

ORDINANCE NO. 6005

**AN ORDINANCE TO ESTABLISH A COMMUNITY INVESTMENT COMMITTEE BY
ADDING SECTION 2.24.090 TO THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, SDCL 9-12-2 grants the City the power to control its finances, and appropriate money for authorized purposes; and

WHEREAS, the City has been over the years, and is currently a grantee of an annual funding allocation under the Community Development Block Grant Program (“CDBG”) run by the United States Department of Housing and Urban Development (“HUD”); and

WHEREAS, pursuant to the CDBG, the City is authorized and required to select sub-grantees for appropriation and disbursement of the annual CDBG funding; and

WHEREAS, the City also annually as part of its budget allocates for appropriation certain General Fund money to be disbursed to non-profit grantees it selects; and

WHEREAS, the City has previously formed the Subsidy Committee for the purpose of reviewing the annual CDBG sub-grantee applications and making recommendations to the Common Council regarding the selection of the CDBG sub-grantees, and for the purpose of reviewing applications and making recommendations to the Common Council regarding selection of the annual General Fund non-profit grantees; and

WHEREAS, the Common Council of the City of Rapid City desires to ensure the continuation of the Subsidy Committee by re-naming it the Community Investment Committee, and establishing the same in the Rapid City Municipal Code; and

WHEREAS, the Common Council of the City of Rapid City deems enactment of an ordinance to solidify the continuity of the Community Investment Committee is the best means by which to accomplish this desire; and

WHEREAS, the Common Council of the City of Rapid City has determined it is in the best interests of the City to establish a Community Investment Committee by adding Section 2.24.090 to the Rapid City Municipal Code; and

WHEREAS, the Common Council of the City of Rapid City desires to confer the Community Investment Committee with appointment and oversight powers over the Strengthening Families Committee.

NOW, THEREFORE, BE IT ORDAINED, by the City of Rapid City that Section 2.24.090 is hereby added to the Rapid City Municipal Code to read as follows:

2.24.090 Community Investment Committee.

A. *Community Investment Committee created.* The previously created Rapid City Subsidy Committee is hereby continued as the Community Investment Committee, also referred to herein as the Committee. The Committee shall make recommendations to the Common Council on the annual Community Development Block Grant sub-grantee selections, and the annual selection of non-profit grantee recipients of the General Fund allocation made for that purpose.

B. *Composition.* The Committee shall consist of 5 members, and 2 alternates each of whom shall be a resident of the city or of the City's extraterritorial platting jurisdiction as provided by SDCL Ch. 11-6. In addition, 1 of the members shall also be a member of the Strengthening Families Committee, and 1 of the members shall be associated with a foundation or other charitable funding source in the City of Rapid City. Members shall be appointed by the Mayor and confirmed by the Common Council.

C. *Terms, quorum, majority vote to transact business.* Initially, the Common Council shall appoint 2 members and 1 alternate for terms of 3 years, 2 members and 1 alternate for terms of 2 years and 1 member for a term of 1 year. Thereafter, members and alternates shall serve 3-year terms. Members and alternates may be reappointed, but no member may serve on the Committee for more than 2 consecutive terms. Any vacancy on the Committee shall be filled for the unexpired term in the same manner as required for a regular appointment. The Mayor with the confirmation of the Common Council, shall after public hearing have authority to remove any member of the Committee for cause which cause shall be stated in writing and made a part of the record of the hearing. Three members of the Committee shall constitute a quorum for the transaction of business. An affirmative vote of a majority of the members of the Committee shall be required to authorize any action of the Committee.

The alternate members should attend every meeting as though they were regular members of the Committee. The alternate members can participate and vote at the meeting only when there is an absence at the meeting that results in less than 5 members being present. Each alternate member shall be designated as either the first or second alternate, with the first alternate participating to fill the first seat that is vacant, and the second alternate participating if there are any additional vacancies. If a regular member should leave during a meeting and the alternate members are not already participating, then the alternates may fill the seat in the same manner as previously described. The foregoing shall also apply should a regular member abstain from voting.

D. *Board to act in accordance with applicable federal law when reviewing Community Development Block Grant Program matters.* When any item before the Committee pertains to the Community Development Block Grant Program, also referred to herein as the CDBG Program, any review, recommendation or other action taken by the Committee shall be done in conformance with any and all federal laws, rules, and regulations that pertain to the CDBG Program, which is run by the United States Department of Housing and Urban Development, also referred to herein as HUD.

In keeping with the foregoing, the Board shall not take up for review, nor shall any action be taken on any item that pertains to the CDBG Program without the presence at the meeting of the City's HUD-designated CDBG Grant Administrator, or his or her designated delegate. In

cases of absence from the meeting of the City's HUD-designated CDBG Grant Administrator, or his or her designated delegate, any and all CDBG Program items on the agenda shall be continued to the next regularly scheduled Committee meeting, or a special Committee meeting may be scheduled.

E. *Members not to hold elective office.* The members of the Committee shall not hold any elective office in city government or be an employee of the city.

F. *Officers.* At the first regular meeting of the Committee, and after that in January of each year, the Committee shall elect from its number a Chair and a Vice-Chair. The Vice-Chair shall act in the absence or disability of the Chair. In case the Chair or Vice-Chair vacates their appointment, the Committee shall immediately select a replacement. The Community Development Manager or his or her designee shall serve as the Secretary to the Committee.

G. *Meetings.* The Committee shall establish its regular meeting time and location, which shall be not less often than quarterly, and shall hold additional meetings as necessary to meet any CDBG Program deadlines that may be applicable to the Committee's duties. A meeting agenda shall be posted at least 24 hours in advance of the meeting at city hall.

H. *Bylaws.* The Committee shall adopt bylaws and rules of procedure to govern its operation. No bylaw or rule of procedure shall be effective until approved by the Common Council. The bylaws and rules of procedure may be amended at any time by the Committee with the approval of the Common Council.

I. *Duties.* In addition to those duties set out in other sections of this code, the Committee shall have the following duties:

1. Review annual sub-grantee applications submitted to the City-grantee under the CDBG Program, and make recommendations to the Common Council as to which sub-grantee applicants should be awarded CDBG Program funding;

2. Upon receipt from HUD of actual CDBG Program funding awarded to the City-grantee for any fiscal year, review the same and make recommendations to the Common Council as to final award amounts to be appropriated to those sub-grantees the Common Council selected to receive CDBG Program awards for that fiscal year;

3. Appoint and confirm the members of the Rapid City Strengthening Families Committee; and

4. Receive and review quarterly reports from the Rapid City Strengthening Families Committee, and advise that body as the Community Investment Committee sees fit.

J. *Bond.* The Common Council does not require a bond from Committee members for the faithful performance of a member's duties.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: