

## **TITLE III: ADMINISTRATION**

Chapter

- 30. GENERAL PROVISIONS**
- 31. EMERGENCIES**
- 32. MAYOR; COMMON COUNCIL**
- 33. CITY ORGANIZATIONS**
- 34. OFFICIALS AND EMPLOYEES**
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## CHAPTER 30: GENERAL PROVISIONS

### Section

30.01 Ward boundaries; voting precincts

#### ' 30.01 WARD BOUNDARIES; VOTING PRECINCTS.

(A) The city is hereby divided into three wards, which wards shall constitute one precinct for voting purposes.

(B) The First Ward shall be all that part of the city beginning at the north city limits and east of Laurel Street to Fillmore Street, the east side of Spruce Street, the east side of Leisure Street to Garfield Street, that area east of Tract C of Outlot B, that area East of PT Outlot B, all of Hale Subdivision, the east side of Laurel Street South of the railroad tracks, and the east side of Crook City Road to the south city limits.

(C) The Second Ward shall be all that part of the city lying east of Pine Street, but west of the First Ward.

(D) The Third Ward shall be all that part of the city lying west of the Second Ward.  
(Prior Code, ' 5.0101)

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## CHAPTER 31: EMERGENCIES

### Section

#### 31.01 Drought

#### ' 31.01 DROUGHT.

(A) *Power of Common Council to declare emergency.* From and after the passage and taking effect of this chapter, the Common Council shall have the power, in times of water shortage, which it is deemed to be either dangerous or likely to be dangerous to either public health or safety, to declare an emergency to exist, and to provide for and regulate the consumption of water by all users from the Whitewood Water Works Company, its successors and assigns, and for that purpose, the city shall have police powers to carry into effect all regulations and directions imposed by resolution, duly passed and adopted by its governing body, and to delegate such powers to any officer or employer of the city in order to carry into effect any and all of such regulations so adopted.

(Prior Code, ' 9.0101)

(B) *Publication.* Any and all regulations adopted and imposed under the provision hereof shall be published for at least one issue in the local newspaper of the city and posted in at least three places within the city, and said regulations shall take effect the day following the publication and posting thereof.

(Prior Code, ' 9.0102)

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## CHAPTER 32: MAYOR; COMMON COUNCIL

### Section

- 32.01 Election
- 32.02 Regular meetings
- 32.03 Special meetings
- 32.04 President and Vice President
- 32.05 Duties
- 32.06 Common Council procedure
- 32.07 Departments and supervision
- 32.08 Duties of supervisors
- 32.09 Secondary election

### ' 32.01 ELECTION.

The elective officers of this city shall consist of the Mayor, elected at large, two Aldermen elected from each ward. They shall be elected, qualify and their duties shall be as defined and provided for by state law and the ordinances of this city.

(Prior Code, ' 5.0201)

### ' 32.02 REGULAR MEETINGS.

The Common Council shall hold regular meetings on the first and third Monday of each and every month of the year at the City Hall at the hour of 5:30 p.m.; provided, however, that whenever any such meeting date shall be a legal holiday, then such meeting shall be held on the first work date following said holiday at 5:30 p.m. Any regular meeting may be adjourned from day to day. All bills shall be submitted for approval and payment at each regular meeting each month.

(Prior Code, ' 5.0202) (Ord. 201502, passed 982015)

### ' 32.03 SPECIAL MEETINGS.

(A) The Mayor shall the power to call special meetings of the Common Council by giving each Alderman written notice of such extra meeting 24 hours before such extra meeting is held.

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(B) The Mayor shall call special meetings of the Common Council when requested to do so by any two or more Aldermen.

(C) The notices so served for extra meetings shall state and specify the object of such meetings. The notices shall be served by the Police Department of the city upon each member of the Common Council who can be located.

(Prior Code, ' 5.0203)

### ' 32.04 PRESIDENT AND VICE PRESIDENT.

At the first meeting of the Common Council in May of each year, and after the qualifications of newly elected Common Council members, the Common Council shall elect from its own members a President and Vice President of the Common Council, who shall hold their respective offices for the ensuing year.

