

AN ACT

ENTITLED, An Act to revise the voting authority of an alderman.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 9-8-1 be amended to read:

9-8-1. The chief executive officer of a municipality under the aldermanic form is the mayor. The mayor holds office for a term of not less than two nor more than five years as determined by ordinance. A mayor may hold office for more than one term.

Section 2. That § 9-8-1.1 be amended to read:

9-8-1.1. A person may be nominated, elected, or appointed as a mayor or as an alderman if the person is a citizen of the United States, a voter of and resident of the municipality, and, if an alderman, a voter of and resident of the ward for which the person is to hold office.

Section 3. That § 9-8-2 be amended to read:

9-8-2. If there is a vacancy from any cause in the office of the mayor, the vacancy shall be filled by appointment by a majority vote of the aldermen, as soon as practicable after the vacancy occurs, to serve until the office is filled by election for the unexpired term at the next annual municipal election or by special election as provided in § 9-13-14.2. Until the vacancy is filled or during the time of temporary absence or disability of the mayor, the powers and duties of mayor are executed by the president or vice president of the council as provided in § 9-8-7.

Section 4. That § 9-8-3 be amended to read:

9-8-3. The mayor presides at all meetings of the council but only votes in case of a tie. The mayor performs other duties as may be prescribed by the laws and ordinances, and takes care that the laws and ordinances are faithfully executed. The mayor shall annually, or as may be necessary, give the council information relative to the affairs of the municipality, and recommend for the council's consideration the measures the mayor deems expedient. The mayor may sign or veto any

ordinance or resolution passed by the common council, and may veto any part or item of an ordinance or resolution appropriating money.

Section 5. That § 9-8-4 be amended to read:

9-8-4. The common council consists of the mayor elected at large and two aldermen elected from and by the voters of each ward of the municipality. The term of office is two years, unless a municipality adopts an ordinance establishing the term of office to be three, four, or five years. The mayor and aldermen hold office until their successors are elected and qualified. At the first election of aldermen, the council shall stagger the initial terms of the alderman in each ward to provide that the two aldermen are not up for reelection in the same year. A person may hold office for more than one term. The vacancy of an alderman is filled as provided in § 9-13-14.1 or 9-13-14.2

Section 6. That § 9-8-5 be amended to read:

9-8-5. The council is the judge of the election and qualification of its members. The council determines its rules of procedure, and may punish its members for disorderly conduct, and, with the concurrence of two-thirds of the aldermen may expel a member.

Any alderman who is convicted of bribery shall vacate the position.

Section 7. That § 9-8-7 be amended to read:

9-8-7. At the first regular meeting after the annual election in each year and after the qualification of the newly elected aldermen, the council shall elect from among its members a president and vice president, who shall hold their respective offices for the municipal year.

The president of the council in the absence of the mayor acts as the presiding officer of the council. During the absence of the mayor from the municipality or the mayor's temporary disability, the president of the council is acting mayor and has all the powers of the mayor.

In the absence or disability of the mayor and president of the council, the vice president of the council shall perform the duties of the mayor and president of the council.

However, the president of the council or vice president of the council acting as the mayor shall only vote as an alderman. No alderman acting as mayor may vote as the mayor to break a tie vote.

Section 8. That § 9-8-8 be amended to read:

9-8-8. The council holds its regular meetings on the first Monday of each month but may, by ordinance, change the day of its regular monthly meetings. The council may prescribe by ordinance the manner in which special meetings may be called.

A majority of the aldermen constitutes a quorum to do business. When a seat on a council is vacant due to removal, resignation, death, or by operation of law, the quorum consists of the majority of the remaining aldermen who are qualified to serve as aldermen by election or appointment pursuant to chapter 9-13. The council may compel the attendance of absentees under such penalties as may be prescribed by ordinance.

The meetings of the council are open to the public and it shall keep a journal of its proceedings.

Section 9. That § 9-8-10 be amended to read:

9-8-10. A roll call vote shall be taken upon the passage of all ordinances and upon any proposal to expend or appropriate money, and in all other cases at the request of any member. All votes shall be entered in the minutes of its proceedings.

The majority vote of the aldermen shall be necessary to pass an ordinance or proposal which expends or appropriates money, and the mayor may not break a tie on an ordinance or proposal to expend or appropriate money. The mayor may break a tie on all other ordinances or proposals.

A two-thirds vote of the aldermen is required to sell any city property.

Section 10. That § 9-8-11 be amended to read:

9-8-11. A vote of the council may be reconsidered or rescinded at a regular or special meeting if a quorum is present and a majority vote to reconsider or rescind the action.

Section 11. That § 9-19-11 be amended to read:

9-19-11. If the mayor vetoes any ordinance, resolution, or other item pursuant to § 9-19-10 the finance officer shall present the ordinance, resolution, or other item with the mayor's written objection at the next meeting of the council and it may be reconsidered. If the ordinance or resolution is passed by a two-thirds vote of the aldermen, it shall be published and become effective notwithstanding the mayor's disapproval.

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I certify that the attached Act
originated in the

SENATE as Bill No. 146

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 146

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State