, or the policy is changed.
4. During the first quarter of each year, the Council will institute a formal evaluation of the City Manager. This evaluation will consider only monitoring data as defined here, as it has appeared over the intervening year.

# City of Brookings

## Ends Policy 1, Financial Stability

*Establishing what is to be done, for whom, at what cost, and  
Executive Limitations to define unacceptable means*

### **Financial Stability – Key Performance Area**

Financial stability is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “fiscally responsible municipal management.”

One of the duties of the City Manager is the development of a process that keeps the Council aware of upcoming budgetary needs and requests, so that the Council may aid in the creation of ongoing budget priorities. Good stewardship requires the Council to discern what is in the best interests of the citizens, and budget accordingly.

Therefore, budgeting for any fiscal period or the remaining part of any fiscal period shall not deviate materially from Council Policies as established in key performance areas, or other City Council policies. The City Manager is therefore prohibited from budgeting or spending that:

1. Lowers the City’s bond rating;
2. Violates Federal, State, or Municipal laws; ethical standards; and generally accepted accounting and budgeting principles.

In addition, the City Manager may not bypass Council judgment to allow budgeting that:

1. Allows expenditures to exceed revenues, including the contingency as an expenditure;
2. Increases the property tax rate;
3. Includes capital expenditures that have not been previously approved by the Council; in a Capital Improvement Plan or other council action;
4. Causes the City to incur new debt;
5. Increases operating expenses (meaning personnel and capital excluded) in any department beyond inflation using at least a rolling six month average of the Midwest Consumer Price Index;
6. Provides for employee compensation and benefits that exceed market standards;

### **Guideline A:**

With respect to budget preparations, the City Manager shall stay within the confines of what constitutes a conservative perspective, as it is the Council’s intention to:

1. Make conservative revenue projections using the previous five-year average as a benchmark, with an emphasis on the previous year actual and current year actual. Projections using current data should not be made with less than 6 months rolling actual data.
2. Provide valuable citizen services;
3. Lighten the debt load of the City;
4. If a property tax rate is justified only because of state limitations, a special reserve will be created.
5. The City has established the policy that financial, service and program performance measures be developed and used as an important component of decision making and incorporated into governmental budgeting. The City encourages all departments to utilize performance measures. At a minimum, performance measures should be used to report on

the outputs of each program and should be related to the objectives of each department. Performance measures should:

- a. Be based on program objectives that tie to the City Council's goals and program mission or purpose;
- b. Measure program results or accomplishments;
- c. Provide for comparisons over time;
- d. Measure efficiency and effectiveness;
- e. Be reliable, verifiable and understandable;
- f. Be reported internally and externally;
- g. Be monitored and used in decision-making processes; and
- h. Be limited to a number and degree of complexity that can provide an efficient and meaningful way to assess the effectiveness and efficiency of key programs.

**Guideline B:**

In addition, as the City Manager assumes his duties, the Council requests that the City Manager keep information flowing to the Council, especially concerning plans relating to consolidation or expansion of any City departments. Therefore, the City Manager may not consolidate or expand any City Department without first informing the Council of the intended action.

**Guideline C:**

With respect to reserve funds the City Manager's overall budgetary goal will be to present a budget that allows for reasonable reserve creating options for the Council. The City Manager may not bypass Council judgment to allow budgeting that:

1. Lowers the General Fund Reserve below a 3-month operational level:
  - a. The 3-month calculation shall be based upon General Fund expenditures, derived from the previous year's Audited Financial Statement. The reserve amount shall reflect the targeted reserve amount, deficiencies below the targeted reserve amount and any discretionary funds available above the targeted reserve amount.
  - b. General Fund reserves may be used at the Council's discretion to address temporary cash-flow shortages, emergencies unanticipated economic downturns, one-time opportunities and capital needs related to buildings, structures and vehicles used specifically in the operation of the General Fund. They provide flexibility to respond to unexpected opportunities that may help the City achieve its goals.

The funds identified in "b" above may be used at the Council's discretion to address temporary cash flow shortages, emergencies, unanticipated economic downturns, and one-time opportunities. They provide flexibility to respond to unexpected opportunities that may help the City achieve its goals.

2. Lowers the following funds below the following:
  - a. The Industrial Development fund – a cash flow reserve of 10% and a capital reserve of 90% funded with revenue from the sale of industrial lands with a minimum of \$500,000 in capital reserve.

- b. The Special Assessment fund – a reserve based on an annual analysis of current development and future needs.
- c. The Storm Drainage fund - a cash flow reserve of 20% of annual revenues and a capital reserve based on the capital improvement plan with a minimum of 80% of annual revenues from the previous year.

Council options for further reserves include:

- a. Transfer to increase the reserve of another fund that is not at the established target;
- b. To finance un-funded necessities of the previous year's budget reductions;
- c. To pay off debt with a portion of the reserve;
- d. To finance the expansion of City services;
- e. To offer property tax, or other tax relief.

**Guideline D:**

The use of one-time revenues will be guided by this policy. Examples of one-time revenues include: infrequent sales of assets, bond refunding savings, infrequent revenues from development, and grants. These revenues may be available for more than one year (a three-year grant), but are expected to be non-recurring. Examples of expenditures for which the City may wish to use one-time revenues include startup costs, stabilization (to cover expenditures that temporarily exceed revenues), early debt retirement, and capital purchases.

The City Manager will not bypass Council judgment in making use of one-time revenue. In utilizing one-time revenue, the City Manager will carefully analyze and minimize the need for ongoing expenditures.

**Guideline E:**

Capital expenditures will be planned each year in a five-year capital improvement plan. The annual budget will provide a separate accounting of capital expenditures in each department. The city manager should plan major projects with an estimated expenditure and with sources of funding identified. The general fund expenditures for furniture, equipment, and buildings is expected to fluctuate, but an average of 10% of the total general fund expenditures is expected, this includes the amount funded by the 25% 2<sup>nd</sup> Penny funds.

**Guideline F:**

Upon the City Council's adoption of an annual budget and five year capital plan that is presented in accordance with Guidelines A through E, the City Manager assumes responsibility for ensuring compliance with the budget as an established City Council Policy. This includes expenditure control, and program and service delivery within that budget.

Minor deviations are tolerable and encouraged to maintain cost control and deliver quality services. Examples of minor deviations are variances of purchases and costs between line items in a budget, changes in programs and services resulting in cost savings or without cost, the use of grants that do not cause future costs, and the purchases of minor equipment. This list is not exhaustive.

Major deviations require notification and sometimes-prior approval by the City Council. Examples of major deviations include the use of the contingency fund, program eliminations or additions, the use of cash instead of debt when debt was planned, changes in the capital improvement plan, and change orders in capital projects. This list is not exhaustive.

To facilitate a budget that can respond to changing needs, the City Council will approve a contingency fund for the City Manager to utilize at his/her discretion. Examples of uses for the City Manager's contingency fund include: unbudgeted training opportunities for staff; purchases of software, hardware, and small equipment that was unbudgeted; one-time expenditures to fill a major position vacancy; one-time expenditures requested by outside entities; and emergencies in general. The Manager would be expected to make an effort to avoid utilizing the contingency.

The City Manager will report compliance or deviations from this Guideline for Financial Stability on a quarterly basis.

**Guideline G:**

Budgets for Enterprise Funds will be prepared by the City Manager with a goal of providing quality services and sustaining a maximum return to the General Fund on a long-term basis. A return on assets (ROA) will be calculated on an annual basis.

**Guideline H:           Appropriation and Subsidy Policy & Guidelines**

*Purpose.* The purpose of this policy is to establish guidelines and criteria regarding the allocation and use of municipal subsidies within the City of Brookings. These guidelines shall be used in processing and reviewing applications requesting municipal subsidy assistance. Protecting the financial interest of the City of Brookings is of the utmost importance, so it is the intent of the city to provide a minimum amount of municipal subsidies, as well as other incentives that the City may deem appropriate, for the shortest term required for the project to proceed.

The City reserves the right to approve or reject projects on a case-by-case basis, taking into account established policies, specific project criteria, and demand on city services in relation to the potential benefits to be received from a proposed project.

Meeting policy guidelines or other criteria does not guarantee the award of municipal subsidies. Furthermore, the approval or denial of one project is not intended to set precedent for approval or denial of another project.

Whenever possible, it is the City's intent to coordinate the use of municipal services with other local governing bodies and taxing jurisdictions.

*Objective of Municipal Subsidies.* The City of Brookings is committed to providing a high quality of life for its citizens and fostering a diverse economic base through innovative thinking, strategic planning, and proactive, fiscally responsible municipal management.

To fulfill this commitment, the Brookings City Council will closely examine its goals and the goals of its city departments to identify outcomes that will meet the standards as outlined in the mission statement above.

The Council also recognizes that its support of programs and services outside the scope of its city departments may be necessary to fulfill the commitment and achieve the desirable quality of life for its citizens. As a matter of policy, the City of Brookings will consider using municipal funds to assist in the following areas, but are not limited to, opportunities in the areas of:

- Affordable Housing
- Arts & Culture
- Youth Development
- Diversity
- Economic Development
- Education & Literacy
- Environment
- Government Stewardship
- Health
- Parks, Recreation & Open Spaces
- Partnerships
- Preservation/ History
- Safety
- Transportation/Transit

The Brookings City Council may choose to annually allocate a specified funding amount for a specific category, regardless of the number of applicants for that particular programming area.

General Guidelines for the Allocation of Municipal Subsidies. The City of Brookings may allocate up to four (4) percent of the annual General Fund expenditures to subsidize community needs and programs. The City's current and projected financial health and stability will be the key deciding factor in determining its ability to provide funds to outside organizations.

In addition, the Council will consider a number of factors as defined in the City's Funding Application when making this decision. A key factor will be the applicant's ability to provide a service or outcome that improves the quality of life for the citizens of Brookings. The applicant must also provide a "but for" analysis which demonstrates the need for public assistance. Other factors include the applicant's ability to become self-sustaining, the duration of the funding commitment, and operating verses capital requests.

Municipal subsidy will not be used for projects that would place extraordinary demands on city infrastructure and services.

Request for donations or subsidies from individuals, religious or political groups based out of the City of Brookings will not be considered.

Request for donations or subsidies from qualified organizations outside of the funding timeline will not be considered.

General Guidelines for Subsidies. The Brookings City Council evaluates program-funding proposals on an annual basis for funding in the following calendar year. The City's fiscal year is January 1 to December 31. Proposals must be submitted to the City Clerk in accordance with the budget cycle

schedule and proposal format outlined below. Requests may only be made during this period of time. Completed applications must be received on or before June 1<sup>st</sup> of each given year.

Following, a review by the City Manager and Finance Manager, the application shall be referred to the City Council for further consideration during the annual budget meetings.

Organizations applying for a donation or subsidy must submit a completed *Application for Funding* along with a detailed description of the project; a preliminary site plan; the amount requested; the duration of the funding request; the public purpose of the project; verifiable funding sources and uses; and a “but for” analysis which demonstrates the need for public assistance. Additional documents that may be required include the organization’s current expense statement and budget, Board of Directors listing, current Annual Report, and all other items specified in the *City of Brookings Application for Funding*.

*Budget Hearing Process.* Brookings City Council budget meetings are held in the months of August and September. All budget meetings are open to the public. Applicants may or may not be invited to make a presentation on their funding proposal. Applicants are encouraged to attend all budget meetings to remain informed during the process. Applicants should be prepared to answer questions based on the application. Final action on the budget occurs at the last Council meeting in September.

*Brookings School District Subsidies.* Appropriation of public funds can be set aside for specific purposes which promote the City of Brookings mission and the local quality of life within the City of Brookings. Brookings Municipal Utilities transfers funds each year to the General Fund as a means to keep city property taxes at a low level for the citizens of Brookings. The City of Brookings may annually appropriate not less than 13.5% up to 15% of the transfer from the Brookings Municipal Utilities to the Brookings School District.

*Economic Development/Promotions Subsidies.* A subsidy from the 3<sup>rd</sup> B Fund shall meet the requirements of the SD State Statute 10-52-8\*. Funds will be appropriated from the 3<sup>rd</sup> B Fund to entities with the capacity to promote and advertise the city, its facilities, attractions, and activities. In any fiscal year, the City may require the unencumbered funds be returned to the City 3<sup>rd</sup> B Fund.

*Subsidy Agreement and Reporting Requirements.* The City of Brookings requires all recipients of municipal funds to enter into appropriate agreements that identify the reason for the subsidy, the public purpose served by the subsidy, subsidy payment schedule, final the specific performance measurements to be attained, and final reporting on outcomes. Failure to provide final reporting of funds and all other required reports will make applicant ineligible for future subsidies.

The City has established the policy that financial, service and program performance measures be developed and used as an important component of decision making and incorporated into governmental budgeting. The City encourages all departments to utilize performance measures. At a minimum, performance measures should be used to report on the outputs of each program and should be related to the objectives of each department.

The performance measurements should:

1. Be based on program objectives that tie to the City Council’s goals and program mission or purpose;

2. Measure program results or accomplishments;
3. Provide for comparisons over time;
4. Measure efficiency and effectiveness;
5. Be reliable, verifiable and understandable;
6. Be reported internally and externally;
7. Be monitored and used in decision-making processes; and
8. Be limited to a number and degree of complexity that can provide an efficient and meaningful way to assess the effectiveness and efficiency of key programs.

All agreements and reports shall be timely prepared and filed with the City Clerk. Failure to comply with any of these requirements may result in the revocation of the requested subsidy as well as fines, repayment requirements, and a determination that the organization is ineligible for future municipal subsidies for a period of years.

\* Applicable State Statute:

10-52-8. Additional tax on lodgings, alcoholic beverages, prepared food, and admissions -- Purposes -- Conformance with state sales and use tax. Notwithstanding the tax rate limitations of §10-52-2 or 10-52-2.1, any municipality may impose an additional municipal non-ad valorem tax at the rate of one percent upon the gross receipts of all leases or rentals of hotel, motel, campsites, or other lodging accommodations within the municipality for periods of less than twenty-eight consecutive days, or sales of alcoholic beverages as defined in §35-1-1, or establishments where the public is invited to eat, dine, or purchase and carry out prepared food for immediate consumption, or ticket sales or admissions to places of amusement, athletic, and cultural events, or any combination thereof. The tax shall be levied for the purpose of land acquisition, architectural fees, construction costs, payments for civic center, auditorium, or athletic facility buildings, including the maintenance, staffing, and operations of such facilities and the promotion and advertising of the city, its facilities, attractions, and activities. Such taxes shall conform in all respects to the state sales and use tax on such items with the exception of the rate.

# City of Brookings

## Ends Policy 2, Municipal Services

*Establishing what is to be done, for whom, at what cost, and  
Executive Limitations to define unacceptable means*

### **Municipal Services – Key Performance Area**

Municipal Services is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “providing a high quality of life for citizens.”

The City Council deems City Services, along with fiscal management, as the highest priorities of the City Manager and City Employees. There is no more important function of City Government than to serve the Citizens of Brookings in a friendly, effective manner.

For this document, the City Council defines Municipal Services as Life Safety (police and fire), and Functional Services (all other departments).

### **Guideline A:**

In terms of Life Safety, involving the police and fire departments, the City Manager will:

- 1) In emergency situations, uphold the decisions made by the fire or police chief;
- 2) Maintain personnel at established baselines;
- 3) Provide appropriate equipment to maximize safety of personnel;
- 4) Enforce ordinances and laws;
- 5) Not allow situations to develop that may raise insurance rates for citizens or for the City;
- 6) Maintain the budget in such a way that will not lower the quality of services.

### **Guideline B:**

In terms of Functional Services, which include all departments of the City other than Life Safety, the City Manager will:

1. Repair infrastructure in a timely manner;
2. Increase services while forecasting benefits;
3. Expand department budgets only while documenting baselines;
4. Approve changes that fall within the long-term plan;
5. Be intolerant to waste or inefficiency of any kind;
6. Be intolerant to poor service by City Employees;
7. Enforce ordinances and laws;
8. Document ongoing citizen satisfaction and performance reviews for services provided;
9. Provide support and guidance for staff when they are forced to work outside of their expertise;
10. Seek opportunities to share facilities with other entities;
11. Anticipate foreseeable needs;
12. Use foresight in developing services;
13. Deliver services in a timely and quality manner;
14. Consider citizen complaints;
15. Emphasize a user-friendly approach;
16. Apply technology whenever beneficial.

**Guideline C:**

The City of Brookings has unique enterprise operations including the Solid Waste Disposal (landfill), the Solid Waste Collection, the Liquor Retail Store, and the Liquor Override. In terms of enterprise operations the City Manager will:

1. Comply with Guideline B;
2. Review the Return on Assets (ROA) on an annual basis. The Return on Assets will be calculated comparing the net profit to the total assets of each enterprise operation. Net profit will be calculated using the total revenue of each enterprise including the sales of services or goods, interest, rents, sale of fixed assets, and miscellaneous income minus all expenses including depreciation, but excluding the General Fund transfer expense. Total assets will include long-term assets and current assets, but not restricted cash controlled by other entities (such as grants, closure funds, etc.).

<i>Return On Assets, Item #2</i>			
<i>Year</i>	<i>Landfill</i>	<i>Collections</i>	<i>Liquor Retail</i>
2000	10.3%	26.5%	14.8%
2001	10.7%	35.4%	14.0%
2002	8.7%	16.5%	15.6%

3. Compare, as a percentage, the General Fund Transfer to the gross revenue of each enterprise operation on an annual basis;

<i>General Fund Transfer Comparison, Item #3</i>					
<i>Year</i>	<i>Landfill</i>	<i>Collections</i>	<i>Total</i>		
			<i>Liquor</i>	<i>Retail</i>	<i>Override</i>
2000	13.2%	6.6%	6.1%	4.6%	7.3%
2001	14.0%	6.7%	5.9%	4.4%	7.1%
2002	29.2%	12.4%	6.5%	5.1%	7.8%

4. Compare the enterprise operations against other similar government operated enterprises in the state of South Dakota every two years. However, a description of the uniqueness of the enterprise operations must accompany the comparisons, which may include:
  - Services provided
  - Service area
  - Fees charged
  - General Fund Transfers (if any)
  - Total gross revenue generated
  - Source of funding for capital expenditures (revenues, grants, second penny sales tax, general fund, loans, etc.)

Comparison of Operations	Brookings	Marshall, MN	Redwood Falls, MN
	~~2002~~	~~~2001~~~	~~2002~~
Population	18,500	12,023	4,859
Retail Sales	2,157,279	2,777,370	1,119,481
Override Sales	2,952,863	0	0
Net Profit/Retail	119,606	436,371	80,753
Transferred/Retail	110,773	301,230	25,000
Net Profit/Override	232,580	0	0
Transferred/Override	221,547	0	0

- Calculate earnings ratio on an annual basis; (sales of goods or services minus expenses including depreciation, but excluding the General Fund transfer; divided by sales of goods and services times 100)

<i>Earnings Ratio, Item #5</i>					
Year	Landfill	Collections	Total		
			Liquor	Retail	Override
2000	28.9%	-31.8%	6.1%	4.6%	7.7%
2001	28.3%	-6.0%	6.1%	4.6%	7.8%
2002	22.8%	-11.9%	6.9%	5.5%	7.9%

- Review a five year Capital Improvement Plan (CIP) on an annual basis. The CIP must list the capital outlays and source of funds, including demonstrating that needed capital reserves are maintained so that the enterprises are being operated in a stable financial manner.

*Each department prepares a Five-year CIP on an annual basis.*

## **City of Brookings**

### **Ends Policy 3, Business Models**

*Establishing what is to be done, for whom, at what cost, and  
Executive Limitations to define unacceptable means*

#### **Business Models, (Long Range Planning, Customer Satisfaction, Productivity and Process Improvement)--Key Performance Areas**

Operation of the City under a business model, emphasizing long range planning, customer satisfaction, and productivity and process improvement, is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “innovative thinking and strategic planning.”

The City Council chooses to import models and practices not only from government, but just as importantly, from innovative business models. In other words, the Council wants the City, whenever possible and prudent, to operate with similar systems and attitudes adopted by any successful business. Some of the major themes the Council chooses to emphasize are:

1. **Benchmarking.** The Council wants to constantly compare City performance with other cities and other departments, to be sure Brookings is operating in not only an efficient, but creative and innovative manner. The Council is aware that Brookings is unique—at times, the City’s emphasis and direction will, and should, differ considerably from other cities. However, information about best practices from other communities will always help the Council make better choices.
2. **Continuous improvement.** The Council expects measurements of performance to challenge the status quo, through the use of continuous improvement processes. Since the needs of our citizen customers are constantly changing, so should our practices.
3. **Goal-setting.** The Council expects specific goals to challenge each City Department.
4. **Accountability.** The Council expects the City Manager to hold City Employees to standards that demand excellence. “Good enough” is not an acceptable standard.
5. **Customer satisfaction.** The Council expects the City to institute a form of measurement to gather and monitor customer satisfaction.

# City of Brookings

## Ends Policy 4, Economic Development

*Establishing what is to be done, for whom, at what cost, and  
Executive Limitations to define unacceptable means*

***Mission Statement - The City of Brookings is committed to providing a high quality of life for its citizens, and fostering a diverse economic base, through innovative thinking, strategic planning, and proactive, fiscally responsible municipal management.***

### **Economic Development – Key Performance Area**

Economic Development and expansion is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “fostering a diverse economic base.”

The Council understands and intends to emphasize the importance of a healthy economy in Brookings and the surrounding area. For the entire community a healthy economy is critical to a high quality of life. Because of its great importance, there are many entities involved in economic development in Brookings. As the City is a significant funding source for much of the economic development efforts in Brookings it is the Council’s intention to spend economic development dollars in the wisest most productive manner possible.

The City Council’s desired End is to have an economy that is healthy and growing with enough economic activity to support and fund public services. Toward that end, some overall indicators, expressed as ends, have been identified:

- A. The property tax base is growing.
- B. Sales taxes are increasing.
- C. Retail, Commercial, and Industrial buildings are not vacant.
- D. There are employment opportunities.
- E. There are competitive wages.

Having developed some overall Ends, following are more specific Ends to provide guidance to both the City Council and the City Manager.

1. City Government is prepared for economic development opportunities.
  - a) 20% of un-obligated 75%-2<sup>nd</sup> Penny dollars are set aside for future economic development opportunities.
  - b) The City Manager is designated as the primary contact from city government for economic development inquiries.
  - c) City government, through its City Manager, acts as a facilitator for cooperation amongst the various economic development entities.
  - d) There is adequate land available for future Industrial and Commercial development.
  - e) BEDC has an Action Plan with Committees in place to foster economic development, create opportunities, and react to opportunities.
2. Economic development entities are working cooperatively and collaboratively.

- a) A comprehensive economic development strategy exists.
  - b) Economic development entities meet with the city manager on a regular basis and report to the City Council on a regular basis.
  - c) There is an excellent relationship between economic development entities and the Governor's Office of Economic Development.
  - d) There is a planned, cooperative effort for all "hostings".
3. Economic development efforts are conducted with an emphasis on the community's assets.
- a) The growth and expansion of existing Brookings industries and retail are the primary target for increased employment and economic growth.
  - b) SDSU students and SDSU Colleges are viewed as potential partners to targeted businesses and industries. A business or industry closely related to a field of study at SDSU can profit from the use of a quasi-professional/professional work force willing to work part-time and eventually full-time, the knowledge base held within an SDSU college, and other partnerships with SDSU.
  - c) The City will partner with the innovation campus at SDSU.
4. The land around the Swiftel Center/Ice Arena is developed to enhance and complement the existing land use in the area.
5. Tourism is bringing outside money to the community.
- a) Quality events and promotions occur frequently.
  - b) There is an events coordinator and an emphasis on filling the summer months with activities. Hotel rooms are full.
  - c) "3rd Penny" tax receipts are increasing.
  - d) Sales tax receipts are directly impacted by events.
  - e) Facilities (Ice Arena, Swiftel Center, Sports Fields, Performing Arts Center, Wellness Center) are used at capacity.
  - f) Promotion dollars leverage significant visitor spending.
  - g) The community accepts a plan for the broadening of the tax base for promotional uses.
6. Tourism entities are working cooperatively and collaboratively.
- a) A comprehensive promotion strategy exists.
  - b) City Government acts as a facilitator for cooperation among the various tourism entities.
7. The Research and Technology Center operates to facilitate the start-up and continued health of agricultural and research based business and industry. Businesses and organizations placed in the Center are agricultural research and technology based. A specific policy guides the management of the Research and Technology Center.
8. Because the State of South Dakota provides local control of the number of liquor licenses allowed in a City, there are ample liquor licenses available for future development of amenities the traveling and visiting public desires. The City of Brookings has a policy to guide the distribution of licenses (operating agreements).

9. The cost for tourism and promotion will not exceed the sum of the “3<sup>rd</sup> Penny” revenues raised annually to \$300,000.
10. The cost of economic development activities fluctuate based on the need and projects proposed.
11. The City Council has considered predevelopment agreements with large retail developments.

## City of Brookings

### Ends Policy 5, Employee Training and Development

*Establishing what is to be done, for whom, at what cost, and  
Executive Limitations to define unacceptable means*

#### **Employee Training and Development—Key Performance Area**

Employee Training and Development is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “proactive, fiscally responsible municipal management.”

The Council values City of Brookings employees as emissaries to the world. With this in mind, the work environment for employees shall be one in which employees are appreciated, and encouraged to grow and expand their skills. Compensation and benefit packages will promote excellence, within the safest possible working conditions. The goal of training shall be to provide tools to assist staff to exceed management and customer expectations.

Deviations from the below stated guidelines must be reviewed and approved by the Council.

#### **Guideline A:**

Training shall equip employees with the attitudes and behaviors necessary to achieve excellence. Based on this guideline, training shall:

1. Commence immediately upon hiring, and continue throughout the career of the employee, providing specific tools for optimal performance and productivity;
2. Emphasize continuous improvement of employees and processes;
3. Enhance an employee’s opportunity for promotion;
4. Emphasize customer service;
5. Focus on effective technological practices.

#### **Guideline B:**

Compensation Ranges will be objectively determined by the City Manager in accordance with this policy. Research shall compare compensation and benefits with those of other public entities with whom the City may compete for qualified employees, along with private sector organizations that have similar positions in the surrounding area.

Infrequently, full market surveys may be required to evaluate and implement necessary modifications to the City’s pay system. Full market surveys that might require the services of a consultant to evaluate the City’s compensation levels will be completed only upon recommendation of City Manager and approval by the Council.

The organizations to be included in the market research for non-exempt positions will consist of other public sector entities primarily in South Dakota, as well as private sector organizations in the local region, as appropriate, that have similar positions. For management and professional positions, the market will include many of the organizations previously identified, plus similarly sized cities in surrounding states that the city would compete with for applicants as identified by the City Manager. It is not intended that the market will include significantly larger South Dakota cities, such as Sioux Falls and Rapid City, unless the market conditions clearly suggest the need to do so.

In order to ensure that there is consistency in the methodology used when determining the compensation ranges and benefits, the City Manager will follow the guidelines below:

In addition to infrequent full market surveys, periodic checks of benchmark positions will be completed as directed by the City Manager to monitor and maintain the City's compensation program. To maintain compensation levels that are comparable to market, the City Manager will identify and select benchmark positions and organizations to survey on a timetable appropriate to upcoming budget year. Efforts will be made to survey the same or like organizations as in the previous survey unless an exception to this policy can be justified.

In order to maintain the internal equity of the compensation system, the Job Factor Evaluation System adopted by the City will be used for all job classification reviews. The job evaluation is not intended to provide a specific value for a position; rather it is intended to provide an assessment of the "relative" value of a position to the organization, compared to other positions. The following criteria defined in the Job Factor Evaluation will be used in evaluating the internal equity placement of City positions:

1. Scope of Supervision – Factor measures both the level of supervision required as well as the number of individuals supervised.
2. Job knowledge - Factor measures the extent and nature of knowledge required to perform the duties of the position.
3. External Contacts – Factor measure the nature and frequency of external contacts.
4. Decision Making – Factor measures the level of decision-making and independent thought required.
5. Job Complexity – Factor measures level of analytical ability required in the position and the complexity of typical situations faced.
6. Physical Working Conditions – Factor measures nature of physical working environment and frequency in which employee typically works in that environment.
7. Exposure to Hazards – Factor measures employee's typical exposure to health and physical dangers and frequency of such exposure.

The pay grades and pay ranges will remain consistent and uniform as follows.

1. The bargaining unit will have established pay grades with ranges of 21.7% and a six percent differential between each grade. The pay grades will be determined based on position title, specific duties involved, and job factor evaluation system.
2. The management group will also have established pay ranges of 35% Pay ranges will be established by position title, specific duties involved, and job factor evaluation system. The non-union/non-management will be placed on a similar pay system with ranges of 21.7%. There is also in place for management exempt employees a pay for performance system which is administered by the City Manager based on budgeted funds to provide recognition to management staff for their additional contributions, achievements and service to the City of Brookings over the past year.
3. For the police bargaining the Council will have pay grades with ranges of 21.7% with exceptions with less than 21.7% ranges to minimize overlap.

A combination of the data collected on the identified benchmark positions and the job factor evaluation system will be used to place each City position at appropriate pay grades in the City of Brookings Pay Plan Schedules. By using both the market survey data and the job factor evaluation, the City will have a pay system that is within market and reflects the City of Brookings organization.

The Council will not assume an obligation to automatically increase pay ranges without justification. Justification will rely on a review of the Midwest CPI and specific salary data received/obtained from sources as determined appropriate by City Manager. The purpose of this process is to develop a pay system that is fair and within market and to provide a process that is consistent and reproducible.

In summary, this policy provides further definition to the following Council policy. It is the intent of the Council for compensation to:

1. Be commensurate with individual productivity within the market range;
2. Be systematic, with defined ranges, with consistent span in the pay ranges where feasible using the median of the maximum rate of pay of surveyed positions as a benchmark;
3. Be used as a reward and motivation to achieve excellence;
4. Be attractive to top candidates;
5. Be adequate to retain top performers;
6. Exceed standards only when justified by exceptional performance;
7. Emphasize the use of reward bonuses over pay increases.
8. Be structured, when appropriate, to allow staff attrition to maintain market rates.

## **City of Brookings**

### **Ends Policy 6, Intergovernmental Cooperation and Relations**

*Establishing what is to be done, for whom, at what cost, and*

*Executive Limitations to define unacceptable means*

#### **Intergovernmental Cooperation and Relations—Key Performance Area**

Intergovernmental Cooperation and Relations is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “providing a high quality of life for citizens...through innovative thinking and strategic planning.”

The Council wishes to coordinate efforts with other governmental bodies, to mutual benefit, whenever possible. The Council hopes to continue to work closely with any governmental body seeking to serve the best interests of the Citizens of Brookings in a more integrated manner.

Staff must remember their importance in establishing and maintaining rapport with scores of governmental agencies and groups. At times, one staff person is the only representative of Brookings to encounter a given government official and regardless of the size or length of the interaction, the Council hopes staff conducts themselves in a manner that would be the pride of Brookings.

Though too numerous to mention every governmental body, examples of governmental bodies that the Council wishes to coordinate efforts with include (not in order of importance): Federal, State, County, University, School District, Cities with home rule, other Cities, and Municipal League.

## **Amendments**

May 13, 2002, the City Council approved the City Council Code of Ethics as Attachment A and the Volunteer Code of Ethics as Attachment B

November 27, 2002 – Amended Ends Policy 2, Municipal Services, to add Guideline C for enterprise funds

May 27, 2003 Amended Economic Development Policy

January 11, 2005 - Amended Financial Stability Ends Policy

May 8, 2007 – Amended Policy 1, Governance Process; Policy 2, Council-Staff Linkage; Ends Policy 1, Financial Stability; Ends Policy 2, Municipal Services; Ends Policy 4, Economic Development; Ends Policy 5, Employee Development and Training.

April 29, 2008 – Amended Ends Policy 1, Financial Stability, adding Guideline H: Appropriation and Subsidy Policy & Guidelines

City of Brookings Governance and Ends Policies - Appendix A  
**City Council Code of Ethics**  
Approved May 13, 2002

The mayor and council are responsible for making policy decisions for the community. The City Council provides vision, direction and leadership to the community and the organization. The City Council further represents the Brookings Community with other governmental entities and officials. In order to maintain and enhance public trust and confidence in our local government, to achieve equity and social justice, to affirm human dignity, and to better the quality of life for residents of Brookings the members of the City Council dedicate themselves to the stewardship of the public trust and therefore embrace the following ideals, seeking to:

- ❖ Uphold constitutional government and the laws of the city of Brookings;
- ❖ Conduct public and private life as to be an example for my fellow citizens;
- ❖ Be mindful of my neutrality and impartiality, rendering equal service to all and to extend the same treatment I wish to receive myself;
- ❖ Abstain from voting when a conflict of interest exists in accordance with the *Brookings City Charter, Section 7.01 (a) Conflicts of Interest* provision;
- ❖ Be tolerant, respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, staff or colleagues;
- ❖ Maintain and respect the confidentiality of private and confidential information;
- ❖ Attend all regular and special meetings, including briefings, and public functions where my presence is expected;
- ❖ Be prepared by reading all documents pertaining to an issue in advance of the above mentioned meetings or event;
- ❖ Be an active and attentive participant;
- ❖ Be professional in both appearance and manner; and
- ❖ Read, comprehend and comply with local, state, and national governmental guidance, directives, regulations and ordinances pertaining to my position.

It is the policy of the City of Brookings to uphold, promote, and demand the highest standards of ethics from all its Council members. Brookings Council members shall maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants including the appearance of impropriety, and never use their city position or powers for improper personal gain.

The code of ethical behavior will govern members of the City Council. City Council members are encouraged self-monitor their behavior and offer constructive recommendations to fellow Council members if necessary. As a member of the City Council, I accept these ideals and policy, and pledge to do in the interest and purposes for which our government has been established.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

City of Brookings Governance and Ends Policies - Appendix B  
**City of Brookings Volunteer Code of Ethics**  
Approved May 13, 2002

Volunteer advisory boards, committees and commissions provide a very important service to the City of Brookings. Members of volunteer boards, committees and commissions are often the first and only contact an individual might have with city government. In order to maintain and enhance public trust and confidence in our local government, to achieve equity and social justice, to affirm human dignity, and to better the quality of life for residents of Brookings the members of volunteer boards and committees dedicate themselves to the stewardship of the public trust and therefore embrace the following ideals, seeking to:

- ❖ Uphold constitutional government and the laws of the city of Brookings;
- ❖ Conduct public and private life as to be an example for my fellow citizens;
- ❖ Abstain from voting when a conflict of interest exists in accordance with the *Brookings City Charter, Section 7.01 (a) Conflicts of Interest* provision;
- ❖ Be mindful of my neutrality and impartiality, rendering equal service to all and to extend the same treatment I wish to receive myself;
- ❖ Be tolerant, respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, staff or colleagues;
- ❖ Maintain and respect the confidentiality of private and confidential information;
- ❖ Attend all regular and special meetings, including briefings, subcommittee meetings and public functions where my presence is expected;
- ❖ Be prepared by reading all documents pertaining to an issue in advance of the above mentioned meetings or event;
- ❖ Be an active and attentive participant;
- ❖ Be professional in both appearance and manner; and
- ❖ Read, comprehend and comply with local, state, and national governmental guidance, directives, regulations and ordinances pertaining to my position.

It is the policy of the City of Brookings to uphold, promote, and demand the highest standards of ethics from all its appointed officials. Brookings City officials shall maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants including the appearance of impropriety, and never use their city position or powers for improper personal gain.

The code of ethical behavior will govern members of all City of Brookings boards, committees and commissions. Volunteers are responsible to self-monitor their behavior. Concerns regarding a volunteer's behavior should be reported to the City Manager. Deviation from this Code of Ethics may result in removal from the Board.

As an appointed official, I accept these ideals and policy, and pledge to act in the interest and purposes for which our government has been established.

---

Date

---

Signature

## **TOPIC: ADA POLICY / AUTOMATIC DOOR OPENERS**

ACTION TAKEN: YES  
DATE: July 24, 2007  
TYPE: MOTION

### **CURRENT POLICY:**

Automatic Door Openers Required in New Construction, Remodels, and Retrofits of  
City Owned or City Funded Facilities

The City of Brookings recognizes automatic door openers can provide improved access to its services for all citizens, including those with disabilities. Therefore, automatic and/or manual (push-button) door openers will be required in all new construction, remodel, or retrofit of city owned or city funded facilities. Automatic door opening devices, in compliance with ADAAG requirements, must be installed in primary entrances closest to the accessible parking.

To exempt a project, the department head or funding applicant must submit a written request identifying specific reasons for the exemption to the ADA Compliance Officer. The Officer will provide a written recommendation to the appropriate department head and City Manager. The City Manager will make a decision in the matter. The City Council will be advised of any exemptions and provided the opportunity to override the City Manager's decision.

## **TOPIC: ADA POLICY / COMPLIANCE REVIEW**

ACTION TAKEN: YES  
DATE: November 25, 2003  
TYPE: MOTION

### CURRENT POLICY:

ADA Compliance Review Required of  
New Construction, Remodels, and Retrofits of City Facilities and Parks

Title II of the ADA prohibits public entities from discriminating against or excluding people from programs, services, or activities on the basis of disability. The standard against which programs and services will be measured for the purpose of ADA compliance is one of overall program accessibility: all City of Brookings programs, services, and activities, when viewed in its entirety, must be readily accessible to and usable by individuals with disabilities.

Therefore, the City of Brookings requires all city-owned and/or funded new, remodeled, and retrofitted facilities comply with the requirements of the federal Americans with Disabilities Act guidelines.

Under this policy, the City ADA Compliance Officer will review the project scope, final plans, and bid package of all new construction, remodels, and retrofits of City owned and/or funded facilities. The scope and budget development of capital improvement projects will include the identification of ADA needs related to these projects to ensure compliance and accessibility standards.

## **TOPIC: ADA POLICY / FAMILY RESTROOMS**

ACTION TAKEN: YES  
DATE: November 25, 2003  
TYPE: MOTION

### CURRENT POLICY:

Family Restrooms Required in  
New Construction, Remodels, and Retrofits of City Facilities and Parks

In addition to men's and women's restrooms, the installation of a family or "unisex" restroom is recommended, not required, by the Americans with Disabilities Act. The City of Brookings recognizes that all citizens can benefit from a family restroom in city facilities. A family restroom provides flexibility by meeting the needs of many people while providing a private environment. For this reason, the City of Brookings will require all new construction, remodels, and retrofits of all City owned and/or city funded new facilities include the installation of a family restroom in addition to compliance with all other requirements of the federal Americans with Disabilities Act guidelines.

All city facilities and city funded facilities will include the installation of a family restroom unless specifically exempted by the City Manager. To exempt a project, the department head must submit a written request identifying specific reasons for the exemption to the ADA Compliance Officer. The Officer will provide a written recommendation to the appropriate department head and City Manager. The City Manager will make a decision in the matter. The City Council will be advised of any exemptions and provided the opportunity to override the City Manager's decision.

## **TOPIC: ADA POLICY / PLATFORM LIFTS**

ACTION TAKEN: YES  
DATE: July 24, 2007  
TYPE: MOTION

### **CURRENT POLICY:**

Use of Platform Lifts Prohibited in New Construction, Remodels, and Retrofits of City Owned or City Funded Facilities

Although the ADAAG, Section 1109.7 Lifts, states that platform (wheelchair) lifts are permitted to be a part of a required accessible route in new construction in some circumstances, the City of Brookings recognizes that platform lifts typically result in a separate, stigmatizing experience for people who use them, a situation that violates the spirit of the ADA as well as the principles of universal design.

Therefore, platform lifts (also referred to as mechanical lifts or wheelchair lifts) will not be allowed in the new construction, remodel, or retrofit of city owned or city funded facilities, except under special exemptions cited below. Elevators or ramps must be provided as a means of access.

Lifts will only be considered where it is infeasible to install a ramp or elevator. To exempt a project, the department head or funding applicant must submit a written request identifying specific reasons for the exemption to the ADA Compliance Officer. The Officer will provide a written recommendation to the appropriate department head and City Manager. The City Manager will make a decision in the matter. The City Council will be advised of any exemptions and provided the opportunity to override the City Manager's decision.

**TOPIC: BILLS & CLAIMS POLICY**

ACTION TAKEN: YES, clarifying Resolution  
DATE: Sept. 7, 1999  
TYPE: RESOLUTION NO. 79-99

CURRENT POLICY:

Resolution No. 79-99

WHEREAS, the citizens of the City of Brookings voted on June 1, 1999 to amend the Brookings City Charter as adopted March 18, 1997, and

WHEREAS, the amendment included eliminating the commissioner form of government and provided for the creation of a City Council-City Manager form of government, and

WHEREAS, Article IIA, Section 2A.04-Item 11 states that the City Manager shall sign all warrants for the payment of money, and the same shall be countersigned by the Clerk, but no warrant shall be issued until the claim therefore has been approved by the City Council, except as may be otherwise provided by ordinance or resolution; and

WHEREAS, the City Council desires to delegate their responsibility for approving warrants to the City Manager,

NOW THEREFORE, BE IT RESOLVED, that effective immediately the Brookings City Council does hereby delegate its responsibility to the City Manager or Temporary City Administrator to approve and sign all warrants, subject to countersignature by the Clerk.

Passed and approved this 7<sup>th</sup> day of September, 1999.

**TOPIC: BUILDING PERMIT FEES FOR CERTAIN BUILDING PROJECTS**

ACTION TAKEN: YES  
DATE: OCTOBER 25, 2005  
TYPE: RESOLUTION

CURRENT POLICY:

RESOLUTION NO. 87-05  
AMENDING THE BUILDING PERMIT FEE FOR CERTAIN BUILDING PROJECTS

WHEREAS, the City is desirous in assisting Inter-Lakes Community Action, Inc. and Habitat for Humanity with building affordable housing within the City of Brookings, and

WHEREAS, Inter-Lakes Community Action, Inc. and Habitat For Humanity have undertaken several affordable housing projects to serve the residents of the City of Brookings.

NOW THEREFORE, BE IT RESOLVED that the building permit fee be waived for new home construction for Inter-Lakes Community Action, Inc. and Habitat for Humanity.

Passed and approved this 25<sup>th</sup> day of October, 2005.

## **TOPIC: CAPITAL ASSETS**

ACTION TAKEN: YES  
DATE: SEPTEMBER 25, 2007  
TYPE: RESOLUTION NO. 65-07

### CURRENT POLICY:

#### Resolution No. 65-07 – Capital Asset Policy CITY OF BROOKINGS CAPITAL ASSET POLICY

The purpose of this capital asset policy to: 1) to provide control and accountability over capital assets, 2) to provide uniform procedures for furnishing information needed for effective analysis and control of capital expenditures, and 3) to provide a data base of inventory information to meet the reporting needs for the preparation of the Cities financial statements.

#### The Benefits of Inventory System:

1. Property control and accountability through a comprehensive citywide inventory system.
2. Improved equipment utilization through control and identification of capital assets.
3. Database to meet the GAAP, Federal grants and City of Brookings requirements.
4. Data base to meet requirements of proper risk management and provide basis for identifying equipment for the City's insurance.
5. Basis for management to project and budget future capital replacement requirements.

#### The Finance Department is required to:

1. Establish a Generally Accepted Accounting Principles (GAAP) based accounting system and procedures to ensure the cities assets, including capital assets, are properly accounted for.
2. To provide a standard method of maintaining records for the cities owned equipment that city departments must follow.
3. To provide for the maintenance of an inventory of city owned or controlled land resources by the City.

#### Policies differ in cases of absolute title and residual title.

1. When an external entity, such as the federal government retains residual title to a capital asset it will be included in the capital asset inventory (title remains at the disposal of the governmental authority after a delegation).
2. This includes capital on lease or long-term loan.
3. Temporary custodial responsibility or title shall not be considered absolute and should not be included as the cities capital asset.

Component units of the city must designate, in writing, one or more persons to be responsible for maintaining and safeguarding the component unit's capital assets. The component unit is responsible for developing internal policies and procedures to protect and control the use of all capital assets.

Capital projects will be tracked within a work in progress number assigned by the Finance Department. At the completion of the project the department in charge will:

- a) Break down the project into the proper categories to be added into the capital assets inventory.
- b) The Finance Office enters the above information in the Capital Assets Management System.

1) General Guidelines/Applicable Policies

The City of Brookings requires all departments to be accountable for all property under its control.

- (a) In accordance with state and federal guidelines, the current threshold for which an inventory of capital assets is maintained is \$5,000 unless conditions of a grant require a lower threshold or assets of less value are subject to high rate of theft.
- (b) The enterprise funds will continue to depreciate equipment purchased prior to 2003 in the same manner as previous to this policy until the equipment is fully depreciated.
- (c) The City's Departments responsibilities are to be accountable for all property under its control.

2) Department Responsibilities

The departments have an important role in the maintenance of an accurate, up-to-date inventory system. Adherence to the following guidelines helps to ensure that departmental inventory records are as accurate and complete as possible.

- (a) Entering correct information on purchases through the Accounts Payable (AP) system. Most of the data recorded on the Capital Assets system is taken directly from the vouchers. Correct coding by departments avoids the need for later corrections.
- (b) Proper coding of capital assets expenditures. Equipment purchases must be coded with a "5" and "900" expenditure object. Use of an object code outside the 5-900 ranges increases the possibility that the asset will be omitted from the CAP system.
- (c) Entering correct asset location, serial numbers, make, etc on voucher saves considerable time and effort.

3) Capital Assets-Additions

This statement explains the procedures for the addition of assets to the Capital Assets Management System.

- (a) All capital equipment, regardless of whether the items are loaned to or owned by the City, must be included on the Capital Assets Management System. Additions of capital assets are generated by accounts payable, donations to the City, or equipment loans or private sources.
- (b) The Finance Office is provided with copies and documents relating to the equipment purchases. (i.e. cost, fair market value, serial numbers, model numbers, building/room location of assets)

- (c) The Finance Office enters the above information in the Capital Assets Management System.

#### 4) Capital Assets-Retirement

- (a) Property unfit for use by reason of age, wear, tear, or otherwise and is beyond repair will be determined by City Manager and City Council. A note shall be given to the Finance Office to be entered into the Capital Assets Management System for that year of the condemnation of such property.
- (b) Auctions or sealed bids for sale of unfit property is required. The property described on page 2 in 4 a) shall be sold only for cash at public auction or upon opening of sealed bids
  - (l) The notice of the sale shall be published in the newspaper stating the following:
    - ✓ A day on which the sale is to be made (at least fifteen days after first publication)
    - ✓ Location where such auction will be held, or a place where offers or bids will be received (which day shall be at least fifteen days from the first publication of the notice).
    - ✓ The right to reject any or all bids shall be reserved.
- (c) All money derived from the sale of public personal property shall be deposited to the City.
- (d) Record retention. Departments should retain copies of surplus property forms, assets transfer form, stolen property reports and any other documentation regarding equipment dispositions. The information must be retained by the department for verification purposes until the Finance Office removes the item from the department's inventory. Lost or destroyed property is to be noted in the inventory. An item is considered stolen when it has been illegally removed from its designated location. Send the Finance Office a copy of the stolen property report.

#### 5) Capital Assets-Transfers

This statement explains the procedures for the transfer of assets in the Capital Assets Management System. Transfers are recorded on the City's inventory when there is a permanent change in asset location or physical custody. (i.e. from one department to another). If the equipment is temporarily loaned or relocated and the intention is to reclaim the item in the near future, the asset record need not be changed

- a) The physical custody of equipment is the responsibility of the department. All transfer data submitted to Finance Office must be accurate in order to ensure the reliability of the City's inventory.
- b) Fill out the Equipment Transfer Disposition Request Form showing the old location and the new location. The form must be signed and dated by department head for the new location.

#### 6) Capital Assets-Home Use of Equipment

This statement explains the procedures for notifying the Finance Office of equipment being used at home by management and staff. City management and staff may use equipment that is the property of the City at home, provided the following criteria are met:

- a) Use of the equipment at home will not interfere with the operational needs of the department.
- b) The appropriate department head approves home use.
- c) The equipment is used for City business only.
- d) Individuals who receive approval to remove equipment from the City for use at home for a period greater than 30 days should complete the Equipment Tracking Home Use Authorization Form. This form must be completed on any piece of equipment that is taken home regardless of the cost of the equipment or whether the asset is tagged.
- e) The first half of the form should be filled out when an employee is approved to use City equipment in his or her home for a period greater than 30 days. The original should be kept in the department's files and a copy should be given to the employee. Once the equipment has returned to the City, the department should complete the bottom half of the original form that was retained in the departmental files.
- f) If the use of City equipment is less than 30 days, then department should keep an internal record of equipment that has been approved for use off city property. The list should include a description of the equipment, the asset number, serial number, and the individuals name using the equipment, where the equipment is being used and the expected return date.

7) Capital Assets-Storage of Equipment on Privately Owned/Leased Premises

This statement explains the procedures for requesting storage of assets at off-city locations that are privately owned or leased to the City.

- a) In order to maintain accurate inventory records and comply with asset control procedures, the Finance Office must be aware of approved storage of equipment at off-city locations. City personnel should anticipate storage needs in advance in order to obtain the proper approvals before removing the assets from the City.
- b) Fill out a request storage of assets at locations that are privately owned or leased to the City. The form must be signed by the City Manager and the Department Head and forwarded to the Finance Office.

8) Capital Assets-Gifts-in-kind

This statement explains the procedures for reporting equipment and other assets donated to the City.

- a) All capital assets that are donated to the City must be included in the Capital Assets System inventory. It is the responsibility of each department head to notify the Finance Office when equipment and other assets are donated to the City.
- b) When donated items are received by departments, the pertinent sections of the Notification of Gift For must be completed and forwarded to the Finance Office. The Finance Office will record the information on its Capital Assets System.

9) Capital Assets-Annual Equipment Inventory

This statement provides policies and procedures relating to the annual physical inventory of capital assets conducted by departments.

- a) State regulations require the City to take an annual equipment inventory. Each department is responsible for verifying information about its own inventory and making all changes and corrections and forwarding them to the Finance Office.
- b) The Finance Office distributes annual inventory reports and instructions to departments in December of each year. All inventory reports are due back to Finance by January 11<sup>th</sup>.
- c) All changes and corrections should be made directly on the inventory printout. The department should keep a copy and send the original of the completed printout to the Finance Department.
- d) Use the departmental inventory printout to conduct a room-by-room equipment verification. Please verify all information on the report.

10) Capital Assets-Useful lives

(a) Depreciation is the systematic and rational allocation of the historical cost of a capital asset over its estimated useful service life.

(1)	Buildings/Permanent structures	50 years
(2)	Buildings/Portable structures	25 years
(3)	Buildings/Excavation	50 years
(4)	Buildings/Foundation	50 years
(5)	Buildings/Frame	50 years
(6)	Buildings/Floor structure	50 years
(7)	Buildings/Floor covering	15 years
(8)	Buildings/Carpeting	10 years
(9)	Buildings/Computer flooring	10 years
(10)	Buildings/Exterior walls	50 years
(11)	Buildings/Roof cover	10 years
(12)	Buildings/Interior construction	15 years
(13)	Buildings/Interior renovation	10 years
(14)	Buildings/Ceiling finish	10 years
(15)	Buildings/Plumbing	20 years
(16)	Buildings/HVAC	20 years
(17)	Buildings/Electrical	20 years
(18)	Buildings/Fire system	25 years
(19)	Buildings/Elevator	20 years
(20)	Land Improvements	
(i)	Fencing, gates	35 years
(ii)	Landscaping	10 years
(iii)	Outside sprinkler system	25 years
(iv)	Athletic fields	40 years
(v)	Soccer Fields	40 years
(vi)	Golf Courses	40 years
(vii)	Septic systems	15 years

(viii)	Underground tanks	30 years
(ix)	Stadiums	45 years
(x)	Swimming Pools	40 years
(xi)	Tennis Courts	20 years
(xii)	Fountains	20 years
(xiii)	Retaining walls	20 years
(xiv)	Bleachers	20 years
(xv)	Sports lighting	30 years
(xvi)	Running track	30 years
(xvii)	Playground equipment	20 years
(21)	Outdoor lighting	20 years
(22)	Roadways/Dirt	10 years
(23)	Roadways/Gravel	15 years
(24)	Roadways/Concrete	40 years
(25)	Roadways/Asphaltic Concrete	30 years
(26)	Roadways/Brick or Stone	50 years
(27)	Alleys/Concrete	40 years
(28)	Alleys/Asphaltic Concrete	25 years
(29)	Alleys/Dirt	10 years
(30)	Alleys/Gravel	15 years
(31)	Alleys/Brick or Stone	50 years
(32)	Road Signage	10 years
(33)	Electronic Street Signals	15 years
(34)	Bike-Jogging Paths/Dirt	10 years
(35)	Bike-Jogging Paths/Gravel	15 years
(36)	Bike-Jogging Paths/Concrete	30 years
(37)	Bike-Jogging Paths/Asphalt	20 years
(38)	Bike-Jogging Paths/Composite rubber	7 years
(39)	Bike-Jogging Paths/Brick or stone	50 years
(40)	Sidewalks/Concrete	30 years
(41)	Sidewalks/Asphalt	25 years
(42)	Sidewalks/Gravel	10 years
(43)	Sidewalks/Brick or Stone	45 years
(44)	Parking Lots/Concrete	35 years
(45)	Parking Lots/Asphalt	20 years
(46)	Parking Lots/Gravel	10 years
(47)	Parking Lots/Brick or Stone	45 years
(48)	Airport Runways	30 years
(49)	Bridges/Continuous Concrete	50 years
(50)	Bridges/Prestressed Concrete	45 years
(51)	Bridges/Steel with Truss	50 years
(52)	Bridges/Steel Without Truss	45 years
(53)	Bridges/Timber/wood	30 years
(54)	Bridges/Pedestrian/Steel	30 years
(55)	Bridges/Pedestrian/Concrete	30 years
(56)	Bridges/Pedestrian/Wood	25 years

(57)	Major Culverts/Concrete	40 years
	(i) Precast box, precast elliptical, cast in place	
(58)	Major Culverts/Concrete pre stress	40 years
(59)	Major Culverts/Timber log treated	30 years
(60)	Major Culverts/Steel	30 years
	(i) Corrugated round, Corrugated Bottomless arch	
(61)	Small Culverts/Plastic	25 years
(62)	Small Culverts/Cast Iron	30 years
(63)	Small Culverts/Metal corrugated	30 years
(64)	Small Culverts/Concrete	50 years
(65)	Storm Drains/Plastic	25 years
(66)	Storm Drains/Cast Iron	30 years
(67)	Storm Drains/Metal Corrugated	30 years
(68)	Storm Drains/Concrete	40 years
(69)	Storm Drains/Ditch/Trench	00 years
(70)	Moveable Equipment	
	(i) Athletic equipment	10 years
	(ii) Appliances/food service equipment	10 years
	(iii) Audio visual equipment	7 years
	(iv) Books	7 years
	(v) Multi-media materials	7 years
	(vi) Business machines	7 years
	(vii) Communications equipment	10 years
	(viii) Computer software	5 years
	(ix) Contractors/construction equipment	12 years
	a. Sweepers	10 years
	b. Garbage truck – rear loader	10 years
	c. Garbage truck – automated loader	8 years
	d. Landfill crawler loader	5 years
	e. Landfill compactor	5 years
	f. Landfill wheel loader	5 years
	(x) Computer equipment	5 years
	(xi) Fire department equipment	12 years
	(xii) Furniture	20 years
	(xiii) Grounds/equipment	10 years
	(xiv) Law enforcement equipment	5 years
	(xv) Licensed vehicles	10 years
	(xvi) Police Patrol vehicles	3 years or 100,000 miles
	(xvii) Police vehicles	4 years
	(xviii) Machinery and tools	15 years
	(xix) Outdoors recreational equipment	15 years
	(xx) Stage and auditorium equipment	20 years
	(xxi) Custodial equipment	15 years
	(xxii) Photocopiers	5 years
	(xxiii) Sculptures/Wood	20 years
	(xxiv) Sculptures/Stone	30 years

- (71) Landfill – Excavation of Cells (estimated # of years to fill excavation)
- (72) Landfill – Leachate System (estimated life of landfill)
- (73) Landfill – Liners (estimated life of landfill)
- (74) Landfill – Test Wells (estimated life of landfill plus 30 years)

#### I I) Forms

- a) Capital Asset Purchases
- b) Equipment Transfer Disposition Request
- c) Storage of Equipment on Privately owned/Leased Premises
- d) Equipment tracking home use authorization

**TOPIC: CASH FLOW RESERVES**

ACTION TAKEN: YES  
DATE: DECEMBER 4, 2007  
TYPE: RESOLUTION NO. 85-07

CURRENT POLICY:

RESOLUTION NO. 85-07  
CREATING CASH FLOW RESERVES WITHIN THE GOVERNMENTAL FUNDS

WHEREAS, the City of Brookings Governance Policies & Ends Policies I, Financial Stability, Guideline C, states the Council allows for a reasonable reserve funding a 3-month operational level,

AND WHEREAS, the reserve is to be used at the Council's discretion to address temporary cash flow shortages, emergencies, unanticipated economic downturns, and one-time opportunities,

NOW, THEREFORE, BE IT RESOLVED that up to 10% of the Governmental Fund Balances be reserved for the above cash flow emergencies.

Passed and approved this 4th day of December, 2007.

**TOPIC: CITIZEN SATISFACTION SURVEY**

ACTION TAKEN: YES

DATE: JANUARY 14, 2002

TYPE: MOTION

CURRENT POLICY:

To conduct every 5 years or earlier as deemed appropriate by City Council.

## **TOPIC: CITY MANAGER INTERIM POLICY**

ACTION TAKEN: YES  
DATE: NOVEMBER 25, 2003  
TYPE: MOTION

### CURRENT POLICY:

City Council Policy  
Interim City Manager Policy

---

Brookings, South Dakota  
Adopted November 25, 2003

### Objective:

The Brookings City Council will establish a strategy for the continued management of City Government and compliance with the City Charter during a time without a permanent City Manager.

### Specifics:

1) Interim Period.

The vacancy in the City Manager position will occur on November 28, 2003. It is anticipated that a new City Manager will be in office by March 1, 2004.

2) City Charter.

There is no provision for a temporary or Interim City Manager position in the Charter. But, the charter is clear that the Mayor and Council will have no administrative duties. Therefore, the City Council should appoint an Interim City Manager to be responsible for the duties of the City Manager during the completion of the search for a new City Manager.

3) Appointment.

The City Council hereby appoints Allyn Frerichs as the Interim City Manager. The Interim City Manager is responsible to coordinate the leadership team so that the duties of the City Manager are completed as necessary.

4) Major Duties of City Manager.

Charter excerpts and interim duties described.

*Section 2A.04 – Powers and Duties of City Manager. The City Manager shall be the chief administrative officer of the City, responsible to the Council for the administration of all city matters placed in the Manager’s charge by or under this Charter. The City Manager shall:*

- A. *Appoint and, when necessary in their discretion, suspend or remove all city employees and appointive administrative officers provided for by or under this Charter. The City Manager may authorize any administrative employee or officer subject to the Manager’s direction and supervision to exercise these powers with respect to subordinates in that employee or officer’s department, office or agency;*

The members of the Leadership Team are responsible for personnel administration within their own department(s) with the advice and consent of the Interim City Manager.

Pending Personnel Issues:

- The new airport Manager has been appointed and is on duty.
- The city engineer position will be left vacant until the new City Manager is in office.
- The building inspector position will be filled by the Acting City Engineer with approval by the Interim Manager.
- The fire department administrative assistant will be filled by the fire chief with approval by the Interim Manager.
- Any vacancies occurring after December 1, 2003 will be left open until a City Manager is in office unless justification for sooner employment is presented to the Interim Manager and approved.

B. *Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law;*  
Members of the Leadership Team are responsible for departmental administration with the advice and consent of the Interim City Manager.

C. *Attend all City Council meetings. The City Manager shall, except when the governing body may be considering suspension or removal of the City Manager, have the right to take part in discussion but shall not vote;*

The Interim City Manager shall be present at City Council meetings and assure that the proper departmental Managers are present to provide advice and direction on matters pertinent to their field of expertise.

D. *See that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by employees or officers subject to the Manager's direction and supervision, are faithfully executed;*

The Interim City Manager shall coordinate with the appropriate departmental Managers appropriate responses and actions to Council Ordinances, Resolutions, and actions of the Council.

E. *Prepare and submit the annual budget and capital program to the City Council;*

The 2004 Budget has been adopted by the City Council and the budget document has been completed. The 2005 budget process will not need to be initiated until a new City Manager is in office. On file is a budget calendar that will assist anyone that needs to begin the process.

F. *Submit updates annually on the date specified by the City Council a five-year capital program in such form as the City Manager deems desirable or the Council may require;*

The Council is working on a CIP now. The Acting City Engineer is updating the major CIP (Airport, Special Assessments, Streets, Storm Drainage) and the new City Manager should present that to the Council in 2004, prior to the budget process.

- G. *Submit updates annually on the date specified by the City Council a five-year financial plan in such form as the City Manager deems desirable or the Council may require;*

This should be done during the annual budget process. We have done long-range planning for General Fund capital purchases and the 2<sup>nd</sup> Penny Fund.

- H. *Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;*

Reports for 2002 have been completed and submitted. The Interim Manager will need to coordinate with the Finance Manager for the provision of the quarterly reports, which will include a preliminary annual financial statement. The Finance Manager will be primarily responsible for financial reporting to the Council.

- I. *Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to the City Manager's direction and supervision;*

Monthly Reports. The Council may require reports from the Interim Manager, but simply forwarding the individual departmental reports to the City Council will satisfy the Council's need to know how the organization is performing and of major issues and topics.

Liquor Store. The Council has approved the use of a consultant to report on the operations of the liquor store and available options to increase profits.

Economic Development & Promotional Entities. The City Clerk will host the monthly meeting of the Economic Development and Promotional professionals, keep minutes and forward those minutes to the City Council.

Team Meetings. The Leadership Team should continue to meet weekly providing topics to the City Clerk for establishing an agenda. The City Council agenda should be a topic of Leadership Team Meetings.

Other Community Meetings. The Interim City Manager shall attend the various community meetings to include the Event Center Board, DBI, BEDC, and CVB.

- J. *Keep the City Council fully advised as to the financial condition and future needs of the City;*

The Finance Manager will be primarily responsible for financial reporting to the Council. There should not be a need for forecasting during this interim period.

- K. *Sign all warrants for the payment of money, and the same shall be countersigned by the Clerk, but no warrant shall be issued until the claim therefore has been approved by the City Council, except as may be otherwise provided by ordinance or resolution;*

The normal sequence of paying warrants will continue. The supervisors and office managers in each department review the bills and submit to the department head for submission to the finance department. The finance department prepares the warrants and submits to the City Manager for inquiry, further investigation and approval. The Interim Manager will be responsible for approval with the advice of the Finance Manager. Currently there is a resolution on file delegating this responsibility to the City Manager.

- L. *Be the personnel director of the City;*  
Discussed in #1.

The Health Insurance changes and other benefit changes and enrollment will be administered by the Human Resources Director.

Agreements with both represented units have been reached and will be printed and implemented.

Michael Williams will complete performance review and performance pay allocation for all supervisory positions within the City.

- M. *Make recommendations to the City Council concerning the affairs of the City;*  
The Council package will be compiled in a similar manner as today with the issue described and a recommendation provided. However, that description and recommendation should come from the appropriate department manager with additional comments provided by the Interim Manager if necessary.

- N. *Provide staff support services for the Mayor and Council members; and*  
The City Clerk will organize staff support for the City Council. The Interim Manager and City Clerk will coordinate services that need to be provided by other department managers.

- O. *Perform such other duties as are specified in this Charter or as may be required by the City Council.*  
The City Clerk will organize staff support for the City Council. The Interim Manager and City Clerk will coordinate services that need to be provided by other department managers.

5) Project/Issue Administration.

