

- CHAPTER 2 -

Administration

Section 2.

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they contradict any provision of this ordinance. [Ord. 987, Eff. 8/13/02]

Section 2-1. Form of Government.

The City of Hot Springs, South Dakota, shall be governed under the aldermanic form of government with a mayor and common council.

Section 2-2. Mayor.

The Chief executive of the City of Hot Springs, South Dakota shall be a Mayor, who shall be a citizen of the United States, a qualified elector of and reside within the limits of the municipality. The Mayor shall serve terms of two years and may hold more than one term. The Mayor shall hold his office for two years or until his successor is elected and qualified. This provision shall take effect in 2008.

[Ord. 1046, Eff.3/13/07]

Section 2-3. Mayor; General Duties.

The Mayor shall perform such duties as may be prescribed by the laws and ordinances and take care that such laws and ordinances are faithfully executed.

Section 2-4. Mayor; Power to Sign or Veto Ordinances and Resolutions.

The Mayor shall have the power to sign or veto any ordinance or resolution passed by the Common Council, as well as the power to veto any part or item of an ordinance or resolution appropriating money.

Section 2-5. Mayor; Reports and Recommendations to Council.

The Mayor shall, annually and from time to time, give the Council information relative to the affairs of the City and shall recommend for its consideration such measures as he may deem expedient.

Section 2-6. Filling Vacancy in Office of Mayor; President of Council to Act during Disability of Mayor.

In case of any vacancy, from any cause, in the office of the Mayor, the same shall be filled by election for the unexpired term, to be held as soon as practicable after the vacancy occurs. Until such time as the

vacancy is filled, or during the time of temporary disability of the Mayor, the powers and duties of Mayor shall devolve upon the president of the City Council.

Section 2-7. Common Council.

The Common Council of the City of Hot Springs, South Dakota, shall consist of two aldermen elected from and by the electors of each ward of the municipality. Aldermen shall serve terms of two years and may hold office for more than one term. In implementing the two year term of office, the Common Council shall stagger the initial terms of the aldermen to provide that both aldermen from one ward are not up for re-election in the same year and to provide that beginning with the 2010 election, four aldermen will regularly be up for election each year. [Ord. 1046, Eff. 3/13/07]

Section 2-8. Council Meetings.

The Common Council shall hold its regular meetings in the Council Chambers at the City Hall or at such other place as directed by the Common Council, in the City of Hot Springs at 7:00 o'clock p.m. on the first and third Mondays of each month. If a regular meeting shall fall upon a holiday, the regular meeting shall be held on the day following. Special meetings may be called by the Finance Officer at any time upon request of the Mayor or three Aldermen. When any special meeting is called as herein provided, the Finance Officer shall cause notice thereof to be given to each of the Aldermen personally or left in writing at his or her place of business or at his or her residence. Such notice shall specify the time for and purpose of holding such special meeting. At all meetings of the Common Council, the Mayor shall preside, but he or she shall have no vote except in case of a tie. The meetings of the Common Council shall be open to the public, but it shall be unlawful for any person to interfere in any way with the deliberation of the Council at such meetings, and no person not a member of the Council shall address or deliver any remarks to the Council at such meetings, without first asking for and receiving the privilege of so doing.

Section 2-9. Quorum for Council Meetings.

A majority of the aldermen elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time and compel the attendance of absentees, and when any member so absent declines or refuses to present himself upon the call or request of the members so present, the Council may impose any reasonable penalty upon such absent member or members for each and every offense, unless excused by the Council.

Section 2-10. Voting at Council Meetings.

No action of the Council shall be effective unless upon a vote of a majority of a quorum. No member shall be permitted to pass his vote on any matter submitted for balloting to any meeting of the Council, except when such a vote would be a conflict of interest.

The 'yeas' and 'nays' shall be taken by roll call upon the final passage of all ordinances and resolutions and upon any proposal to create a liability against the City or for the expenditure or appropriation of its money, and in all other cases at the request of any member, and shall be entered on the journal of its proceedings.

Section 2-11. Adjourned Council Meetings.

The Council may take an adjournment of a meeting to a later date, in which event the adjourned meeting shall be considered as a part of the first meeting.

Section 2-12. Parliamentary Rules for Council Meetings.

Robert's Rules of Orders, Newly Revised are hereby adopted as the rules to govern the deliberations of the Council, insofar as applicable.

Section 2-13. Salaries of Mayor and Alderman. (Amended on April 29, 2003)

Effective May 1, 2003, the Mayor of the City of Hot Springs, South Dakota, shall receive as compensation for his or her services a monthly salary of Three Hundred Dollars (\$300.00) and Fifty Dollars (\$50.00) for each regular and special meeting. Effective May 1, 2004, the Mayor of the City of Hot Springs, South Dakota, shall receive as compensation for his or her services a monthly salary of Eight Hundred Dollars (\$800.00) and Fifty Dollars (\$50.00) for each regular and special meeting. Each Alderman shall be paid a monthly salary of Two Hundred Dollars (\$200.00) plus Fifty Dollars (\$50.00) for each regular and special meeting of the Common Council attended by him or her and Fifty Dollars (\$50.00) for each meeting attended by him or her acting as a member of a Board of Equalization.

[Ord. 994, Eff. 04/29/03]

The compensation for the Mayor and Aldermen for any special meeting may be waived if action is taken by the Common Council to waive such compensation at such special meeting. [Ord. 1120, Eff. 10/2012]

Section 2-14 thru 2-23. Reserved.

Section 2-24. Appointment, Term, Bond, Etc., of Appointive Officers.

The mode of appointment of all appointive officers, their terms of office, and the manner of their

qualifications shall be as provided, all appointive officers shall be appointed by the Mayor and approved by the Council and shall qualify by furnishing the required bond conditioned upon the faithful performance of their duties, and shall take and subscribe to the oath of office.

Section 2-25. General Duties of Appointive Officers.

The duties of the various appointive officers of the City shall be such as are ordinarily undertaken by such officers and as provided by the ordinances and by statute. Such officers shall do and perform such duties as may be assigned to them by the Council or other body or person authorized to prescribe such duties.

Section 2-26. Travel Expenses.

The City will not pay for any travel expenses incurred by officers and employees, unless such travel was authorized, in advance, by the Council. Payment of or reimbursement for such expenses shall be made in accord with the regulation adopted by the State of South Dakota.

Section 2-27. Mandatory Retirement.

All appointive officers and employees of the City of Hot Springs, South Dakota, shall be retired from their respective office or employments upon attaining age seventy (70).

Section 2-28. South Dakota Municipal Retirement System - Participation; Effective Date.

The City of Hot Springs, South Dakota, hereinafter called the City, shall become a participating municipality in the South Dakota Municipal Retirement System, as provided by law, for the purpose of including policemen and/or general employees in its employ under the said South Dakota Municipal Retirement System, hereinafter called the Retirement System.

The effective date of the City's participation in the Retirement System shall be January 1, 1967.

Section 2-29. Same - Employees Included.

All policemen in the employ of the City as of the above date shall be included in the membership of the Retirement System; and all persons who thereafter become policemen in the employ of the City shall be included in the membership of the Retirement System.

All general employees of the City as of the above date shall be included in the membership of the Retirement System; and all persons who thereafter become general employees of the City shall be included in the membership of the Retirement System.

Section 2-30. Same - Salary Deductions; City's Contribution.

The Finance Officer is hereby directed to deduct eight percent (8%) of the salaries paid policemen and six percent (6%) of the salaries paid general employees and forward the same to the said Retirement System; said deductions to be made from each and every policeman's and/or general employee's salary on each and every payroll and for each and every payroll period subsequent to the effective date of the City's participation in the Retirement System.

