



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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## Office of the Mayor

300 Sixth Street

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### MEMORANDUM

**FROM:** Mayor Sam Kooiker *Sam Kooiker*  
**TO:** Pauline Sumption, City Finance Officer  
**CC:** City Council Members  
**DATE:** March 1, 2012  
**SUBJECT:** Veto of Ordinance No. 5768 and clarification of February 27, 2012 memo

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At the regular City Council meeting on Tuesday, February 21, 2012 the Council approved item number 53 (No. LF101211-08, Ordinance 5767) – extending the term length of the Mayor to 3 years from 2 years and item 54 (No. LF101211-09, Ordinance 5768) – extending the term lengths of the Aldermen to 3 years from 2 years.

I fully understand the argument that we are elected to make decisions. In this case, it's not appropriate. This action should not be interpreted as opposition to extension of term lengths. Rather, this action is motivated by a firm conviction that the citizens of Rapid City should decide if those benefits are more important than the benefits of shorter terms. The town hall meetings confirmed the best course of action is to allow the people to decide.

On February 27, 2012, I issued one written notice that included notice of both vetoes. Questions have since been raised about the validity of the vetoes since both were issued in one notice rather than issued separately. The City Attorney's office has since advised that I issue the vetoes separately.

This constitutes official notice to the City Finance Officer of my veto of Ordinance 5768. The veto for Ordinance 5767 is being issued separately.

Here is the relevant statute:

SDCL § 9-19-10. The mayor in any municipality with a common council may veto any ordinance or resolution by filing a written objection with the finance officer within ten days after its passage. The veto may extend to any one or more items contained in an ordinance or resolution making an appropriation or to the entire ordinance or resolution. If the veto only extends to a part of such ordinance or resolution, the remainder shall take effect.



EQUAL HOUSING  
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## MEMORANDUM

**FROM:** Mayor Sam Kooiker   
**TO:** Pauline Sumption, City Finance Officer  
**CC:** City Council Members  
**DATE:** February 27, 2012  
**SUBJECT:** Veto of Ordinance No. 5767 and Ordinance 5768

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At the regular City Council meeting on Tuesday, February 21, 2012 the Council approved item number 53 (No. LF101211-08, Ordinance 5767) – extending the term length of the Mayor to 3 years from 2 years and item 54 (No. LF101211-09, Ordinance 5768) – extending the term lengths of the Aldermen to 3 years from 2 years.

I fully understand the argument that we are elected to make decisions. In this case, it's not appropriate. This action should not be interpreted as opposition to extension of term lengths. Rather, this action is motivated by a firm conviction that the citizens of Rapid City should decide if those benefits are more important than the benefits of shorter terms. The town hall meetings confirmed the best course of action is to allow the people to decide. Therefore, I am vetoing Ordinance 5767 and Ordinance 5768.

Here is the relevant statute:

SDCL § 9-19-10. The mayor in any municipality with a common council may veto any ordinance or resolution by filing a written objection with the finance officer within ten days after its passage. The veto may extend to any one or more items contained in an ordinance or resolution making an appropriation or to the entire ordinance or resolution. If the veto only extends to a part of such ordinance or resolution, the remainder shall take effect.



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**ORDINANCE NO. 5767**

**AN ORDINANCE TO MODIFY THE LENGTH OF TERM OF THE MAYOR BY AMENDING SECTION 2.12.020 OF THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, SDCL 9-8-1 provides for the term length of the mayor under the aldermanic form of government; and

WHEREAS, the current term of office for Rapid City's mayor is two years, which is the minimum term allowed by law; and

WHEREAS, SDCL 9-8-1 authorizes municipalities to establish by ordinance a term of office of up to five years for mayor; and

WHEREAS, any change to the term of office for the mayor would not change the current term of office of the person presently holding such office; and

WHEREAS, the Rapid City Chamber of Commerce made the initial request that an ordinance increasing the mayor's term of office to three (3) years be passed by the Council; and

WHEREAS, the City Council has considered the recommendation of the Rapid City Chamber of Commerce and public input received at open houses which were held to discuss extending term lengths; and

WHEREAS, the City Council of the City of Rapid City has determined that it is in the best interests of the City to increase the term of office for mayor to three (3) years by amending Section 2.12.020 to the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City that Section 2.12.020 of the Rapid City Municipal Code is amended to read as follows:

**2.12.020 Mayor – Qualifications and Term of Office.**

The Mayor shall be a citizen of the United States, a registered voter and a resident of the city. He or she shall hold office for three (3) years. This provision shall not apply to the current term of office of any person holding the office of Mayor at the time this ordinance is adopted.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer  
(SEAL)

First Reading: February 6, 2012

Second Reading: February 21, 2012

Published: February 25, 2012

Effective: March 16, 2012

Published once at the approximate cost of \_\_\_\_\_

**ORDINANCE NO. 5768**

**AN ORDINANCE TO ESTABLISH THE QUALIFICATIONS AND TERM OF OFFICE FOR ALDERMAN BY ADDING SECTION 2.08.005 TO THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, SDCL 9-8-4 provides for the term length of alderman under the aldermanic form of government; and

WHEREAS, the current term of office for alderman in Rapid City is two years, which is the minimum term allowed by law; and

WHEREAS, SDCL 9-8-4 authorizes municipalities to establish by ordinance a term of office for alderman of up to five years; and

WHEREAS, any increase to the term of office would not change the current term of office for any alderman currently holding such office; and

WHEREAS, the Rapid City Chamber of Commerce made the initial request that an ordinance increasing the aldermen's term of office to four years be passed by the City Council; and

WHEREAS, the City Council has considered the recommendation of the Rapid City Chamber of Commerce and public input received at open houses which were held to discuss extending term lengths; and

WHEREAS, the current terms of office for the mayor and alderman are such that half the City Council is up for election at the same time as the mayor is up for election; and

WHEREAS, state law prevents a person for running for both mayor and alderman; and

WHEREAS, the current length of term prevents half the City Council from running for mayor without giving up their seat on the City Council; and

WHEREAS, the City Council has determined that the terms of office for mayor and for alderman should be staggered so that the elections are on different years which would allow any member of the City Council to run for mayor without giving up their City Council seat; and

WHEREAS, the City Council has determined that it is in the best interests of the City to increase the term of office for alderman to three (3) years by adding Section 2.08.005 to the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City that Section 2.08.005 is hereby added to the Rapid City Municipal Code to read as follows:

**2.08.005 Alderman – Qualifications and Term of Office.**

Alderman shall be citizens of the United States and a registered voter and resident of the ward for which they will hold office. Each ward will have two (2) alderman whose terms shall

be staggered to provide that both alderman from a ward are not up for election in the same year. The term of office for alderman shall be three (3) years starting with the term of office for alderman elected in the municipal election held in June of 2014.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer  
(SEAL)

First Reading: February 6, 2012  
Second Reading: February 21, 2012  
Published: February 25, 2012  
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