- A. Downtown Streetscape. The Park and Recreation Director will be responsible for staff support to the Downtown Streetscape committee. First Planning District should be providing a quote for it to complete the administration of the grant.
- B. Performance Measurements and Benchmarking. The Human Resources Director will be responsible for providing support for the project. A schedule of individual departments to talk about respective benchmarking and performance measurements has been drafted and will begin with January Planning Meetings.
- C. Liquor Store. A written report from Mr. Griffin will be available soon. The Liquor Store Manager will be present for any open meeting discussions.
- D. City Manager Search. Al Thelen and the Human Resources Director are responsible for coordinating this project.
- E. University Research Park. The Mayor will act as the City representative on the Growth Committee and make reports to the City Council.
- F. Bicycle Friendly Community. The PR&F Director will bring a report to the Council.
- G. Liquor Licenses. The City Attorney will coordinate with the City Clerk for the proper transfer of licenses to accommodate the Council's recent action.
- H. Agreement with Old Sanctuary. The agreement is complete.
- I. Council Retreat. Barbara Forinash has agreed to facilitate a retreat for the Council in January. Possible dates are January 15<sup>th</sup>, 20<sup>th</sup>, or 21<sup>st</sup>. The City Clerk will coordinate the retreat.
- J. SDML Legislation. Yvonne Taylor, SDML Executive Director, has two of our requests. One, to allow the extension of liquor license "premise" into the public right-of-way. Two, to clarify the Temporary Convention License Law. This law is interpreted differently by Sioux Falls and Steve will soon receive that information. The Council also discussed the license limits on corporations and I-29 corridor promotion. Arrangements will be made to meet with legislators.
- K. Sales Tax. The change from 1.9% to 2% would raise an additional \$260,000 annually. To have the change in effect by July 1, 2004 the Council would need to take action by the last meeting in February.
- L. Senior Center. The PR&F Director will be staff support for the Senior Center discussion.

- M. 34<sup>th</sup> Avenue Paving Project. The Acting City Engineer will be responsible for administration of this project. Consulting Engineers will be hired to design and administer the project.
- N. 2<sup>nd</sup> Penny Plan and Projects. Council has the information necessary to move forward with decisions with the exception of the purchase price of the Elks and the revised downtown project
- O. Change to 2<sup>nd</sup> Penny Ordinance. The City Attorney will need to draft an ordinance change to allow the use of the 75%-2<sup>nd</sup> Penny Funds for critical general fund capital and equipment needs.
- P. Critical Needs Budget Amendment. When the ordinance is changed, the 2004 budget needs to be amended to allow the expenditures for the critical needs. The Council was also presented with a revised 25% - 2<sup>nd</sup> Penny budget during the critical needs discussion and this budget needs to be amended, too.
- Q. Major Capital Expenditures from the 75% - 2<sup>nd</sup> Penny. When the Council makes decisions on the Downtown Streetscape Project and the Senior Center, the 2004 Budget will need to be amended to meet its planned expenditures.
- R. The Soccer Project Fund Budget Amendment. The Soccer Project is within budget, but expenditures did not occur within the years originally thought. The 2003 Budget needs to be amended to match with expected expenditures.
- S. Downtown Streetscape. The committee has an RFP prepared for the Council's review and approval. However, the RFP should not be issued until an allocation of funds is made by the City Council. The PR&F Director is staff support for this project. The timetable will need to be amended.

## **TOPIC: CITY MANAGER SALARY**

ACTION TAKEN: YES  
DATE: NOVEMBER 25, 2003  
TYPE: MOTION

### CURRENT POLICY:

City Council Policy  
*City Manager Salary Policy*

---

Brookings, South Dakota  
Adopted November 25, 2003

### Objective:

The Brookings City Council will evaluate the City Manager on an annual basis and adjust the City Manager's salary based on performance within an established range of pay. It is the Council's objective to be competitive to attract qualified city managers and retain those that are valuable to the City of Brookings.

### Specifics:

- 1) Evaluations.
  - A. Initial. The City Council shall conduct an initial evaluation of the City Manager at the six month period in the first year of hire and at the 12 month period.
  - B. Annual. The City Council will on an annual basis review the performance of the City Manager. The Performance Evaluation will be based on, but not limited to, the annual Council Strategic Plan accomplishments, the City Council Ends Polices compliance, and the eight performance dimensions established for the management personnel.
- 2) Market. Periodic checks of city manager and city administrator salaries throughout the region will be conducted. This information will be provided to the City Council during the annual evaluation and salary review at least every three years.
- 3) Pay Range. A pay range has been established for the position of City Manager. As with all positions the Council does not assume an obligation to automatically increase pay ranges without justification. Justification would be based upon the Midwest CPI and regional market analysis, unless an exception is warranted. However, the City Council is not obligated under this policy to make an adjustment.”

## **TOPIC: CONSTRUCTION CHANGE ORDER POLICY**

ACTION TAKEN: YES  
DATE: JULY 23, 2001  
TYPE: MOTION

### CURRENT POLICY: POLICY ON ADMINISTERING CONSTRUCTION CHANGE ORDERS

The City of Brookings regularly awards contracts for various types of construction projects. Changed conditions, alternate materials, plan changes, omissions, errors, and owner directed changes, etc. often require change orders to the construction contract. Policy guidance from the City Council to direct the administration of such change orders is necessary. The City of Brookings' policy on administering Construction Change Orders (CCO's) is as follows:

1. The City Manager is hereby authorized to approve CCO's and proceed with the change in work. A final contract amendment will be submitted to the Council for official city action in order to adjust the original contract to match the final project cost. This action is necessary for auditing purposes.
2. The City Manager may not approve any CCO that changes the Council-approved scope of the construction project.
3. The City Manager may not approve any CCO that increases any item of work in the contract by more than \$25,000.
4. The City Manager may not approve any CCO that the increases the project budget.
5. All CCO's that increase project costs must be funded with the project contingency fund.
6. The City Manager will report CCO's to the City Council in a timely fashion.

## **TOPIC: COUNCIL MEETING ATTENDANCE**

ACTION TAKEN: YES  
DATE: NOVEMBER 8, 1999  
TYPE: RESOLUTION NO. 96-99

### CURRENT POLICY:

Resolution No. 96-99  
Policy on City Council Member Meeting Attendance

Whereas, the members of the Brookings City Council are encouraged to attend selected meetings, seminars and other training opportunities with subject matters relevant to the responsibilities of the City Council, and that will be beneficial to the governance of the City of Brookings; and

Section 1: Now, Therefore, Be It Resolved that City Council members shall be provided the opportunity to attend and participate in meeting opportunities outside the city of Brookings which shall be dependent on funding and member availability.

Section 2: The City Council will decide on a case by case basis, which elected officials will attend meetings or seminars outside the scope of regular Council meetings.

Section 3: The Council will consider the availability of the Council members to attend a given meeting and will attempt to balance this opportunity among all its members.

Section 4: Council members are encouraged to make themselves available for such opportunities; and

Section 5: City Council member attending the meetings or seminars will provide a report on the meetings at the following City Council meeting.

Passed and approved this 8<sup>th</sup> day of November, 1999

## **TOPIC: COUNCIL VACANCY**

ACTION TAKEN: YES  
DATE: SEPTEMBER 23, 2003  
TYPE: MOTION

### CURRENT POLICY:

City Council Policy  
*Vacancy on Council*

---

Brookings, South Dakota  
Dated September 23, 2003

Objective: The objective of this policy is to have an established procedure to follow in the event of a vacancy on the City Council.

Policy: The following procedure will be followed in the event a vacancy occurs on the City Council:

- 1) Positions. The elected City officers of the City of Brookings are the Mayor and six (6) City Council members.
- 2) City Charter Reference - Filling of Vacancy. Any vacancy occurring in the office of Mayor or City Council must be filled pursuant to City Charter, Section 2.06 – Vacancies; Forfeiture of Office; Filling of Vacancies:
  - (d) Filling of Vacancies. *Filling of Vacancies. Except as provided below, a vacancy in the office of Mayor or of a City Council Member shall be filled for the remainder of the unexpired term at the next regular City election. The Council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. However, if the vacancy occurs less than sixty days prior to the next regular City election, then the person appointed to fill the vacancy shall continue to serve and the vacancy shall be filled at the regular City election immediately following the next regular City election. Notwithstanding the requirement in Section 2.11, if at any time the membership of the Council is reduced to less than 6, the remaining members shall, within sixty (60) days, fill the vacancies by appointment or call for a special election to fill the vacancies.*
- 3) City Council Decision. The City Council has the option to fill a vacancy or leave it open if the membership is maintained at not less than six (6) members. The Council must determine whether or not to fill the vacancy.
- 4) Schedule. The City Council must establish a schedule for the following steps in the appointment process:
  - Date to issue press release
  - Deadline to submit applications
  - Date for applicants to meet with the City Council
  - Date to appoint the new Council member

- Date for the swearing in ceremony
- 5) Public Announcement. Immediately after the Council decision to fill the vacancy, the City Manager shall issue an announcement that a vacancy has occurred and invite legally qualified persons to apply for the vacancy. See example press release:

Applications for City Council Member

The Brookings City Council is now accepting applications from Brookings residents interested in the vacant City Council member position effective until \_\_\_\_\_. Applicants are to submit an application and any other pertinent information to the City Manager not later than \_\_\_\_\_ at 5:00 p.m. The City Council will take action to approve this appointment to the Council on or before \_\_\_\_\_.

*Applications for Appointment* are available at City Hall, 311 Third Avenue, or by calling (605)692-6281. Applications must be submitted to the City Manager not later than \_\_\_\_\_ by 5:00 p.m.

"The City of Brookings is responsive to requests for communication aids and the need to provide appropriate access, and will provide alternative formats and accessible locations consistent with the Americans with Disabilities Act."

- 6) Application Packet. Applicants will be provided with an application form, Code of Ethics, Governance and Ends Policy, current budget, Conflict of Interest Ordinance, and proposed appointment schedule. Applicants will be asked to submit a completed application, signed Code of Ethics, resume, and any other information to the City Manager.
- 7) Council Notification:
- A. The City Manager will provide qualified applicants list and copies of applications to the Mayor and City Council.
  - B. The names of applicants will not be released to the public prior to the application deadline.
  - C. After the application deadline, the public will be provided with the list of applicant names upon request; however, the applications will not be released.
- 8) City Council Applicant Review & Nominations:
- A. Presentations. Applicants will be invited to appear before the City Council at a planning or action meeting to provide comments and respond to questions.
    - 1. Each applicant will be limited to 5 minutes.
    - 2. All Council members will have an opportunity to ask questions.
  - B. Council Review. The City Council may discuss, at an open meeting, the qualifications of the candidate or candidates.
  - C. Executive Session. The City Council may enter into Executive Session for the sole purpose of discussing the qualifications of the applicants. The purpose of the executive session would be for each Council member to share their views

about the qualifications and that the issue be thoroughly discussed. If it appears that a majority of Council members do not believe a certain candidate is most qualified, further discussion about the qualifications can occur. The executive session minimizes misunderstandings about the opinions of each Council member concerning the qualifications of the candidates, and avoids the use of a secret ballot, which is not specifically authorized in the law. In addition to the City Council members, the City Manager, City Attorney, and City Clerk would also be present during the executive session.

- D. Council Comments. City Council members will be given an opportunity to make public comments.
  - E. Public Comment. Public comment from interested parties will be heard before a motion to nominate a legally qualified person to fill the vacancy, but after the comments of the City Council.
  - F. Nomination(s). At the conclusion of public comment, a motion by any member of the City Council to nominate a candidate may be made to fill the vacancy. The nomination requires a second in order to be voted upon. The motion must specify the name of the applicant and the effective date of the appointment. The first nominated and seconded legally qualified person receiving a majority of votes from those voting will be elected to fill the vacancy. If the motion fails, the floor would be open for another motion. The use of a secret ballot will not be allowed.
  - G. Term. Appointed Council Members are appointed to fill a vacated position for a period not more than one (1) year. Per City Charter Section 2.06 (d), “...*then the person appointed to fill the vacancy shall continue to serve and the vacancy shall be filled at the regular City election immediately following the next regular City election...*”
- 9) Swearing In Ceremony. The newly appointed City Council member will sign an Oath of Office and be presented with an Appointment Certificate by the Mayor at a City Council meeting.

**TOPIC: DISCUSSION ON ACTION ITEMS REQUIRED PRIOR TO COUNCIL ACTION**

ACTION TAKEN: YES  
DATE: SEPTEMBER 23, 2003  
TYPE: MOTION

CURRENT POLICY:

City Council Policy  
*Discussion on Action Items Required Prior to Council Action*

---

Brookings, South Dakota  
Dated September 23, 2003

Objective: The Brookings City Council wishes to be thoroughly informed and have had prior discussion on an issue before taking official action.

Policy: All items, other than routine in nature, must be a discussion item prior to being an action item.

Goals:

- 1) Briefings. A “Council Briefing” will be an agenda item on all Council Action and Planning agendas for the purpose of briefing the City Council Members on upcoming issues. The briefing will consist of a list of all items scheduled for the next council action meeting. A brief description will be provided for each item.
  - Week 1 Planning Meeting & Briefing for 1<sup>st</sup> action
  - Week 2 Action Meeting & Briefing for 2<sup>nd</sup> action
  - Week 4 Action Meeting & Briefing for next action session
- 2) Exceptions.
  - A. Routine Items. Routine items such as minutes do not require advance discussion.
  - B. Unexpected Items & Emergencies. Agenda items are submitted by citizens that we are unable to anticipate and are necessary for public convenience to be acted upon. The City Manager will recommend an item be placed on the Council agenda. The Council will consider action on these items.

## **TOPIC: FINANCIAL REPORTING SCHEDULE**

ACTION TAKEN: YES  
DATE: SEPTEMBER 23, 2003  
TYPE: MOTION

### CURRENT POLICY:

City Council Policy  
*Financial Reporting Schedule*

---

Brookings, South Dakota  
Dated September 23, 2003

**Objective:** According the City Governance and Ends Policy, financial stability is considered a key performance area by the Brookings City Council, and appears in the Mission Statement as “fiscally responsible municipal management.” The City Manager is responsible to develop a process that keeps the Council aware of upcoming budgetary needs and requests, so that the Council may aid in the creation of ongoing budget priorities. Good stewardship requires the Council to discern what is in the best interests of the citizens, and budget accordingly.

**Policy:** The following financial reports will be provided to the City Council during the specified months:

- January:** 4<sup>th</sup> Quarter Reports
- Statement of Cash & Cash Equivalents (City General)
  - Investment Report (City General)
  - Budget Analysis Report (City General) (highlight unusual experiences)
  - Enterprise Funds Report (City General – include outcomes)
  - Hospital Board
  - Utility Board
  - Forecast Statement - Preliminary estimates for upcoming budget
- April:** 1<sup>st</sup> Quarter Report
- Statement of Cash & Cash Equivalents (City General)
  - Investment Report (City General)
  - Budget Analysis Report (City General) (highlight unusual experiences)
  - Enterprise Funds Report (City General – include outcomes)
  - Hospital Board
  - Utility Board
  - Forecast Statement - Preliminary estimates for upcoming budget
- July:** 2<sup>nd</sup> Quarter Reports
- Statement of Cash & Cash Equivalents (City General)
  - Investment Report (City General)
  - Budget Analysis Report (City General) (highlight unusual experiences)
  - Enterprise Funds Report (City General – include outcomes)
  - Hospital Board

- Utility Board
- Forecast Statement - Preliminary estimates for upcoming budget

Debt Analysis Report on city general and utility funds to include debt schedule (annual basis)

August: Annual budget proposals/line items

- October: 3<sup>rd</sup> Quarter Reports
- Statement of Cash & Cash Equivalents (City General)
  - Investment Report (City General)
  - Budget Analysis Report (City General) (highlight unusual experiences)
  - Enterprise Funds Report (City General – include outcomes)
  - Hospital Board
  - Utility Board
  - Forecast Statement - Preliminary estimates for upcoming budget

**TOPIC: GIVING DIRECTION TO THE CITY MANAGER**

ACTION TAKEN: YES  
DATE: SEPTEMBER 23, 2003  
TYPE: MOTION

CURRENT POLICY:

City Council Policy  
*Giving Direction to the City Manager*

---

Brookings, South Dakota  
Dated September 23, 2003

Objective: The City Council wishes to give clear direction to the City Manager on issues or items requiring action.

Policy: The City Council must take action through a motion, a second, and a vote in order to give direction to the City Manager. The motion should include a specific timeline. Individual Council members may continue to request information or assistance from the City Manager.

# **TOPIC: GOVERNMENT ACCESS CHANNEL & TELEVISED MEETINGS**

ACTION TAKEN: YES  
DATE: JUNE 10, 2008  
TYPE: MOTION

## CURRENT POLICY:

Policy for Production and Programming of Government Cable Channel 9  
City of Brookings, SD

### Background

Section 611 of the Communications Act authorizes local franchising authorities to require cable operators to set aside channels for public, educational, or governmental use. The City of Brookings has secured a Government Access channel for the purpose of providing high-quality government access programming in an ongoing effort to inform and educate the citizenry.

