

**CITY OF BOX ELDER ORDINANCE # 733  
TO AMEND CERTAIN PROVISIONS OF THE  
CITY OF BOX ELDER MUNICIPAL CODE  
REGARDING CITY GOVERNMENT AND ADMINISTRATION**

Ordinance # 733 is an Ordinance to amend certain provisions of the City of Box Elder Municipal Code regarding City Government and Administration.

Those documents referred to within this Ordinance are included in the bibliography, attached hereto as Exhibit A. Those documents are attached for ease of reference only.

BE IT ORDAINED BY THE City Council of the City of Box Elder that the following Sections of the Box Elder Municipal Code be amended as follows:

**SECTION 2-2 – Corporate Limits.**

The City Council hereby amends Section 2-2 – Corporate Limits – to read as follows:

The corporate limits of the City are hereby declared to be such as have been legally established and amended by law and ordinances of the city as shown on the official map thereof on file in the digital archives of the City of Box Elder.

**SECTION 2-4 – Seal.**

The City Council hereby repeals Section 2-4 – Seal – in its entirety.

**SECTION 2-26 – President and Vice President.**

The City Council hereby amends Section 2-26 – President and Vice President – to read as follows:

The city accepts and adopts SDCL § 9-8-7.

**SECTION 2-27 – Powers and Duties of the Mayor.**

The City Council hereby amends Section 2-27 – Powers and Duties of the Mayor – to read as follows:

The city accepts and adopts SDCL § 9-8-3. Additionally, the duties of the mayor are prescribed in a job description authorized by the City Council.

**SECTION 2-28 – Appointment of Designee by City Council.**

The City Council hereby repeals Section 2-28 – Appointment of Designee by City Council – in its entirety.

**SECTION 2-49 – Process for persons to have topic on meeting agenda.**

The City Council hereby repeals Section 2-49 – Process for persons to have topic on meeting agenda – in its entirety.

**SECTION 2-50 – Meetings Open to Public.**

The City Council hereby amends Section 2-50 – Meetings Open to Public – to read as follows:

Pursuant to SDCL § 1-25-1, the meetings of the city council shall be open to the public except executive sessions as may be allowed by law. It shall be unlawful for any non-member of the council to make any disturbance or interfere in any way with the deliberations of the City Council at such meetings as provided in SDCL 22-18-35.

**SECTION 2-51 – Council Procedures.**

The City Council hereby amends Section 2-51 – Council Procedures – to read as follows:

- a) *Meetings of the City Council.* Pursuant to SDCL § 9-8-8: The regular meetings of the Box Elder City Council shall be held on the first and third Tuesday of each month, in the City Hall meeting room, at 7:00 p.m. If a regular meeting day shall fall upon a holiday, the regular meeting shall be held on the day following. Special meetings of the city council may be called by the President of the City Council or by any two City Council members. At least 24-hours advance notice to all City Council members must be given to consider only such matters as shall be mentioned in the call for such a meeting. The notice shall be placed at City Hall, in a conspicuous manner, and the press notified. Appropriate staff will notify all members. Whenever time permits, notices will be published in the appropriate media outlet when a special meeting is called.
- b) *Quorum.* The City accepts and adopts SDCL Ch. 9-8 and 9-19.
- c) *Voting.*
  - (1) No action of the City Council shall be effective unless upon a vote of a majority of the quorum.
  - (2) Teleconference meetings may be held in accordance with SDCL § 1-25-1.5.
- d) *Parliamentary rules.* The City Council accepts as its parliamentary procedure guide for council meetings *Roberts Rules of Order Simplified and Applied* and the rules applicable to City Council meetings, inclusive of those standards stated in the Decorum Rules, Elected Officials Code of Ethics, and the Employee Handbook, which are hereby adopted by reference.

**SECTION 2-80 – Introduction; Sponsorship.**

The City Council hereby repeals Section 2-280 – Introduction – in its entirety.

**SECTION 2-81 – Ordinances Initiation.**

The City Council hereby amends Section 2-81 – Ordinances Initiation – to read as follows:

The City Attorney shall review all ordinances prior to submission to the City Council.

**SECTION 2-83 – Ordinances – Review by Subject Committee After Drafting.**

The City Council hereby amends Section 2-83 – Ordinances – Review by Subject Committee After Drafting – to read as follows:

**SECTION 2-83 – Committees.**

The City Council may adopt one or more committees of its members for the purpose of making recommendations on matters to be considered by the City Council.

**SECTION 2-111 – Personnel Policy Adopted.**

The City Council hereby amends Section 2-111 – Personnel Policy Adopted – to read as follows:

The City Council shall adopt by resolution a personnel policy which shall be referred to as the Employee Handbook. The handbook shall be amended, as needed, and approved by the City Council.

**SECTION 2-112 – Appointment and Hiring of Officers and Department Heads.**

The City Council hereby amends Section 2-112 – Appointment of Hiring of Officers and Department Heads – to read as follows:

Pursuant to SDCL 9-14-3, the Finance Officer is the only appointive officer of the city. This appointment continues until a successor is appointed.

The City Attorney shall be hired by the governing body, by contract pursuant to SDCL § 9-14-23 and perform the duties and have the authority set forth by Ordinance and state law.

The City Council may determine the number of department heads and/or managers, which are necessary to manage City operations, said positions shall be approved by a majority vote of the City Council.

**SECTION 2-113 – Removal of Officials and/or Department Heads and Managers.**

The City Council hereby amends Section 2-113 – Removal of Officials and/or Department Heads and Managers – to read as follows:

The mayor shall have the power to remove the Finance Officer pursuant to SDCL § 9-14-13 whenever he shall believe the interest of the City demands a removal. The mayor shall report the reasons for such removal to the City council at a regularly scheduled meeting.

**SECTION 2-114 – Duties of Council Appointees.**

The City Council hereby repeals Section 2-114 – Duties of Council Appointees – in its entirety.

**SECTION 2-115 – Oath and Undertaking Required.**

The City Council hereby repeals Section 2-115 – Oath and Undertaking Required – in its entirety.

**SECTION 2-116 – City Council to Determine Salary or Wages of Department Heads and Supervisory Personnel.**

The City Council hereby amends Section 2-116 – City Council to Determine Salary or Wages of Department Heads and Supervisory Personnel – to read as follows:

Each year the City Council shall approve the roster of personnel and their wages, as prescribed in the appropriation ordinance.

**SECTION 2-117 – Officers who may sign for and pick up Equipment from Surplus Property.**

The City Council hereby repeals Section 2-117 – Officers who may sign for and pick up Equipment from Surplus Property – in its entirety.

**SECTION 2-148 – City Administrator.**

The City Council hereby amends Section 2-148 – City Administrator – to read as follows:

**City Administrator:** The City Council of the City of Box Elder is hereby authorized to hire the position of City Administrator. Upon affirmation, the Administrator shall have the responsibilities and duties hereafter described.

- a. **Employment:** City Administrator shall be hired by two-thirds vote of the City Council.
- b. **Qualifications:** The qualifications of the City Administrator will be contained in a job description approved by the city council.

c. **General Powers & Duties of Administrator:** In addition to the duties found in the job description; the Administrator of the City of Box Elder shall possess the following powers and duties:

- (1) Be the Administrative Officer of the City, responsible to the City Council as a “whole” for the proper and efficient administration of the affairs of the City of Box Elder.
- (2) Direct the administration of all departments, offices, or subdivisions of the city, and functions of the city, except otherwise provided by ordinance or law. Except as otherwise provided by ordinance or law, acts as the hiring and employment separation authority.
- (3) Negotiate contracts for the City, subject to approval of the City Council, make recommendations to the nature and location of municipal improvements and execute municipal improvements as determined and directed by the City Council.
- (4) Monitor all terms and conditions imposed upon the City and its inhabitants in any statute, franchise or contract and ensure all such terms and conditions are faithfully kept and performed, and upon knowledge of any violation, call the same to the attention of the City Council.
- (5) To attend all meetings of the City Council with the right to take part in discussion, but without the right to vote.
- (6) Recommend to the City Council for adoption such measures as the City Administrator may deem necessary and expedient; keep the City Council apprised of the condition of the City and make reports to the City Council at regular intervals and/or as requested by the City Council.
- (7) In cooperation with the City Finance Officer, prepare and submit the annual budget for review and approval by the City Council. The recommended budget shall be submitted to the City Council no later than the first meeting in November of each year. The budget shall be accompanied by an enabling ordinance, together with any explanation, comment, or statement the City Administrator finds necessary.
- (8) Responsibility to serve as the City’s Chief Purchasing Agent and oversee all acquisitions thereof.
- (9) The powers assigned to the Administrator are not intended to diminish those powers otherwise assigned to other officers, Department Heads or managers by statute or

ordinance, including, but not limited to the City Council/Mayor.

