

LF082802-07R

**MEMORANDUM**

**TO:** Mayor Jerry Munson  
City Council Members

**FROM:** Adam Altman  
City Attorney

**RE:** Removal of Members of the Civic Center Board

**DATE:** September 5, 2002

Although you have instructed me to prepare this ordinance with a Council appointment rather than a mayoral appointment, I cannot do so at this time, as it is my opinion that such an appointment scheme would violate state law. As you know, I have been directed to request an Attorney General's opinion regarding the validity of my opinion. I have begun preparing that request, and recommend that you take no action on changing the Civic Center Board ordinance until that opinion is received. However, since you made it abundantly clear at the Council meeting on Tuesday that you want something brought forward, I have attached to the agenda an ordinance which I believe is legal. You will note that, under this version the Civic Center Board members, like all other officers of the City, are appointed by the Mayor with the consent of the Council, and serve at the Mayor's pleasure.

AA/map

ORDINANCE NO. 3853

AN ORDINANCE RELATING TO THE REMOVAL OF MEMBERS OF THE CIVIC CENTER BOARD, BY AMENDING SECTION 2.76.030 OF CHAPTER 2.76 OF THE RAPID CITY MUNICIPAL CODE

BE IT ORDAINED by the City of Rapid City that Section 2.76.030 of Chapter 2.76 of the Rapid City Municipal Code be amended to read as follows:

**2.76.030 Members--Appointment --Terms.**

The mayor shall appoint with the approval of the council ~~recommend and the council shall appoint~~ each member of the board for a term of three years; provided, that upon organization of the board two members shall be appointed for a three-year term, two members for a two-year term and one member for a one-year term. Thereafter, appointments shall be made as they expire on January 1. No member shall serve more than two consecutive terms. Members shall serve at the pleasure of the Mayor.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: