

CHAPTER 1-3 THE MAYOR AND CITY COUNCIL

1-3-1

REGULAR MEETINGS OF THE CITY COUNCIL

The Council shall meet in regular session on the first and third Mondays of each month at the City Hall at such hour as the Council shall fix from time to time. If a regular meeting day shall be a holiday, the regular meeting shall be held on the day following.

Legislative History:

Ordinance No. 33, §26, 3/8/76;
Ordinance No. 39, §1, 7/12/76.

Authority:

SDCL Ch. 9-8 generally.

1-3-2

SPECIAL MEETINGS

A special meeting of the City Council shall be called by the Finance Officer, City Auditor or the Mayor, whenever the Mayor within discretion agrees, or whenever three Aldermen within their discretion agree. Notice shall be mailed to the Mayor and each Alderman at least twenty-four hours prior to the time set stating when and where and the object therefore, unless such person(s) can be reached by telephone two (2) hours ahead of the time set.

Legislative History:

1990 Revisions.

Authority:

SDCL Ch. 9-8 generally.

1-3-3

OFFICE OF THE MAYOR

The Chief Executive Officer of the City shall be the Mayor, who shall be elected from the City at large for a term of four years or until his successor is elected and qualified, beginning in the year 2003. He must be a qualified elector of the City and shall have resided therein for at least three months prior to his election. If the person has resided in an area annexed pursuant to SDCL Chapter 9-4, for at least three months prior to the election, such person may hold municipal office.

Legislative History:

1990 Revisions.
Ordinance No. 33 & 16 in part.3/8/76.
Ordinance No. 306, 6/5/01.
Ordinance No. 508, 1/1/14.

Authority:

SDCL § 9-8-4.

1-3-4

DUTIES OF THE MAYOR

The Mayor of Brandon shall have within his power the following, which may be considered duties with regard to the capacity of his position:

- A.. The Mayor of the City shall have those duties as prescribed by the laws of the State of South Dakota, the ordinances of the City of Brandon, and the City Council in accordance to the above mentioned state law.
- B. He shall appoint all officers of the City, but such appointments must be approved by the City Council.

- C. Except as otherwise provided by law, he shall have the power to remove from office any officer appointed by him.
- D. Within the jurisdiction of the municipality, he shall have all the powers conferred by law upon sheriffs to suppress disorder and to keep the peace.
- E. He shall have the power, when necessary, to call upon every male inhabitant of the City over the age of 18 years to aid in the enforcing of laws and ordinances.
- F. He may release any person imprisoned for violating a City ordinance or remit any fine or penalty for violation thereof.
- G. He shall at least annually provide the Council with information relative to the affairs of the City and recommend for their consideration such measures as he deems expedient.
- H. He shall have no vote except in case of a tie.
- I. He shall also have the power to sign or veto any ordinance or measure passed by the City Council and the power to veto any part or any item of any ordinance or resolution appropriating money.
- J. The City Council may override the vote of the Mayor by two-thirds majority of the full Council.

Legislative History:
1989 Revisions.

Authority:
SDCL Ch. 9-8 generally.

Cross Reference
1-3-8(34)

1-3-5

ALDERMEN; ELECTION AND DEFINITION OF

There shall be one Alderman elected from each ward at each annual election for a four year term. Each Alderman shall be a resident and a qualified elector of the ward from which he is elected, and shall have resided in the City at least three months prior to his election. If the person has resided in an area annexed pursuant to SDCL Chapter 9-4, for at least three months prior to the election, such person may hold municipal office.

Legislative History:
1990 Revisions.
Ordinance No. 33 & 16 in part.3/8/76.
Ordinance No. 306, 6/5/01.
Ordinance No. 508, 1/1/14.

Authority:
SDCL § 9-8-4.

1-3-6

PRESIDING OFFICERS OF CITY COUNCIL

At the first regular meeting after the annual election in each year and after qualification of the newly elected Aldermen, the Council shall elect from among its own members, a President and Vice President who shall hold their respective offices for the Municipal year.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-8-7.

1-3-7

CHAIN OF COMMAND

The President of the Council, in the absence of the Mayor, shall be the presiding officer of the Council and during the absence of the Mayor, or in the event of his temporary disability, the President shall be acting Mayor and possess all of the powers of Mayor. In the absence or disability of the Mayor and President of the Council, the Vice President shall perform the duties of the Mayor and President of the Common Council.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-8-7.

1-3-8

COUNCIL RULES AND REGULATIONS

In transacting business, the City Council shall be governed by these rules:

RULE #1: At the time appointed for the meeting of the Council the City Finance Officer shall on the order of the presiding officer, call the roll of members, noting the absentees, and those present may compel the attendance of any member.

RULE #2: At the regular meetings the following order of business shall be observed:

1. Call to order and Pledge.
2. Roll call and determination of quorum.
3. Approval of Minutes.
4. Approval of Claims.
5. Visitors/timed items.
 - a.
 - b.
6. Old business.
- 7.
- 8.
9. New business.
- 10.
11. Committee Reports
 - a. Golf Course
 - b. Parks and Recreation
 - c. Police
 - d. Administration
 - e. Streets
 - f. Water and Sewer
12. "Other" business before the Council
13. Adjournment

RULE #3: The presiding officer shall decide all questions of order subject to an appeal to the Council.

RULE #4: It shall be the duty of the presiding officer to preserve decorum, and if any member transgresses the rules of the Council, the presiding officer shall, or any member may, call to order, in which case the member called to order shall immediately sit down and be silent, unless permitted to explain, and the Council, if appealed to, shall decide the matter.

RULE #5: Every member present, when a question is put, shall vote unless the

Council shall, for special reason, excuse him.

- RULE #6:** Every motion or proposition except privileged motions shall be reduced to writing.
- RULE #7:** When a motion is made and seconded, it shall be deemed to be in possession of the Council, and shall be stated by the presiding officer, or being in writing shall be read by the presiding officer, or City Finance Officer, previous to debate.
- RULE #8:** After a motion is stated by the presiding officer or read by the City Finance Officer, it shall not be withdrawn except by the consent of the Council.
- RULE #9:** When a yea and nay vote is required the question shall be put in the following form: "As many as favor (as the case may be) when the role is called, say yea; contrary nay."
- RULE #10:** When a member is about to speak on a question, or make a motion, he shall respectfully address the presiding officer, and the presiding officer shall pronounce the name of the member entitled to the floor, and the member shall confine himself to the question under consideration.
- RULE #11:** No member shall speak more than twice on any question, nor more than ten minutes at any one time, without leave of three-fourths of the members present, expressed by a rising vote, and the same rule shall be observed in committee of the whole.
- RULE #12:** The standing committees of the City Council shall be appointed by the Mayor annually, and may consist of one member only.
- RULE #13:** Committees on making their reports shall return the petition, account or other papers containing the subject matter, so referred.
- RULE #14:** No account or other claim against the City shall be allowed or directed to be paid, unless the same shall be duly verified and shall have been duly examined and reported as correct by the person or committee having charge of the business out of which the claim arose.
- RULE #15:** All reports and resolutions shall be entered on the minutes and filed with the City Finance Officer.
- RULE #16:** When a question is before the Council, no motion shall be received unless to adjourn, lay on the table, the previous question, to commit, or amend, which several questions shall have precedence in the order above given.
- RULE #17:** A motion to adjourn shall always be in order, unless the Council is engaged in voting and shall be decided without debate.
- RULE #18:** The previous question shall be put in these words: "Shall the main question be not put?" And it shall be admitted on demand of three members, and until decided, shall preclude all further amendment or debate of the main question, but shall not preclude pending

- amendments from being put before the main question.
- RULE #19:** Any member may call for a division of the question when the same will admit thereof.
- RULE #20:** All petitions shall be presented by the presiding officer or by a member in his place, and the contents being briefly stated shall be referred to a committee.
- RULE #21:** Reports of special or standing committees may be written or oral.
- RULE #22:** The question on the greatest number, longest time and highest sum, in filling up blanks, shall be first put.
- RULE #23:** The names of members shall be called in alphabetical order.
- RULE #24:** All votes on appointments and on confirmation of appointments made by the Mayor shall be viv voice, on roll call, and shall be entered in the minutes.
- RULE #25:** All ordinance may be introduced at any regular meeting, or at any special meeting called for that purpose, and shall be read at length, but shall not be finally acted upon until the expiration of at least one week thereafter. At the next regular, adjourned or special meeting such ordinance shall again be read at length, and may then be placed upon its final passage without any further motion.
- RULE #26** Any ordinance, resolution or motion may be amended at any time before final passage.
- RULE #27:** Any ordinance or resolution, may after commitment and report thereof, be recommitted at any time before final passage.
- RULE #28:** Any member may dissent from, and protest against, any ordinance, resolution, or order of the City Council which he may think injurious to the public, or any individual, and have the reason of his dissent entered into the journal.
- RULE #29:** All committees shall be appointed by the presiding officer unless otherwise directed by the City Council.
- RULE #30:** In forming a committee of the whole, the presiding officer shall leave the chair and appoint a chairman to preside and the rules of proceedings in Council shall be observed in committee of the whole as far as may be applicable.
- RULE #31:** No member shall leave the Council or committee of the whole without leave of absence.
- RULE #32:** At special meetings of the City Council, no business shall be transacted except that for which the meeting shall have been called, unless by unanimous consent.
- RULE #33:** Any member who voted in the majority on any question or in the negative when the Council was equally divided, may move a reconsideration of such vote on the same or next succeeding regular meeting of the Council, but a motion to reconsider having been once

put and lost, shall not again be in order.

RULE #34: In the event of veto by the Mayor pursuant to Brandon Ordinance 1-3-4(H), the City Council may override said veto by a vote of two-thirds of the full Council.

RULE #35: Any or all of these rules may be temporarily suspended by a two-thirds vote of all the Aldermen elected.

Legislative History:
1990 Revisions.

1-3-9

QUORUMS

A majority of the Aldermen elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The meetings of the common Council shall be open to the public.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-8-8.

Cross Reference:
The Brandon City Code, § 9-2-3.

1-3-10

BUSINESS AT SPECIAL MEETINGS

No business shall be transacted at any special meeting except that which was mentioned in said notice thereof; but when the Mayor and all of the Aldermen are present at a special meeting, and all of the Aldermen concur in the vote, then the business transacted shall be valid, even though the meeting was not called as herein provided and the business transacted was different than that for which the meeting was called.

Legislative History:
1990 Revisions.

Authority:
SDCL Ch. 9-8 generally.

1-3-11

SPECIAL MEETINGS OF THE CITY COUNCIL

The Council shall meet in special session whenever:

- A. The Mayor, or in his absence the President of the Council, notifies the members of the Council stating time and place of the special meetings, or whenever,
- B. Two(2) or more members of the Council make a written request to the Mayor, or in his absence to the President of the Council, for a special meeting of the Council, who upon receipt of the written request for a special meeting, shall notify the members of the Council stating time and place of the special meeting. Any such special meeting as requested by two (2) or more Council members must be held no later than forty-eight (48) hours following the time the written request is presented.

Legislative History:
Ordinance No. 47, §1, 8/1/77.

Authority:
SDCL Ch. 9-8 generally.

1-3-12

POWER OF COUNCIL TO JUDGE MEMBERS AND GOVERN PROCEEDINGS; BRIBERY VACATING OFFICE

The Council shall be the judge of the election and qualification of its own members. It shall determine its own procedural rules, and punish its own members for disorderly conduct. With the concurrence of two-thirds of the aldermen elected thereto, the Council may expel a member.

Any alderman who shall have been convicted of bribery shall thereby vacate their office.

Legislative History:
990 Revisions.

Authority:
SDCL § 9-8-5.

1-3-13

DEFERMENT OF FINAL ACTION ON COUNCIL COMMITTEE REPORTS

Any report of a committee of the Council shall be deferred for final action thereon to the next regular meeting of the Council after the report is made, upon the request of any two aldermen present.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-8-8.

1-3-14

RECORDING VOTES; THE NUMBER REQUIRED FOR ACTION

The yeas and nays shall be taken upon the passage of all ordinances 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, which shall be entered on the journal of its proceedings.

The concurrence of a majority of all the aldermen, shall be necessary to the passage of any such ordinance or proposal.

It shall require a two-thirds vote of all the Aldermen to sell any City property.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-8-10.

1-3-15

RECONSIDERATION OF COUNCIL ACTION

No vote of the Council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of Aldermen as were present when such vote was originally taken.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-8-11.

1-3-16

COMPENSATION GENERALLY

All salaries of the appointive and elective officers of the City and City employees or persons performing services for the City at its request shall be fixed by resolution. The purpose of this statute is to help eliminate some of the update service costs which would otherwise occur.

Legislative History:
1990 Revisions.

Authority:
SDCL Ch. 8-19 generally.

