

TO: Mayor and Council

FROM: Tamara M. Pier, Interim City Attorney

RE: Correction of Ordinance on Appointive Offices

DATE: December 21, 2011

I have drafted an ordinance amendment to correct our current ordinance on appointments. Our ordinance currently provides for the Mayor to appoint certain positions but does not include Council approval. Under SDCL 9-14-3:

Appointment of officers. Such officers as needed and provided for by ordinance shall be appointed. **All appointive officers of a municipality governed by a mayor and common council shall be appointed by the mayor with the approval of the council,** and in other municipalities they shall be appointed by a majority vote of the members elected to the governing body, except as provided in the city manager law and subject to the provisions of the civil service applying to employees, policemen, and firemen.

Our practice, which is in compliance with state law, is that any Mayoral appointment is appointed by the Mayor with approval by the Council

Of little consequence is that our annotations to this ordinance on “the authority to appoint” also incorrectly reference a city manager form of government. Evidently, when our ordinances were re-codified, there was a mix-up by our publishing company.

Whatever the circumstances for the mistake, I wanted to submit this ordinance correction to you for your approval.