- d. **Matters Directed to the Administrator's Attention.** All offices and departments shall submit all matters requiring City Council action or attention to the City Administrator, who shall submit them to the City Council with recommendations, as may be deemed necessary.
- e. **Compensation, Benefits and Employment Conditions:** The City Administrator shall receive compensation as the City Council shall fix from time-to-time by resolution and/or terms of an employment agreement.

**SECTION 2-149 – City Attorney.**

The City Council hereby repeals Section 2-149 – City Attorney – in its entirety.

**SECTION 2-150 – City Engineer.**

The City Council hereby amends Section 2-150 – Office Created – to read as follows:

SECTION 2-150 – Office Created.

The City Council creates the Office of City Engineer to be filled by a certified professional engineer.

**SECTION 2-169 – Ordinance Committee.**

The City Council hereby repeals Section 2-169 – Ordinance Committee – in its entirety.

**SECTION 2-195 – Investing the Operational Cash Accounts in a Money Market Fund.**

The City Council hereby amends Section 2-195 – Investing the Operational Cash Accounts in a Money Market Fund – to read as follows:

SECTION 2-195 – Investment Policy.

The City Council shall adopt an investment policy in accordance with applicable state law.

**SECTION 2-196 – Restricted Fund Accounts.**

The City Council hereby repeals Section 2-196 – Restricted Fund Accounts – in its entirety.

**SECTION 2-197 – Single Sanitation Enterprise Fund.**

The City Council hereby repeals Section 2-197 – Single Sanitation Enterprise Fund – in its entirety.

**SECTION 2-198 – Capital Outlay Accumulation and Casualty Reserve Fund.**

The City Council hereby repeals Section 2-198 – Capital Outlay Accumulation and Casualty Reserve Fund – in its entirety.

**SECTION 2-199 – Trust Account for Unemployment Insurance.**

The City Council hereby repeals Section 2-199 – Trust Account for Unemployment Insurance – in its entirety.

**SECTION 2-200 – Investment Policy.**

The City Council hereby repeals Section 2-200 – Investment Policy – in its entirety.

**SECTION 2-201 – Conduct Requirements Regarding Federal Grant Funds.**

The City Council hereby repeals Section 2-201 – Conduct Requirements Regarding Federal Grant Funds – in its entirety.

**SECTION 2-202 – Financial Report.**

The City Council hereby repeals Section 2-202 – Financial Report – in its entirety.

**SECTION 2-203 – Credit Cards Issued to Employees.**

The City Council hereby repeals Section 2-203 – Credit Cards Issued to Employees – in its entirety.

**SECTION 2-204 – Council to Adopt Purchasing Policy.**

The City Council hereby amends Section 2-204 – Council to Adopt Purchasing Policy – to read as follows:

The City Council shall adopt a purchasing policy which shall govern the conduct of City Officials and employees in relation to expenditures, contract procedures, and procurement of property & equipment. The purchasing policy shall be amended, as needed, and approved by the City Council.

**SECTION 2-205 – Asset and Expense Purchases Distinguished.**

The City Council hereby repeals Section 2-205 – Asset and Expense Purchases Distinguished – in its entirety.

**SECTION 2-206 – Notary Service Fee.**

The City Council hereby repeals Section 2-206 – Notary Service Fee – in its entirety.

**SECTION 2-207 – Incidental Account.**

The City Council hereby repeals Section 2-207– Incidental Account – in its entirety.

**SECTION 2-208 – Collection Fee for All Returned Checks.**

The City Council hereby repeals Section 2-208 – Collection Fee for All Returned Checks – in its entirety.

**SECTION 2-V-2–Budget.**

The City Council hereby repeals Division 2-V-2– Chapter 38: Budget – which includes Sections 2-238; 2-239; 2-240; 2-241; 2-242; 2-243 and 2-244 – in its entirety.