The Finance Officer is hereby authorized to pay from City funds a matching eight percent (8%) or six percent (6%) of salaries, and to forward the same to said Retirement System, together with the payment of the employee's contributions as provided above. [Ord. 987, Eff. 8/13/02]

Section 2-31. Same - Administrative Fee.

The Finance Officer is hereby authorized to pay from City funds an annual administration fee in an amount not to exceed Ten Dollars (\$10.00) per year, for each employee who is a member, retirant, or a beneficiary because of the City's participation in the retirement plan, and to forward the same to said Retirement System upon certification of the Retirement System.

Section 2-32 thru 2-41. Reserved.

Section 2-42. Finance Officer.

There is hereby created for the City of Hot Springs, South Dakota, the office of Finance Officer. Who shall be appointed by the Mayor with the advice and consent of the Common Council, and who shall perform all of the duties of the Auditor and Treasurer as provided by the laws of South Dakota and the ordinances of the City of Hot Springs, South Dakota (SDCL 9-14-1).

Section 2-43. General Duties of Finance Officer.

The Finance Officer shall:

- (A) Keep the regular books of account (SDCL 9-14-18).
- (B) Supervise the accounting system (SDCL 9-14-19).
- (C) Keep a record of governing board proceedings (SDCL 9-14-17).
- (D) Draw and countersign all warrants (SDCL 9-14-17, 9-14-18).
- (E) Keep the corporate seal (SDCL 9-14-17).
- (F) Countersign all contracts (SDCL 9-14-17).

- (G) Audit and adjust all claims against the municipality before they are allowed by the governing board (SDCL 9-14-21).
- (H) Keep a book in which all contracts shall be entered (SDCL 9-14-21).
- (I) Certify annual tax levy to county auditor (SDCL 9-21-20).
- (J) Maintain special assessment record (SDCL 9-43-24).
- (K) File bonds of all employees and officials of municipality except auditors bond (SDCL 9-14-9).
- (L) Prepare, publish, and file annual financial report (SDCL 9-22-21).
- (M) Maintain bond record (SDCL 9-22-22).
- (N) Prepare budget before September 1st of each year and submit to governing board (SDCL 9-22-23).
- (O) Maintain a file of annual inventories (SDCL 5-24-3).
- (P) Receive monies of municipality and maintain a cash receipts journal (SDCL 9-22-2).
- (Q) Invest surplus cash balances of municipality (SDCL 9-22-12).
- (R) Maintain a warrant register listing all warrants issued by funds (SDCL 9-22-18).
- (S) Report to the governing board giving a full and detailed account of all receipts and expenditures since the last report (SDCL 9-22-20).
- (T) Maintain a register of all warrants not paid for want of funds (SDCL 9-23-9).
- (S) File Auditor's bond (SDCL 9-14-9).

Section 2-44 thru 2-53. Reserved.

Section 2-54. City Attorney.

The office of the City Attorney, as heretofore created, is hereby continued. When required by the Common Council or any officer of the City, the City Attorney shall furnish an opinion upon any matter relating to the affairs of the City or the official duties of such officer; conduct the prosecution of all actions or proceedings arising out of the violation of any ordinance; and perform such other professional services incident to this office as may be required by ordinance or directed by the Council.

Section 2-55. Additional Compensation of City Attorney for Extra-Ordinary Services.

If the Common Council shall require the City Attorney to render assistance or perform services in connection with any revision of the City Ordinances, or the issuance of municipal bonds of any kind, or if the City Attorney shall represent the City in any action or proceeding in the Circuit or Supreme Court, or in any Federal Court, or before any Administrative Board or Commission, he shall receive such compensation in addition to his salary as may be agreed upon between the Council and him. The City Attorney shall also be allowed and paid any actual expenses, including court costs, which he may incur or pay out in connection with the performance of his official duties.

Section 2-56. Public Works Engineer.

There is hereby created for the City of Hot Springs, South Dakota, the position of Public Works Engineer, who shall be appointed by the Mayor with the advice and consent of the Common Council.

