

CHAPTER 31: CITY OFFICIALS

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APPOINTIVE OFFICERS GENERALLY

§ 31.01 CITY COMMISSION TO APPOINT.

(A) The City Commission shall appoint the following:

- (1) Auditor;
- (2) Attorney;
- (3) Library Board of Trustees;
- (4) Treasurer; and
- (5) City Manager.

(B) The City Treasurer and City Auditor shall be the same person and shall be referred to as the Finance Officer.

(Prior Code, § 2.08.010)

§ 31.02 OATH OF OFFICE.

All appointive officers shall qualify before entering upon the discharge of their duties by taking and subscribing an oath of office in the form required by the Constitution of this state and furnish an undertaking to be approved by the City Commission in such sum as it shall prescribe, conditioned for the faithful performance of the duties of their offices and to account, pay over and deliver all money or property coming into their hands by virtue of their office according to law.
(Prior Code, § 2.08.020)

§ 31.03 DUTIES.

The duties of the various appointive officers of the city shall be such as are ordinarily undertaken by said officers and as provided by the ordinances of the city and by the statutes of the state. Such officers shall do and perform such duties as may be assigned to them by the City Commissioners.
(Prior Code, § 2.08.030)

FINANCE OFFICER**§ 31.15 RECORDS, WARRANTS ON TREASURY, EXPENSES ESTIMATES, CONTRACTS AND CERTIFICATES OF WORK; DESTRUCTION OF RECORD.**

The Municipal Finance Officer shall keep his or her office at such place as the governing body may direct, keep the corporate seal, all papers, and records of the municipality and a record of the proceedings of the governing body, whose meetings he or she shall attend. He or she shall draw and countersign all warrants on the treasury in pursuance of orders or resolutions of the governing body and keep a full and accurate account thereof in books provided for that purpose. He or she shall make or cause to be made estimates of the expenses of any work to be done by the municipality, countersign all contracts made on its behalf and certificates of work authorized by any committee of the governing body or by any municipal officer. However, the Municipal Finance Officer may destroy any record which a Records Destruction Board, acting pursuant to SDCL § 1-27-19 declares to have no further administrative, legal, fiscal, research or historical value.
(Prior Code, § 2.12.010)

§ 31.16 FINANCIAL RECORDS MAINTAINED; SIGNATURE OF EVIDENCES OF INDEBTEDNESS.

The Municipal Finance Officer shall keep regular books of accounts in which he or she shall enter all indebtedness of the municipality, and which shall at all times show the financial condition of the municipality, the amount of bonds, warrants, certificates or other evidences of indebtedness issued by the governing body, and the amounts of all bonds, warrants, certificates or other evidences of indebtedness which have been redeemed and the amount of each outstanding. He or she shall countersign all bonds, warrants or other evidences of indebtedness of the municipality and keep accurate accounts thereof, stating to whom and for what purpose issued and the amount thereof. He or she shall keep an account with all receiving and disbursing officers of the municipality, showing the amount they have received from the different sources of revenue and the amount which they have disbursed under the direction of the governing body.
(Prior Code, § 2.12.020)

CITY MANAGER**§ 31.30 RESPONSIBILITIES.**

The City Manager shall be responsible to the governing body for the proper administration of all affairs of the first or second class municipality placed in his or her charge. To that end, except as otherwise provided by law, he or she shall have power to appoint and remove all officers and employees in the administrative service of the municipality and may authorize the head of any department or office responsible to him or her to appoint and remove subordinates in such department or office. Appointments made by or under the authority of the City Manager shall be made without definite term on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform.

(Prior Code, § 2.14.010)

§ 31.31 BOND REQUIREMENT.

The City Manager and every officer of the first or second class municipality, whether appointed by the City Manager or the governing body, shall furnish a bond to the municipality in such form and in such amount as may be required by the governing body. Such bond shall be approved by the governing body and be filed with the Auditor.

(Prior Code, § 2.14.020)

§ 31.32 GENERAL POWERS.

(A) The City Manager shall have the following further powers and duties:

- (1) He or she shall see that the laws and ordinances are enforced;
- (2) He or she shall supervise the administration of the affairs of the municipality;
- (3) He or she shall make such recommendations to the governing body concerning the affairs of the municipality as may seem to him or her desirable;
- (4) He or she shall keep the governing body advised of the financial condition and future needs of the municipality;
- (5) He or she shall prepare and submit to the governing body an annual budget not later than August 1 of each year;
- (6) He or she shall see that all terms and conditions imposed in favor of the first or second class municipality or its inhabitants in any contract or franchise to which the municipality is a party are faithfully kept and performed;
- (7) Except when the governing body may be considering his or her removal, the City Manager shall be entitled to be present at all meetings of such governing body and its committees, and to take part in their discussions;
- (8) He or she shall sign all warrants for the payment of money, and the same shall be countersigned by the Auditor, but no warrant shall be issued until the claim therefore has been approved by the governing body, except as may be otherwise provided by ordinance or resolution;
- (9) He or she shall have the right to prepare and introduce ordinances and resolutions and

take part in the discussions on all matters coming before the governing body, but shall have no vote;

(10) The City Manager shall have such further powers and duties as may be prescribed by ordinance or resolution;

(11) He or she shall have the authority as a designated administrative official to receive the 30-days' written notice from organizations defined in SDCL § 22-25-25(1) before the organization conducts a bingo game or sells chances for a lottery; and

(12) He or she shall have the authority to sign all grant applications and funding requests on behalf of the city regarding United States of America federal grant programs, United States government federal department and agency grant programs, state grant programs, State of South Dakota Department Grant programs, federal and state sub-grant programs, local governmental grants, quasi-governmental agency grants, private grants, non-profit grants and grants and funding requests in any other form regardless of source or manner denominated.

(B) No contract of the City Manager for the payment of money in excess of \$200, except for current necessities, shall be binding upon the municipality unless the payment shall be approved by the governing body.

(Prior Code, § 2.14.030)§ 31.33 ABSENCE, DISABILITY OR SUSPENSION OF CITY MANAGER.

In case of the absence or disability of the City Manager or in case of his or her suspension as provided in SDCL § 9-10-11, the governing body may designate a qualified administrative officer of the municipality to perform the duties of the City Manager during such absence, disability or suspension.

(Prior Code, § 2.14.040)

§ 31.34 GOVERNING BODY TO WORK THROUGH CITY MANAGER; VIOLATION AS MISDEMEANOR; REMOVAL FROM OFFICE.

Except for the purpose of inquiry the governing body and its members shall deal with the administrative service solely through the City Manager, and it is a Class 2 misdemeanor for any member of the governing body to give orders to any subordinate of the City Manager. Upon conviction of a violation of this section, the court in which such conviction is had may in its discretion enter an order removing the member of the governing body so convicted from this office.

(Prior Code, § 2.14.050) Penalty, see § 10.99

CITY ATTORNEY

§ 31.45 DUTIES.

When required by the governing body or any officer of the city, the City Attorney shall furnish an opinion upon any matter relating to the affairs of the city or the official duties of such officer; conduct the prosecution of all actions or proceedings arising out of the violation of any ordinance; and perform such other professional services incident to his or her office as may be required by ordinance or directed by the governing body.

(Prior Code, § 2.16.010)