**SECTION 2-V-3: Plans, Policies and Programs.**

The City Council hereby repeals Division 2-V-3 – Identity Theft Prevention Program – which includes Sections 2-267 and 2-268 – in its entirety.

**SECTION 2-293 – Election Date.**

The City Council hereby amends Section 2-293 – Election Date – to read as follows:

*Election date:* The City accepts and adopts SDCL §§ 9-13-1, 9-13-1.1, 9-13-1.2 regarding elections. The City Council shall establish such election day by January fourteenth of the election year.

**SECTION 2-294 – Notice.**

The City Council hereby amends Section 2-294 – Notice – to read as follows:

Pursuant to SDCL § 9-13-6, The Finance Officer shall give notice and have published in the official newspaper of the municipality notice setting forth the vacancies which will occur by termination of the terms of office of elective officers. The notice shall also state the time and place where nominating petitions may be filed for such offices. The notice shall be published in accordance with applicable State law.

**SECTION 2-295 – Time for Circulation of Nominating Petitions.**

The City Council hereby amends Section 2-295 – Time for Circulation of Nominating Petitions – to read as follows:

Nominating petitions shall be circulated for signature and filed in accordance with applicable State law.



**SECTION 2-296 – Runoff (Secondary) Elections.**

The City Council hereby amends Section 2-296 – Runoff (Secondary) Elections – to read as follows:

*Runoff election.* The city accepts and adopts SDCL § § 9-13-25; 9-13-27; and 9-13-27.1.

**SECTION 2-297 – Elections to Fill Vacancies.**

The City Council hereby amends Section 2-297 – Elections to Fill Vacancies – to read as follows:

*Election to fill vacancy.* The City accepts and adopts SDCL §§ 9-13-14; 9-13-14.1 and 9-13-14.2, except that no special election for mayor or alderman may occur less than six months before the annual municipal election.

**SECTION 2-299 – Consolidation of Wards for Voting Purposes.**

The City Council hereby amends Section 2-299 – Consolidation of Wards for Voting Purposes – to read as follows:

*Consolidation of Wards for Voting Purposes.* Wards I, II & III are hereby consolidated into one precinct for voting purposes until such time as the total number of voters in two or more contiguous wards, in an annual City election, totals more than 350 voters.

**SECTION 14-19 – Volunteer Fire Department.**

The City Council hereby repeals Section 14-19 – Volunteer Fire Department – in its entirety.

**SECTION 20-20 – Appointment.**

The City Council hereby repeals Section 20-20 – Appointment – in its entirety.

**SECTION 26-1 – Event Center.**

The City Council hereby repeals Section 26-1– Event Center – in its entirety.

**SECTION 26-21 – Parks and Recreation Board.**

The City Council hereby amends Section 26-21– Parks and Recreation Board – to read as follows:

There is hereby created the Parks Board in accordance with SDCL Ch. 9-38.

The Parks and Recreation Department shall be administered by the Department of the Public Works.

**SECTION 26-27 – Duties and Responsibilities.**

The City Council hereby amends Section 26-27– Duties and Responsibilities – to read as follows:

In addition to the other ordinances and sections in the Box Elder Municipal Code of Ordinances and State Statute giving the Parks Board duties and obligations, the duties and responsibilities of the Parks Board shall be as follows:

1. To advise the City Council and Parks and Recreation Director on all municipal recreation activities within the City and all municipal recreation facilities, as well as the maintenance of all parks;
2. To advise the Parks and Recreation Director in preparing a budget request for consideration by the City Council;
3. To advise the Parks and Recreation Director on the expenditure of all budgeted funds in accordance with state law and City policy;
4. To advise the City Council and the Parks and Recreation Director on the maintenance of all municipal recreation facilities; and
5. To advise the Public Works Director on the tree care regulations set forth elsewhere by ordinance.

The governing body may require a report from such board at any time, and the records, books, papers, and accounts of the board shall always be subject to inspection by the mayor, city finance officer, auditor, or any committee appointed by the governing body for that purpose.

**SECTION 26-31 – Duties and Responsibilities of the Director.**

The City Council hereby repeals Section 26-31– Duties and Responsibilities of the Director – in its entirety.

**SECTION 28-22 – Members Terms.**

The City Council hereby amends Section 28-22 – Members Terms – to read as follows:

The term of each Planning Commission member appointed and currently serving shall be continued until expiration of the original term, or until the members shall have resigned or been removed for cause. Each member appointed to the Planning Commission, including alternate members, shall be appointed for a term of five years to expire May 1st of the fifth year. At a minimum, one-half of the membership should begin their terms on odd and even years.

**SECTION 28-23 – Members Removal.**

The City Council hereby repeals Section 28-23 – Members Removal – in its entirety.

**SECTION 28-25 – Commission Bylaws.**

The City Council hereby amends Section 28-25 – Commission Bylaws – to read as follows:

The commission shall, during the first meeting each January, elect from its members a Chairperson and Vice Chairperson. The chairperson shall chair all meetings and proceedings. In the Chairperson’s absence, the Vice Chairperson shall conduct the meetings. The Commission may establish bylaws to govern the conduct and procedural rules of the Commission meetings and to provide for the election of Commission Officers. The Commission shall abide by the attendance policy enacted by the Council.

**SECTION 28-46 – Recommendation of Comprehensive Plan as a Whole, or in Part.**

The City Council hereby repeals Section 28-46 – Recommendation of Comprehensive Plan as a Whole, or in Part – in its entirety.

**SECTION 28-47 – Duty; Content; Amendment.**

The City Council hereby amends Section 28-47 – Specific Powers and Duties of the Planning & Zoning Commission – to read as follows:

The Commission shall have all powers enumerated by SDCL Title 11.

**SECTION 28-47 – Comprehensive Plan-Duty to Develop Requirements.**

The City Council hereby amends Section 28-47 – Comprehensive Plan-Duty to Develop Requirements – to read as follows:

The Commission shall have the powers and duties set forth in SDCL Ch. 11-4.

**SECTION 28-48 – Surveys and Studies Required; Purpose.**

The City Council hereby repeals Section 28-48 – Surveys and Studies Required; Purpose – in its entirety.

**SECTION 38-5 – Determining Taxable Valuation for New Structures or Additions to Structures.**

The City Council hereby repeals Section 38-5 – Determining Taxable Valuation for New Structures or Additions to Structures – in its entirety.

CITY OF BOX ELDER

ATTEST:  
(SEAL)



Garry H. Jonson  
Mayor

Nicole Schneider  
Nicole Schneider, Chief Financial Officer/  
City Administrator

First Reading: 09/19/2023  
Second Reading: 10/03/2023  
Published: 10/10/2023  
Effective: 10/23/2023

## EXHIBIT A

1. Employee Handbook, approved by City Council 12/20/2022, effective 1/1/2023, referred to in Sections 2-51 and 2-111.
2. Code of Conduct and Ethics for Elected and Appointed Officials, Resolution no. 18-5.
3. Rules of Decorum, referred to in Section 2-51, Resolution no. 20-5.
4. Attendance Policy, referred to in Section 28-25, approved by City Council 12/4/2018, 12/18/2018, Ordinance no. 617.
5. A Resolution Establishing the Election Date for the 2023 Municipal Election for the City of Box Elder (date set by Douglas School District), referred to in Section 2-293, Resolution no. 18-05.
6. Roberts Rules, referred to in Section 2-51, Ordinance no. 561, § 30.08, 3/15/2016; Ordinance no. 650, § 30.8, 5/1/2020.
7. Purchasing Policy, approved by City Council 11/22/2022, referred to in Section 2-204.
8. Investment Policy, approved by City Council 11/1/2022, referred to in Section 2-195, Resolution no. 22-37.
9. Any and all Resolutions to establish the Planning and Zoning Commission, referred to in Section 28-25, Ordinance no. 650, § 33.1, 5/1/2020.
10. Any and all Resolutions to establish the Parks Board, approved by City Council 12/8/2021, referred to in Section 26-21, Ordinance no. 685.
11. Teamsters Union Contract – Police Departments Local 120, approved by City Council 10/6/2020, effective 1/1/2021.
12. Master Fee Schedule, approved by City Council 12/6/2022 and 12/20/2022, Ordinance no. 688, Ordinance no. 712.