The Public Works Engineer's duties shall include the supervision of all planning, construction and design of public works, systems and structures of the City, and such other duties as may be directed by the Mayor. The Public Works Engineer shall assist and work with the Public Works Committee on any projects that they pursue, but the Public Works Engineer shall be answerable to the Mayor.

The Public Works Engineer must be a Professional Engineer registered in the State of South Dakota.

[Ord. 1049, Eff. 6/12/07]

Section 2-57. Repealed. [Ord. 966, Eff. 6/12/00]

Section 2-58. Repealed. [Ord. 966, Eff. 6/12/00]

Section 2-59. Repealed. [Ord. 966, Eff. 6/12/00]

Section 2-60. Reserved.

Section 2-61. Planning Commission, Created.

There is hereby created a City Planning Commission for the City of Hot Springs, South Dakota, and for land within three (3) miles of its corporate limits and not located within any other municipality.

Section 2-62. Membership, Terms, Vacancies, Removal, Compensation, Expenses.

- (A) The City Planning Commission shall consist of not less than five (5) and no greater than eight (8) members appointed by the Mayor subject to the approval of the Common Council. All members shall be residents of Fall River County with ownership of real

property within the City of Hot Springs. The majority of members of this planning commission shall be resident electors of the City of Hot Springs qualified by knowledge or experience to act in matters pertaining to the development and administration of a comprehensive plan of development for the City and who shall not hold any elective office in the municipal government. Resident electors of the city shall have the first consideration for filling of vacancies on the Commission. [Ord. 1146 Eff. 8/12/14]

- (B) The term of each member of the Planning Commission shall be for five (5) years, except that when such Planning Commission is first appointed four (4) members shall be appointed to serve a term of three (3) years and three (3) members shall be appointed for a term of five (5) years. Thereafter appointment of each member shall be five (5) years.
- (C) Any vacancy in a membership on the Planning Commission shall be filled for the unexpired term in the same manner as for appointment.
- (D) The Mayor, with the confirmation of the Common Council, shall after public hearing have authority to remove any member of the Planning Commission for cause which cause shall be stated in writing and made a part of the record of such hearing.
- (E) All members of the Planning Commission shall serve as such without compensation, except for actual expenses, which shall be subject to approval of the Common Council.

Section 2-63. Organization.

Upon appointment, the Planning Commission shall be called together by the Mayor and shall organize by electing a chairman from among its members for a term of one (1) year with eligibility for re-election, and may fill such other of its offices as it may create in a manner prescribed by the rules of such Planning Commission.

Section 2-64. Meetings, Rules, Records.

The Planning Commission shall hold at least one (1) regular meeting each month. Subject to the approval of the Common Council, it shall adopt such rules for transactions, findings, and determinations which shall be a public record.

Section 2-65. Annual Report.

The Planning Commission shall each year on or about the 1st of May, make a report to the Common Council of its proceedings with a statement of its receipts and disbursements and the progress of its

work during the preceding year.

Section 2-66. Technical, Engineering, Clerical, and Other Assistance.

Subject to the approval of the Common Council, the Planning Commission may employ such technical, engineering, clerical, and other assistance as may be deemed essential to carry on the work of the Planning Commission. Persons so employed shall be governed by the same rules and regulations covering other municipal employees. The compensation of all such employees shall be fixed by the Common Council.

Section 2-67. Contracts.

All contracts and agreements relating to the work of the Planning Commission and for services or materials required by it shall be made by the Common Council.

Section 2-68. Powers, Authorities, Jurisdictions, and Duties of the Planning Commission.

The Hot Springs Planning Commission shall have all the powers, authorities, jurisdictions, and duties set forth in SDCL Chapter 11-6, and such other powers, authorities, jurisdictions, and duties as are incident and necessary to carrying out the purpose of SDCL Chapter 11-6.

Section 3.

It is further ordained that this ordinance is necessary for the support of the municipal government and its existing institutions, wherefore an emergency exists and this ordinance shall take effect upon passage and publication thereof. [Ord. 987, Eff. 8/13/02]