#### 1. Purpose:

The purpose of this policy is to specify procedures necessary to ensure compliance with all applicable federal, state, and local codes and regulations pertaining to the Government Access Channel.

#### 2. Definitions:

For the purposes of this policy, the following terms shall have the meanings set forth below:

Endorsement. The term “endorsement” shall mean the act of giving approval of or support of any issue, candidate, specific person, company, and specific brand name product or service provider for consumer use.

Government Access Channel. The term “government access channel” shall mean a channel intended for use by local governmental bodies for informing the public about what is happening in local government.

Government Access Programming. The term “government access programming” shall mean any live cablecast, tape-delayed cablecast, pre-produced, interactive information, or outside-originated programming designed to provide the Brookings television viewing area with timely, accurate, and complete government information.

#### 3. Eligible Programming and Program Content

##### 3.1 Modes of Cablecast:

3.1.1 Live Cablecast. Live coverage, principally consisting of City Council, live call-in shows, and other selected public meetings and events of general community interest.

- 3.1.2 Tape-delayed Cablecast: Public meetings and/or events, which are videotaped in advance for cablecast at a later period, shall be permitted. These videotaped programs shall adhere to the formatting guidelines in Section 3.2.
  - 3.1.3 Pre-Produced Programming: Programs produced by the City of Brookings through a contracted third party. These programs include (but are not limited to) programs for City departments, issues related to City government, or with or about groups/committees/boards etc. that are affiliated with City government or which use public dollars. These programs could be either live or tape-delayed cablecasts.
  - 3.1.4 Interactive Information Service: Alphanumeric information consisting of program schedules and public information shall be cablecast in order to maintain up-to-date schedules and keep viewers abreast of said information. This service shall operate during the 24-hour period when other programs are not scheduled.
  - 3.1.5 Outside-originated Programming: Programs related to municipal, state, or federal governments, which are produced by an outside source that can be purchased, rented, or borrowed for cablecast. Also, programs disseminated through satellite downlinks that are related to municipal, state, or federal issues may be cablecast.
- 3.2 Access Policy. Access to Government Cable Channel 9 is limited to city departments/agencies. Channel 9 is not intended for general public use and is not a public access channel.
- 3.2.1 All public meetings of the Brookings City Council are authorized for cablecast.
  - 3.2.2 Requests for access to Channel 9 by persons other than bona fide City officials or administrators shall be reviewed for appropriateness by the Brookings City Clerk or designee.
  - 3.2.3 Billboard information messages may be submitted by any City department or agency. Messages submitted should be consistent with the policies and intentions of this policy and shall be cablecast at the discretion of the City Clerk or designee. Information provided may be edited where necessary by City Clerk's staff to maximize the impact, clarity, and effectiveness of the message.
  - 3.2.4 Programs that meet the legal definition of obscenity, or which are defamatory, or which promote commercial or profit-making services, products, or businesses shall be prohibited.
- 3.3 Editing Policy. The City Clerk's Department shall be responsible for the editing of all programming on Channel 9 and shall be subject to the following:

- 3.3.1 Any public meeting cablecast on Channel 9, whether live or on videotape, shall be aired in its entirety, “gavel to gavel,” without editorial comment. Exceptions to this policy may occur only when editing out possible recesses, for executive sessions, to comply with legal standards of decency, or when technical difficulties restrict production procedures.
    - 3.3.2 Requests for messages to be included in the bulletin board portion from sources other than City departments shall be submitted in writing to the City Clerk’s Department. Editing shall be by the City Clerk’s staff to provide clarity and maximum utilization of pages. No paid commercial space shall be allowed.
    - 3.3.3 Cablecast commercialism is discouraged. Production personnel shall get tight shots of speakers in a manner to exclude commercial banners and logos wherever feasible. It is further understood that a commercial name may appear, and Channel 9 cannot control its exclusion, such as hotel names or other sponsors’ logos on speaker’s podiums, etc.
  - 3.4 Elections. The facilities and resources of the City’s Channel 9 shall not be used for any advertisements on behalf of a political candidate or ballot measure. Note: This does not preclude forums which allow the opportunity for all candidates to appear or proponents and opponents of an issue to be represented; e.g., Chamber Government Affairs sponsored debates.
  - 3.5 Endorsements and Underwriting. Channel 9 shall not be used to endorse an issue, company, or product, with the following exceptions:
    1. A company or organization may be recognized at the beginning and/or end of a program for underwriting that specific program.
    2. Public forums on ballot issues where all sides have equal opportunity to speak may be cablecast.
  - 3.6 Promotions. Promotional announcements for City events shall be permitted over Channel 9. No promotional announcements for events, charities, or outside organizations in which the City has no official financial interest or sponsorship shall be permitted. No commercial oriented promotions shall be considered for cablecast.
  - 3.7 Warranty. Channel 9, the City of Brookings, their administrators, employees, and agents do not warrant the accuracy of any information cablecast over Channel 9.
4. Program Scheduling
  - 4.1 New Program Requests. All requests for new programming must be submitted to the City Clerk’s Department.
  - 4.2 Program Priorities. Airtime priorities on Channel 9 shall be as follows:
    1. Local Governmental Body Meetings: Regular City Council and other city boards as determined. Special Meetings; e.g., State of the City Address, City Budget

Address, City-Hosted Press Conferences, Emergency Management Announcements, Chamber Sponsored Candidate Debates, etc.

2. Channel 9 Hosted Programs; e.g., live or taped talk shows.
3. Channel 9 Produced Programs; e.g., long- or short-form video programs featuring City departments, issues relating to City government, or with or about groups/committees/boards, etc., that are affiliated with City government or which use public dollars.
4. Non-Channel 9 Produced Programs which further the missions of City departments and City affiliated organizations; e.g., PSAs for Community Cultural Center, National Highway Safety Messages, etc.
5. Character generated information regarding City departments.
6. Character generated information regarding City affiliated organizations.

## 5. Management Rights

- 5.1 Management of Government Channel. All management and programming of Channel 9 shall be provided by the City Clerk's Department, City of Brookings.
- 5.2 Use of Equipment. City-owned video equipment shall be restricted to authorized City activities, and its use shall be restricted to employees of the City Clerk's Department and the Information Technology Department or trained personnel under the direction of the Clerk or IT Departments. Loan of equipment for personal use or outside use shall not be permitted.
- 5.3 Retention and Ownership of Tapes. All digital and videotapes produced by and/or for the City of Brookings shall be the property of the City. The City shall retain digital and videotapes of staff-produced programs, meetings, and events for three months from date of broadcast. At the end of that time, the tapes may be reused and the original material erased, at the discretion of the City.
  - 5.3.1 The digital images and tapes shall not be considered an official record of any meeting and there shall be no liability for inadvertent erasure or omissions.
  - 5.3.2 Requests for retention longer than three months should be made in advance of the three month period to the City Clerk's Department and Information Technology Department.
  - 5.3.3 City produced videotapes may be made available to other stations or channels for newscasts.
  - 5.3.4 Copies of City Council meetings or other Channel 9 programming may be purchased for at the videotape fee to be determined by the City Clerk that reflects the actual cost of time and materials.
6. Copyright. Programs containing copyrighted materials will be used only if copyright clearance has been obtained.

7. Decision Making, Oversight, Complaints Review. The Brookings City Clerk, or designee, is responsible for the production, acquisition, scheduling, and cablecasting of programs on the channel and for operating the channel facilities.

## **TOPIC: IDENTITY THEFT POLICY**

ACTION TAKEN: YES  
DATE: JULY 28, 2009  
TYPE: RESOLUTION

### CURRENT POLICY:

Resolution No. 70-09

Resolution Adopting the City of Brookings Identity Theft Policy pursuant to the Requirements of the Fair and Accurate Credit Transactions Act of 2003

Be It Resolved by the City Council of the City of Brookings, South Dakota as follows:

Whereas, the Fair and Accurate Credit Transactions Act of 2003 (“FACTA”) and regulations and guidelines promulgated by the Federal Trade Commission require creditors and financial institutions to develop and implement written “identity theft prevention programs”; and

Whereas, the Identity Theft Prevention Programs must provide for the identification, detection and response to patterns, practices, or specific activities—known as “red flags” which could indicate identity theft; and

Whereas, under FACTA, the definition of “creditor” includes circumstances where a payment is made after delivery of a product or service, and therefore, in some circumstances, the city is or may be deemed to be a creditor under FACTA and therefore is required to comply with the Identity Theft Red Flags Rule, and

Whereas, the City of Brookings has developed an Identity Theft Policy in compliance with the foregoing requirements,

Now Therefore, It Is Hereby Resolved by the City Council of the City of Brookings, South Dakota, as follows:

- A. That the City of Brookings Identity Theft Policy which accompanies this Resolution is hereby adopted; and
- B. That the City Finance Manager is hereby designated as the Program Administrator of the City of Brookings Identity Theft Policy, with authority to further develop and implement this policy; and that
- C. This Resolution is necessary for the immediate preservation of the public peace, health, or safety, or support of the municipal government and shall take effect upon the passage and publication thereof.

Passed and approved on the 28<sup>th</sup> day of July, 2009.

## **TOPIC: INDUSTRIAL LAND POLICY**

ACTION TAKEN: YES  
DATE: DECEMBER 14, 2004  
TYPE: RESOLUTION

CURRENT POLICY:

RESOLUTION NO. 79-04

CITY OF BROOKINGS, STATE OF SOUTH DAKOTA

WHEREAS, the City of Brookings is the owner of certain tracts of real estate in Telkamp Industrial Addition and in Weise Business Park that are available to be sold for private industrial or commercial development; and

WHEREAS, it is in the best interest of the City of Brookings and that of prospective developers and others that the estimated market value of said property be determined from time to time to aid in considering the sale price thereof.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the City Council of the City of Brookings, South Dakota as follows:

That the estimated market value of properties located in Telkamp Industrial Addition and Weise Business Park, all in the City of Brookings, South Dakota be determined by formal appraisal or informal market evaluation periodically and prior to the actual sale of any of such property.

That this resolution shall supersede any and all prior resolutions and ordinances in conflict with or inconsistent with this resolution.

Passed and adopted by the City Council of the City of Brookings, South Dakota this 14<sup>th</sup> day of December 2004.

RESOLUTION NO. 05-97

BE IT RESOLVED that for a period of three years the City-owned industrial land available for sale for industrial purposes shall be priced as follows:

SE 1/4 Section 30-T110N-R49W (Telkamp Industrial Park) \$10,000 per acre  
Wiese Addition  
Block 2, 4, 5, and 6 \$10,000 per acre to ADC for AGRI-PLEX use only  
Block 7 \$10,000 per acre  
Block 8 \$10,000 per acre

Price of land includes paved streets and utility mains and interceptor lines.

FURTHER BE IT RESOLVED that said land shall be for sale for its zoned purposes for immediate development only. Each sale shall include a guarantee of construction that said land may be repurchased by the City for the sale amount less all costs of transfer if the planned development does not occur in the time specified in the resolution of sale.

Passed and approved this 21<sup>st</sup> day of January, 1997.

## **TOPIC: INSURANCE**

ACTION TAKEN: YES  
DATE: SEPTEMBER 23, 2003  
TYPE: MOTION

### CURRENT POLICY:

City Council Policy  
*Insurance*  
Brookings, South Dakota  
September 23, 2003

**Objective:** Insurance coverage for Property/Liability, Workers Compensation, Boiler and Machinery, Airport Insurance are an integral part of the City's Risk Management Program. These various insurances are also a major part of the City's annual expenditures. The Council realizes that it is not productive to request proposals for the various insurances every year; but it also realizes that the City must be cost effective and must measure its cost of insurance against the current market.

**Policy:** The City Manager shall request proposals for insurance at least every five years. The City Manager may request proposals more often than every five years if he/she deems it necessary. Any change in insurance companies shall be reported to the City Council prior to entering into agreements. The City Manager shall submit an annual report to the City Council outlining the city's insurance coverage.

### Implementation Schedule:

- Property/Liability - before the end of 2005
- Workers Compensation - before the end of 2007
- Airport - before the end of 2007
- Boiler & Machinery - before the end of 2005

## **TOPIC: INVESTMENT POLICY**

ACTION TAKEN: YES  
DATE: JULY 27, 2004  
TYPE: MOTION

### CURRENT POLICY:

The City of Brookings Investment Policy  
Dated July 27, 2004

#### I. Delegation of Authority

Authority to manage the investment program is granted to the city manager who shall act in accordance with this policy and administrative procedures and internal controls consistent with this investment policy

#### II. Scope

This policy applies to the investment of operating funds of the City of Brookings.

I. Pooling of Funds Except for cash in certain restricted and special funds, the City of Brookings will consolidate cash balances from all funds, utilities and hospital included, to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

#### III. General Objectives

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and yield:

1. Safety. Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

2. Liquidity. The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

3. Yield. The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

#### IV. Standards of Care

I. Prudence. The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers, acting in accordance with written procedures and controls established by the City Manager, and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

## V. Financial Institutions

Demand accounts (short term investments) shall be invested through financial institutions within the City of Brookings or the local government investment pool.

Issuers of repurchase agreements or certificates of deposit shall be financial institutions within the City of Brookings.

The City Manager is encouraged to use financial institutions located within the City of Brookings for deposits and investments if the level of safety, liquidity and yield are not substantially below that of investment alternatives located outside the City of Brookings.

## VI. Suitable and Authorized Investments

I. Investment Types The following investments will be permitted by this policy and are those defined by state law:

- U.S. government obligations, U.S. government agency obligations, and U.S. government instrumentality obligations, that have a readily determinable market value;
- Repurchase agreements whose underlying purchased securities consist of the foregoing;
- Certificates of deposit and other evidences of deposit at financial institutions;
- Money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist only of dollar-denominated securities; and
- The South Dakota Public Funds Investment Trust. (SD Fit)

2. Collateralization State Law (SDCL 4-6A) requires that deposits, including certificates of deposits, must be issued by banks insured by the FDIC, savings & loans associations insured by the FSLIC, and must be collateralized with a market value equal to at least 110% of the uninsured deposit.

## VII. Reporting

I. Methods. The City Manager shall prepare an investment report at least quarterly, including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner that will allow the city council to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report will include the following:

- Listing of individual securities held at the end of the reporting period with purchase date and maturity date.
- Interest rate or yield to maturity.
- Average yield to maturity of portfolio as compared to applicable benchmarks.

- Percentage of the total portfolio that each type of investment represents.

2. Performance Standards The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. Appropriate benchmarks shall be established against which portfolio performance shall be compared on a regular basis.

Approved on July 24, 2000.

Revised on March 26, 2001

Revised on July 27, 2004

City of Brookings  
Administration of Investment Policy  
Dated July 27, 2004 (Current)

I. Delegation of Authority

The authority to manage the investment policy for the City has been granted to the City Manager. The following are administrative procedures and guidelines established consistent with the policy and to meet the Policy objectives.

II. Meeting Policy Objectives

To meet the policy of safety, liquidity and yield, the following guidelines will be followed:

1. Credit Risk. The city will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by limiting investments to the safest types of securities with credit-worthy financial institutions and broker/dealers
2. Interest Rate Risk. The city will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by structuring the investments so that securities mature to meet cash requirements to avoid selling securities prior to maturity and investing operating funds in primarily shorter-term securities.
3. Liquidity will be maintained. This is accomplished by structuring the portfolio so that securities mature concurrent with cash demands and placing a portion of the portfolio in interest bearing demand accounts, including money market and money market mutual funds or local government investment pools.
4. A Market Level will be Maintained. In general, securities shall not be sold prior to maturity. However, this is not to preclude the sale of securities prior to maturity when such action will result in additional investment profits or the liquidity needs of the portfolio require the security be sold.
5. Diversification is encouraged by:
  - avoiding over concentration in securities from a specific issuer or business sector,

- limiting investment in securities that have higher credit risks,
- investing in securities with varying maturities, and
- continuously investing a portion of the portfolio in readily available funds to ensure that appropriate liquidity is maintained.

6. **Maximum Maturities.** To the extent possible, the city shall attempt to match its Investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the city will not directly invest in securities maturing more than five (5) years from the date of purchase.

### III. Ethics and Conflicts of Interest

To assist in meeting the Standard of Care Objective the following guideline is established: Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

### IV. Internal Controls

A system of internal control structure designed to ensure that the assets of the city are protected from loss, theft or misuse will be established. The internal control structure will be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

### V. Selection of Investment Issuers

To meet the Policy Objective of using Financial Institutions within the City of Brookings and maintain competitive rates, the following procedures will be utilized.

1. Issuers shall be selected by a competitive bidding system established by the city manager. The system will utilize modern technology to ease administrative costs when transferring funds from one investment to another. Eligible institutions will be notified of the amount and maturity dates necessary and award will be made to the institution offering the highest rate of interest, In the case of a tie, the funds will be split between the institution if the splitting does not affect the rate.
2. In selecting from approved security broker/dealers for the purchase of United States government securities, competition shall be encouraged and purchases and sales will be made with dealers offering the most attractive prices.

Approved on July 24, 2000.

Amended on July 27, 2004.

## **TOPIC: LARSON ICE CENTER**

ACTION TAKEN: YES  
DATE: APRIL 6, 2004  
TYPE: MOTION

CURRENT POLICY:

### LARSON ICE CENTER POLICY

WHEREAS, the Brookings Parks and Recreation Department is responsible for operation of the Larson Ice Center for the City of Brookings, and

WHEREAS, the building's purpose is to serve as a site for ice skating and other community events and activities that can be accommodated within the guidelines of this policy,

WHEREAS, the animal holding barn/multiuse area of this facility will of great benefit year-round for all types of livestock events and especially horse shows, either held entirely in the multi-purpose area or as support to the exhibition arena and can also expand into the practice rink during the non-ice season. Numerous other community uses will vie for time in the facility, including recreation activities such as soccer and baseball practice, auctions, car shows, equipment shows, etc. <sup>1</sup>

IT IS HEREBY AGREED that the following policy shall serve as a basis for all decisions regarding the use of the Larson Ice Center:

#### GENERAL USE

##### Competition (Red) Rink

- Any ice skating activities are acceptable.
- Dry floor activities such as trade shows, rummage and auction sales and other uses suitable for a painted floor surface.
- No live animal events (other than the 2005-2006-2007 Arabian Horse Show already approved prior to this agreement). <sup>2</sup>

##### Practice (Blue) Rink

- Any ice skating activities
- Dry floor activities, auto shows, auctions, roller skating, floor hockey and other uses suitable for an unpainted concrete floor.
- Live animal events permitted with appropriate precautions to protect floor, rink facilities and equipment.

##### Multi-Purpose Room (Holding Barn)

- Any dirt floor activities such as auctions, automotive or motor-cross events, sport shows, etc.
- Live animal events and as an animal holding barn for Swiftel Event Center activities.
- Recreational field activities including baseball, softball, soccer and football.

<sup>1</sup> Application for Second Penny Funds, City of Brookings, SD February 9, 2000.

<sup>2</sup> September 23, 2003 City Council Minutes: Larson Ice Center – Approved Policy.

Resolution No. 16-08

Resolution Establishing the Policy of the City of Brookings Concerning Use of the Red (competition) Rink of the Larson Ice Center for Animal Events.

BE IT RESOLVED by the City Council of the City of Brookings, South Dakota as follows:

WHEREAS, the City Council recognizes it is again necessary at this time to establish a specific policy concerning use of the red (competition) rink of the Larson Ice Center for animal events, and

WHEREAS, the Park and Recreation Board as a recommended action to the City Council approved a motion which provided: The Park and Recreation Board prefers that animal events not be scheduled in the Larson Ice Center Red rink and reaffirms that priority use of the Red rink continues to be for ice skating programs on a year-round basis, and

WHEREAS, the City Council believes that prohibiting animal events within the red rink constitutes the best policy to preserve and enhance the quality of the red rink's infrastructure, and will also be consistent with the City's priority for use of the red rink as an ice skating facility,

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Brookings, South Dakota, as follows: That effective immediately, the red (competition) rink of the Larson Ice Center shall not be used for animal events, and in accordance with this policy, animals shall not be kept, penned or permitted upon or within the red (competition) rink of the Larson Ice Center.

Passed and approved on the 12<sup>th</sup> day of February, 2008.

## **TOPIC: LIQUOR OPERATING AGREEMENT CRITERIA**

ACTION TAKEN: YES  
DATE: AUGUST 13, 2001  
TYPE: MOTION

### CURRENT POLICY:

City Council Policy  
Liquor Operating Agreements  
Adopted August 13, 2001

The City of Brookings is the holder of State Liquor Licenses for the sale of alcoholic beverages. The City of Brookings enters into operating agreements with business owners permitting them to sell alcoholic beverages purchased from the City. The City of Brookings established a policy for the consideration of additional operating agreements with the City. The policy establishes the criteria for applying for an available, but un-issued operating agreement. This addition to that policy will clarify the City Council's policy on the consideration of changes in existing operating agreements.

1. It is not the City's intention to allow operating agreements to be sold.
2. It is not the City's intention to have issued operating agreements be unused by the manager. Failure to use the agreement will be grounds for termination by the City. The city manager will report any inactive operating agreements to the City Council to consider the circumstances and for appropriate action.
3. Operating agreements are not assignable or transferable to another person or location by the named manager; only the City Council can assign or transfer an agreement to another person or location.
4. The purchaser of an establishment holding an operating agreement must apply for an assignment of that operating agreement. It is the City's intent to allow an assignment of an operating agreement to an applicant that passes the "character of the applicant" requirement as a new owner of an existing business in the same location.
5. The owner of an establishment holding an operating agreement must apply for an assignment of that operating agreement if there is a desire to move the business to a different location. It is the City's intent to allow an assignment of an operating agreement to a new location providing the location is suitable, "second tier criteria" is considered and the business identity is the same as in the initial application.
6. Unless the circumstances are as described in number 4 and 5 above, it is not the City's intent to allow the assignment of an operating agreement from one business to another or one location to another. In these instances, an application for a new operating agreement is necessary.

### Policy Establishing Criteria for the Issuance of Additional On-sale Liquor Licenses

South Dakota Codified laws (SDCL) limit the maximum number of on-sale liquor licenses and provides criteria for the issuance of licenses.

### Maximum Number of on-sale licenses

SDCL 35-4-11 provides in part: The number of on-sale licenses issued may not exceed three each for the first one thousand of population or fraction thereof and not exceed one each of such licenses for each additional one thousand five hundred of population or fraction thereof. The quotas established in this section do not apply to malt beverage retailers.

SDCL 35-4-1 defines "population" as the number of inhabitants as determined by the last preceding federal census. A 1939 Attorney General Opinion states that "preliminary census bulletins" are official.

### Criteria for Issuance of Alcoholic Beverage licenses

SDCL 35-2-1.2 provides all applications for retail licenses ... shall be submitted to the governing board of the municipality within which the applicant intends to operate....The governing board: "shall have discretion to approve or disapprove the application depending on whether it deems the applicant a suitable person to hold such license and whether it considers the proposed location suitable."

SDCL 35-2-6.2 provides the "character" requirements for alcoholic beverage licensees: "Any license under this title .....must be a person of good moral character, never convicted of a felony, and, if a corporation, the managing officers thereof must have like qualifications."

### Procedure for issuance of licenses

Procedurally, SDCL 35-2-3 provides that "no license for the on or off-sale at retail of alcoholic beverages....shall be granted to an applicant for any such license, except after public hearing, upon notice." SDCL 35-2-5 provides the procedure for the time and place of hearing and for publication of notice. If an application for a license is refused, "no further application may be received from a person until after the expiration of one year from the date of a refused application."

The City of Brookings is anticipating that the 2000 census will count a population of at least 17,501 people, allowing one additional On-Sale liquor license. The population may increase by 2,731 which would allow two additional On-Sale liquor licenses. Several business people have expressed a desire to obtain an on-sale license when it becomes available. With this knowledge, the City Council of the City of Brookings desires to establish criteria for the issuance of licenses over the current fifteen issued. Currently, the fifteen license holders are:

ON-SALE: Chevy Lounge, 303 Main Avenue - Holibrook, Inc. Box 558 - Jim's Tap, 309 Main Avenue - Lantern Lounge, Box 782 - Pheasant Lounge, 726 Main Avenue S - Prairie Lanes, Inc., 722 Western Avenue - Ram Pub, Box 801 - Safari Lounge, Inc., Box 507 - Staurolite Inn - Danny's, 703 Main Avenue - Ray's Corner, 401 Main Avenue - Cubby's Sports Bar & Grill - Applebee's - Available (used by Skinner's) - Available

CLUB: Elks Club, 516 Fourth Street - VFW Club, 520 Main Avenue

SDCL and case law support the premise that the decision to issue an alcoholic beverage license is discretionary. Therefore, the City of Brookings hereby establishes a two-tiered process to evaluate on-sale liquor applications. The first tier will assess the character of the applicant and

whether the location is suitable. A person convicted of a felony is prohibited from applying for a license; therefore, a convicted felon would fail the character test. In determining suitable location, the Council will involve the determination of whether the location is suitable, consistent with the procedure developed through South Dakota Case Law. This includes the manner in which the business is operated; the extent to which minors frequent or are employed in such place of business; the adequacy of the police facilities to properly police the proposed location, and other factors associated with the sale of alcoholic beverages.

The City will check for compliance with the State requirement that the "character of the applicant" be acceptable. Upon finding evidence that the character of the applicant is acceptable and the location suitable, the City Council will consider second tier criteria. This process can include examining the best location for economic and tourism development, the best ancillary uses (restaurant, etc.) developed with the sale of liquor, the best location in accordance with the city long-range plan, the size of the facility, parking facilities, closeness to existing supplementing businesses and activities deemed important by the City Council.

## **TOPIC: RESEARCH & TECHNOLOGY CENTER**

ACTION TAKEN: YES  
DATE: FEBRUARY 11, 2003  
TYPE: MOTION

### **CURRENT POLICY:**

Research & Technology Center - Council Policy Statements  
Adopted by the City Council February 11, 2003

The Research & Technology Center is operated as an Enterprise Fund of the City with the goal of providing start-up space, enhancing a company's chance for success and growth, and providing additional funds for economic development. The Research and Technology Center operates to facilitate the start-up of agricultural and research based business and industry and provide a facility that houses related businesses. Businesses and organizations placed in the Center are agricultural research and technology based. The business or organizations placed are new or start-up, moving from the Economic Development Corporation (EDC) Incubator, or a business that needs the assistance of the Center to succeed.

In order to recover the City investment and provide operating revenue the rent per square foot will be determined by the City Manager based on cost. Tenants will be graduated into a rent that generates profits for the City for future economic development projects.

The lease agreements are short-term with the annual rent increasing from below cost to a profitable rent comparable to the rent that would be paid in the private sector. While it is the intention to assist a company in start-up and initial growth, a company's continued occupancy of the R&T Center will not be at a subsidized rent, but instead will generate profit for city economic development efforts. There are other incentives to assist a company to relocate to adequate (more) space. The R&T Center is viewed as one component of a "continuum of assistance" available to new business and industry in Brookings.

Excess income (profit) from the Center is utilized for economic development purposes.

### **Executive Limitations:**

The City Manager shall not allow or finance major improvements to the building without Council approval.

The City Manager shall not transfer funds from the Research & Technology Center Fund to any other fund without Council approval.

The City Manager shall not charge a tenant under the City's cost unless the business is in its start-up phase or has been a tenant for less than six years with the exception of current tenants (1/2003). Current tenants' rental rates will be established according to their current rental rate. In other words, current tenants will not be placed on the rent schedule according to tenancy, but placed on the schedule according to the rental rate next above their current rate.

Specific Policy (Administrative Policy)

Lease agreements for space in the Research & Technology Center (R&T) shall be for one-year terms renewable for an additional two terms. The first lease shall begin at 75% of cost, reaching 85% of cost at the end of the three terms. If a second lease is executed the rent shall reach 100% of cost at the end of the three terms. A third lease shall be at a rent that covers operating costs, recovers investment, and provides a return on the City’s investment.

Example: (This must be balanced with “market”)

Cost	\$ 8.75
Year One	\$ 6.56
Year Two	\$ 7.00
Year Three	\$ 7.44
Year Four	\$ 7.88
Year Five	\$ 8.31
Year Six	\$ 8.75
Year Seven	\$ 9.80
Year Eight	\$ 9.80
Year Nine	\$ 9.80

Implementation

At renewal time, rent will begin at the next highest interval.

Description

Economic Development is a Key Performance Area for the City and appears in the Mission Statement as “fostering a diverse economic base.” One component of a comprehensive economic development program is incubator space and start-up space for new business and industry. Also, part of a comprehensive economic development program is tax incentives for newly constructed business and industrial facilities. Lastly, the City must have available industrial development land for a reasonable cost and financial incentive programs.

In Brookings, the City owns two buildings to assist start-up businesses, Brookings County has adopted a Discretionary Tax Formula covering commercial and industrial building as an incentive to business and industry to build, and the City of Brookings owns ample industrial development property to sell at a price below market. Financial incentives are also available for qualified projects.

The EDC Incubator and building is owned by the City of Brookings and will be conveyed to the EDC when the loan from the City is paid. The purpose of the building is to provide for assistance in advertising, budgeting and marketing for new industries and small business; and to offer any physical facility or facilities for sublease to businesses or industries during their product development or start-up period, including shared support services.

Incubator tenants receive shared support services such as mail pick-up, photocopying, some receptionist services, parking, some clerical services, use of postage meter, use of shared rooms

(conference, break room, bathrooms), and some managerial and technical counseling. Leases are expected to be one or two years for a start-up period only. Lease amounts at the EDC are typically less than 70% of market. Upon completion of start-up, the business is expected to be independent.

The City of Brookings manages the Research and Technology Center (R&T Center). The R&T Center was built as an Agricultural Business and Research Center. It is for more established and larger businesses than those that might be located in the EDC Building. There are no shared services, but some shared space. The rent is expected to be under-city cost for a new tenant providing assistance during the business' start-up period. While it is the intention to assist a company in start-up and initial growth, a company's continued occupancy of the R&T Center will not be at a subsidized rent, but instead will generate profit for city economic development efforts. When a tenant needs to grow out of the R&T Center space the City will work to assist the tenant in finding privately owned space or build its own space. The purpose of the R&T Center is to facilitate the start-up of agricultural and research based business and industry and sustain a private/public partnership for future economic development.

The City of Brookings, through BEDC, offers industrial development land at a price below market. A new industrial or commercial building in Brookings is subjected to a five-year graduated tax liability and may qualify for other financial assistance programs. Again, providing an advantage to the new business or an incentive to an existing business to build or expand. A number of other financial incentives are available for qualified projects.

**TOPIC: STREET DEVELOPMENT POLICY / POLICY ON CITY PARTICIPATION IN CONSTRUCTION OF ARTERIAL AND COLLECTOR STREETS**

ACTION TAKEN: YES  
DATE: FEBRUARY 11, 2003  
TYPE: RESOLUTION

CURRENT POLICY:

Resolution No. 01-03  
Resolution Setting Policy on City Participation on Construction of  
Arterial and Collector Streets

WHEREAS, the City of Brookings has determined that there is a need for a policy pertaining to collector and arterial streets in the City, and

WHEREAS, a functional classification map referred to as the Major Street Plan for Brookings, South Dakota is regularly updated and adopted by the City Council upon recommendation of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED, that it is the policy of the Brookings City Council to assume and pay from the funds of the City all street construction costs including grading, graveling, curb and gutter, storm sewer, sidewalk and paving for streets designated as major or minor arterial on the Major Street Plan filed with the Brookings County Register of Deeds. Utilities such as water and sewer are included under this policy when they are determined by the City to be necessary for the construction of the street.

No owner of property abutting an arterial street will be assessed for street improvements if the property owner donates all necessary right-of-way and easements. Direct access to the property will be from collector streets intersecting the arterial. Any access to the arterial must be reviewed by the Planning Commission and approved by the City Engineer.

AND BE IT FURTHER RESOLVED, that it is the policy of the Brookings City Council to assume and pay from the funds of the City for any extra thickness required on collector streets as designated on the Major Street Plan, filed with the Brookings County Register of Deeds, in excess of that described for minor streets and for the extra width in excess of 31 feet measured from back of curb to back of curb. Said payment shall be computed by the City Engineer based on current bids received by the City for similar work and shall be presented for payment when said streets are complete and accepted by the City.

This resolution rescinds Resolution No. 97-99 dated November 8, 1999.  
Passed and approved this 11<sup>th</sup> day of February 2003.

## **TOPIC: SWIFTEL CENTER POLICY**

(AKA Brookings Event Center Planning)

ACTION TAKEN: YES

DATE: MARCH 9, 2004

TYPE: MOTION

### CURRENT POLICY:

City Council Policy  
*Brookings Event Center Planning*

---

Brookings, South Dakota  
Adopted March 9, 2004

Objectives: The Swiftel (Brookings Event) Center is a city-owned and subsidized facility operated by the Brookings Event Center, Inc. (the “Event Center Board”). This facility provides a gathering place for community activities, entertainment, cultural events, agricultural activities, and business conferences, enhancing the quality of life and developing the local economy.

A City Council-supported Operation and Capital Plan (“the “Plan”) is required to integrate the operation of the center with the budgetary and economic development plan of the city.

Policy: The Event Center Board will present the Plan during a City Council planning meeting in the month of July. This Plan will be completed in lieu of the Application for City Funds, a form which is used by other entities requesting City funding. The budgeting process will provide the funding for the Plan.

During February, a previous year report will be presented to the City Council during a planning or joint meeting with the Event Center Board, using the same information as the Plan.

### Specifics:

1) Operation Plan - A five-year plan containing the following information.

- Attendance and Event Days
- Economic Impact
- City Sales Tax Revenue Collection
- Variable Revenue
- Fixed Revenue
- Variable Expenses
- Fixed Expenses
- Fixed Expenditures as a percent of Net Revenue
- Subsidy Requested

2) Capital Improvement Plan

20% of the undesignated funds of the 75% of the 2<sup>nd</sup> penny sales tax revenues through 2006, and \$70,000 per year after 2006 are allocated for capital improvements for the Event Center. These funds can be saved and used in later years to fund larger projects. These funds are to be used for improvements, not repairs and maintenance, which should be funded from the

operating budget. Expenditures of these funds are authorized through the annual budget ordinance.

Definition of terms

Attendance – Number of people attending events held at the Event Center.

Event Days – Number of days the facility or a portion thereof are used. More than one event can be held in the facility at the same time in different locations.

Economic Impact – Method of calculation to determine the effect of events on the city's economy.

City Sales Tax Revenue Collection – Amount of sales tax generated from rent and other sales within the facility.

Improvements – Capital improvements, including land, real property improvements, buildings and permanent fixtures located within or associated with a building.

Variable Revenue – Proceeds generated by the Event Center from holding events.

Fixed Revenue - Revenue generated other the directly from an event.

Variable Expenses - Expenses generated from holding an event.

Fixed Expenses – Operating expenses not directly associated with an event.

Fixed Expenses as a percent of Net Revenue –  $(\text{Fixed Expenses}) / ((\text{Fixed and Variable Revenue}) - \text{Variable Expenses})$

Second Penny Sales Tax Revenue – The City Sales Tax rate is currently 1.9%. The second penny sales tax revenue is the sales tax revenue received from the portion of the tax rate which exceeds one (1) percent (currently .9%).

Subsidy Requested - Amount of money requested from the City which subsidizes the shortfall between revenue and expenses.

Undesignated Funds – A portion of Second Penny Sales Tax Revenue which has not previously been designated for a specific use by Resolution or Ordinance by the City.

## **TOPIC: TAX INCREMENT FINANCE DISTRICT**

ACTION TAKEN: YES  
DATE: JANUARY 13, 2009  
TYPE: MOTION

### CURRENT POLICY:

Guidelines for the Use of Tax Increment Finance  
-City of Brookings, South Dakota-

Purpose of these Guidelines: These guidelines are established to outline the City's position governing the intended use of tax increment financing (TIF) as an economic development tool for development. These guidelines operate within the parameters of SDCL 11-9 as amended; and shall be used as a procedural framework for considering applications for its use. The fundamental purpose of tax increment financing in Brookings is to encourage desirable development or redevelopment that would not otherwise occur *but for* the assistance provided through TIF. It shall further be the intent of TIF use to be for the shortest duration possible to achieve the City's desired results for the specific project. The City reserves the right to approve or reject projects on a case-by-case basis, taking into consideration established policies, project criteria, existing ordinances, and demand on city services in relation to the potential benefits from the project. Meeting the criteria does not guarantee the award of TIF to the project. Approval or denial of one project is not intended to set precedent for approval or denial of another project. Each project is unique and must stand on its own merits.

### Section I: Objectives governing the use of TIF

The City will consider using TIF to assist private and public development projects provided Item (8) in this Section and one additional of the following public purpose objectives are satisfied.

1. To retain local jobs and/or increase the number and diversity of jobs that offer stable employment and/or attractive wages and benefits. These jobs should be at the level sufficient to being considered a living wage/head-of-household income, and be considered *primary* jobs.
2. To encourage the redevelopment of deteriorated, contaminated, designated "brownfield", or otherwise blighted real property through the investment of TIF funding; to result in an appreciably higher level of quality redevelopment and private reinvestment.
3. To stimulate economic development in Brookings by assisting projects that promote the long term economic vitality of the community; and contributes to the fulfillment of the City's development or redevelopment objectives.
4. To stimulate increased private investment in areas that would have otherwise remained undeveloped or under-developed and which will, in the long term, provide a significant source of additional tax revenues to all taxing jurisdictions.
5. To encourage additional unsubsidized private development in the area, either directly or indirectly through "spin-off" development.
6. To stimulate the construction of safe and affordable housing units for low and moderate income residents and expand the general housing stock. (The latest available housing

plan / survey, and information from South Dakota Housing Development Authority should be used as the primary guideline for determining affordability levels.)

7. To offset increased costs of redevelopment over and above the costs normally incurred in development.
8. To facilitate the development process and to achieve development on sites which would not otherwise be developed *BUT FOR* the use of TIF. Use of TIF shall be considered a financing means of last resort as determined by the City Council.
9. To support and assist in the implementation of the City's Comprehensive Plan.
10. To broaden and expand the tax base to the benefit of all taxing jurisdictions.
11. To support redevelopment efforts that enhance and preserve unique urban features including but not limited to the downtown central business district, historic districts, entryway features and amenities, and public assembly areas.
12. To the extent permitted by law, tax increment proceeds may be used to finance eligible city-owned projects and improvements within the district as deemed necessary by the City Council.

#### Section II: General guidelines governing the use of TIF

1. The City of Brookings will comply with all requirements of SDCL 11-9 as amended. The City will undertake a comprehensive analysis to ensure the proposed project satisfies the "*BUT FOR*" criteria. The project must demonstrate to the satisfaction of the City Council, that it is not economically feasible without the use of TIF.
2. The City of Brookings will use tax increment financing only when a clearly identified city development objective is served and only to the degree necessary to accomplish that development objective.
3. Tax increment financing will only be used in cases where the City has the financial capacity to provide the needed public assistance, the Council deems it fiscally prudent to provide such assistance, and the developer can clearly demonstrate the development will be able to meet its financial and public purpose obligation.
4. The financing method of TIF districts shall be a "*pay-as-you-go*" method whereby the applicant fronts the costs and will be reimbursed by the City over time as increment becomes available. The developer shall be considered the borrower under "*pay-as-you-go*" and the City shall not be liable for debt. As an alternative, the City Council may consider the issuance of bonded indebtedness through tax increment bonds only when unique circumstances determine "*pay-as-you-go*" is not feasible.
5. As a condition of using TIF, applicants agree to waive their right to use the discretionary formula. The discretionary formula provides a financial incentive in addition to the use of tax increment. Using the discretionary formula lessens the availability of increment needed to finance the project.
6. Only those public improvements and redevelopment costs directly associated with, or needed to service the proposed development plan or project, should be financed through tax increment proceeds.
7. The amount of increment remitted to the developer shall not exceed the amount in the approved project plan as adopted by the City Council; and shall be only for the lesser of either actual or budgeted expenditures in the approved plan.
8. The duration of the tax increment district shall be determined in the approved project plan as adopted by the City and shall terminate at such time as the sufficient increment

has been generated pursuant to the approved project plan. In the event sufficient increment has not been generated by the time of the scheduled decertification of the district, the developer shall be responsible for any shortfall.

9. Tax increment expenditures shall only be made for items directly related to, and ancillary to, a bona fide public purpose or public benefit as determined exclusively by the City Council.
10. The City shall advertise for competitive bids for construction of the project, shall hold the construction contract, and shall make payments to the contractor with reimbursements from the applicant for *pay-as-you-go* projects, or from the bond fund for bonded indebtedness funds. The City shall not make any payments to the contractor until the applicant has made sufficient deposits to the City to cover the contractor payments for *pay-as-you-go* projects.
11. All development proposals should seek to maximize the amount of private investment per dollar of public assistance. Public assistance as a percentage of total development costs will be determined for each project as part of the review and compared to other development projects or subprojects of similar scope and magnitude whenever possible.
12. The City may, on a case-by-case basis, establish public purpose requirements specific to an application that must be met for the project. Such requirements shall be described in the project plan, development agreement, or other binding document between the City and the applicant, which may be in addition to the scope of applicable city ordinances or policies. Such items which may be included and if included would require performance by the Applicant may include but are not limited to: prescribed valuation of a home or building, acreage or building sizes, wages, number of jobs created/retained, building materials affecting appearance, landscaping, signage, property valuation increases, sales tax generating capacity, historic preservation, environmental improvements, transportation improvements, blight remediation, parking improvements, etc.
13. Applicant shall demonstrate to the satisfaction of the City that sufficient market demand exists for the proposed project. TIF shall not be used to support speculative projects.
14. Applicant must provide adequate financial guarantees to constitute a minimum of 10 percent equity investment cash infusion by Applicant into the overall project. Private lender financing and TIF shall not be counted toward the 10 percent equity requirement.
15. Applicant must provide adequate financial and legal guarantees to ensure completion of the project, including, but not limited to letters of credit, performance bonds, and personal guarantees.
16. For the purposes of underwriting the proposal, the applicant shall provide any requested market, financial, environmental, or other data pertaining to the proposed TIF project requested by the City or its consultants.
17. The project must be consistent with the City's Comprehensive Plan, Zoning Ordinances, Subdivision Regulations, Land Use Plan, and any other duly-adopted master plans affected by the use of Tax Increment Financing.
18. The applicant shall adequately demonstrate, to the City's sole satisfaction, an ability to complete the proposed project based on past development experience, general reputation, and credit history, among other factors, including the size and scope of the project.

19. The City may reject the use of TIF if it determines the project would place an extraordinary demand on city services or if the project that would have significant detrimental impacts on the health, safety, or general welfare of the community.
20. The City may consider amendments to either the district boundaries after a district is certified, or to the previously-adopted project plan. Amendments may be necessary to accommodate changes to desired public purpose outcomes.
21. The final interest rate and terms on the TIF Note shall be determined by the City Council and incorporated into the Development Agreement.

### Section III: Economic Analysis and Risk Assessment Process

- 1) Proposed uses of tax increment will be subject to rigorous economic analysis and risk assessment. This analysis will be conducted by the TIF Review Staff Team through their review process. The analysis may include review and assessment by consultants. (The TIF Review Staff Team shall consist of: City Manager (or designee), City Finance Officer, City Engineer, Community Development Director, Planning/Zoning Administrator, BEDC Economic Development Director.)
- 2) The analysis and assessment of all proposed uses of tax increment will address the following questions as part of the standard format for reports to the City Council.
  - i. What is the public purpose of the financial assistance for this project?
  - ii. Why is there a financial need for public investment and/or subsidy?
  - iii. What is the total cost of the project?
  - iv. What is the appropriate level of public participation?
  - v. What are the risks associated with the project?
  - vi. What are the alternative plans for managing the risk?
  - vii. How does the proposed project finance plan compare with previously approved comparable projects?
  - viii. What is the project's impact on other publicly financed projects?
- 3) The results of the Economic Analysis and Risk Assessment will be presented to the City Planning Commission and City Council at a time consistent with the schedule provided in Section V. The report shall identify any elements of the proposed project that are not in conformance with this policy.
- 4) Applicants shall pay a TIF application fee as determined by City resolution as a means of cost recovery for time and resources involved with approval of a TIF project. The fee shall be due and payable as part of the application process in Section V, Step 3. The process outlined in Section V shall not proceed until this amount has been paid in full. Applicants shall pay the fees associated with the Bond Counsel and Financial Advisor who shall be retained by the City for review of the TIF project. Applicants shall pay direct costs associated with processing the TIF application including but not limited to postage, hearing notices, surveys, platting, engineering, copying, legal fees, appraisals, recording fees, etc. Such costs shall not be the responsibility of the City.
- 5) The City may require periodic reports on the financial and developmental performance of the TIF district during the term of the district.

### Section IV: Eligible costs of tax increment revenue

The City reserves the right to further restrict eligible costs as enumerated in state law in this section as well as for each TIF project. Private buildings, structures, utilities or other private-use improvements are not eligible for TIF assistance. Development costs that are eligible for reimbursement with tax increment revenues are listed below.

- Property acquisition
- Elimination of slum and blighted conditions on property/land clearance
- Soils corrections
- Site preparation/clearing and grading of land
- Removal of hazardous wastes or remediation of site contamination
- Construction of capital public improvements such as:
 

Streets	Curb and gutter
Storm drainage utilities/ponds	Wastewater utilities
Water utilities	Sidewalks/trails/pathways
Landscaping improvements	Signage & traffic controls
Lighting	Public parking lots
- Organizational costs
- Capitalized interest/finance charges
- Professional service costs
- Imputed administrative costs
- Relocation costs
- Other costs permitted by state law as may be prescribed in the TIF project plan.

#### Section V: Tax Increment Finance application and approval process

Each step must be approved before the project can move to the next step. The project shall be terminated for failure to meet the requirements of each step unless each step is satisfactorily completed or the step is modified to the satisfaction of the City in order to advance to the next step.

- 1) Applicant submits pre-application for TIF project to Community Development Director. (Attachment 1)
- 2) City Council reviews pre-application to assess viability/feasibility of project.
- 3) Applicant submits full application, including application fee, to Community Development Director. (Attachment 2)
- 4) TIF Review Team undertakes review of the application and project.
- 5) Project Plan is written by Review Team, Bond Counsel, & Financial Advisor.
- 6) Notices of a Public Hearing before Planning Commission are distributed.
- 7) Planning Commission holds public hearing; approves the district boundaries and project plan.
- 8) TIF Review Team develops Development Agreement.
- 9) City Council approves district boundaries and Project Plan.
- 10) City Engineer and Community Development Director give final approval of development plans.
- 11) City Council approves Development Agreement.
- 12) City advertises for bidders for the construction of the project.
- 13) City staff holds bid opening, City Council awards contract for construction.
- 14) City Engineer gives contractor notice to proceed with construction.

15) City forwards appropriate records to Dept. of Revenue and County Officers.

16) Review/evaluation of project performance. (Attachment 3)

NOTE: In the event the TIF Review Team rejects the project in Step 4, the applicant may appeal to the City Council. The TIF Review Team shall provide the applicant a list of deficiencies as justification for any rejection of the project.

Attachments: 1) Pre-application, 2) TIF Application, 3) Evaluation/project performance

**TOPIC: VOLUNTEER BOARDS, COMMITTEES,  
COMMISSIONS APPOINTMENTS**

ACTION TAKEN: YES  
DATE: 1994  
TYPE: RESOLUTION

CURRENT POLICY:

Resolution No. 04-94

Whereas, the City Commission of the City of Brookings is responsible for the appointment of citizens in the City of Brookings to various committees, boards, and commissions, and

Whereas, the Commission desires to give as many citizens as possible an opportunity to serve upon the various Boards and Commissions,

No Therefore Be It Hereby Resolved by the City Commission of the City of Brookings that the Commission shall not appoint any citizen to serve on more than one (1) Committee, Board or Commission at a time.

Passed and approved this 4<sup>th</sup> day of January, 1994.

Resolution No. 94-94

Whereas, the citizens of Brookings are eligible to serve in volunteer and compensated positions of boards, committees, and commission of the City of Brookings, and

Whereas, appointments to these volunteer and compensated positions are made on an annual basis or as vacancies occur by the Mayor and /or City Commission; and

Whereas, it is in the best interest of the community if due notice of vacancies of volunteer and compensated positions is provided so all citizens have an equal opportunity to be appointed and participate, and

Now, therefore, Be It Resolved that it shall be the policy of the City of Brookings to notify the public of any vacancies of volunteer and compensated positions on boards, committees, and commissions of the City. Notification of vacancies will consist of press releases to local press and radio media at least two weeks prior to the appointment

Passed and approved this 6<sup>th</sup> day of September, 1994.