(Prior Code, ' 5.0204)

### ' 32.05 DUTIES.

The Mayor shall preside at all meetings of the Common Council, but shall be entitled to vote only on any questions when there is a tie vote thereon. He or she shall preserve order, decide all questions of order, subject to an appeal from the Common Council. The President of the Common Council shall, in the absence of the Mayor, either presiding officer of the Common Council and during such absence, or the Mayor's temporary disability, be acting Mayor, and present all the powers of the Mayor. In the absence of the Mayor and the President of the Common Council, then the Vice President shall perform such duties.

(Prior Code, ' 5.0205)

### ' 32.06 COMMON COUNCIL PROCEDURE.

*Robert's Rules of Order* shall be the standard for procedure by which all regular meetings of the Common Council shall be governed.

(Prior Code, ' 5.0206)

### ' 32.07 DEPARTMENTS AND SUPERVISION.

(A) The following administrative departments and commissions are hereby established under the executive office of the Mayor:



**Mayor; Common Council**

- (1) Police Department;
- (2) Library Board;
- (3) Street Department (streets, sidewalk, alleys and public ways);
- (4) Water Department;
- (5) Finance Commission;
- (6) Liquor Commission;
- (7) Sewer Department;
- (8) Parks Department;
- (9) Economic Development Commission;
- (10) ADA Commission;
- (11) Railroad Authority;
- (12) Northern Hills Waste Management; and
- (13) Emergency Management.

(B) At the first meeting in May of each year, the Mayor shall appoint a member of the Common Council to serve as supervisor of each of the above departments unless the Mayor shall choose to supervise any of the above departments himself or herself. The Mayor shall have the power at any time to remove any Common Council member from the position of supervisor of one of the above mentioned departments and replace him or her with another.

(Prior Code, ' 5.0207)

**' 32.08 DUTIES OF SUPERVISORS.**

Each Common Council member or Mayor in fulfillment of the provisions of ' 32.07:

- (A) Shall act in a supervisory capacity for each department listed;

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(B) Shall keep a constant and careful watch over the performance of all duties of all employees and officials, over all activities and over all equipment of their respective departments;

(C) Shall make a monthly report to the Common Council, which report shall concern the conditions, matters, activities and problems of their respective departments; and

(D) Shall perform all other duties as may be specifically provided in this chapter or by order of the Mayor or Common Council.

(Prior Code, ' 5.0208)

### ' 32.09 SECONDARY ELECTION.

In any election for Mayor or Common Council person within the city, a candidate to be elected must receive a majority of the votes cast for that office. If more than two candidates are running for Mayor or Common Council person, and one candidate does not receive the majority of the votes cast, a secondary election shall be held two weeks from the date of the first election. At the secondary election, the only persons voted for shall be the two candidates receiving the highest number of votes at the first election. The secondary election shall be held at the same polling places, be conducted, returned, canvassed and the result declared and entered upon the journal of the city in the same manner as the first election. The person receiving the highest number of votes at the secondary election is elected.

(Prior Code, ' 5.0209)

## CHAPTER 33: CITY ORGANIZATIONS

### Section

#### *Police Department*

- 33.01 Members
- 33.02 Appointment
- 33.03 Require aid

#### *Hale Hall Auditorium Board*

- 33.15 Established
- 33.16 Composition and appointment
- 33.17 Composition, terms and vacancies
- 33.18 Officers
- 33.19 Meetings
- 33.20 Quorums
- 33.21 Funding
- 33.22 Powers, use of proceedings records in legal actions
- 33.23 Funds, custody and expenditures
- 33.24 Budget preparation
- 33.25 Reporting requirements; records inspection

#### ***POLICE DEPARTMENT***

#### **' 33.01 MEMBERS.**

The police force in this city shall consist of the Chief of Police, and as many more police officers as the Common Council shall, from time to time, deem necessary for the proper protection of the city. (Prior Code, ' 5.0601)

**Whitewood Administration****' 33.02 APPOINTMENT.**

The Chief of Police shall be appointed by the Mayor, and with the consent of the Common Council, and he or she shall hold his or her office for the term of his or her appointment unless sooner removed by the Mayor, as provided by the laws of the state. The Chief of Police shall hire all other personnel required to fulfill the functions of the Police Department; subject at all times to the approval of the Common Council in charge of the Police Department.

(Prior Code, ' 5.0602)

**' 33.03 REQUIRE AID.**

In the execution of the duties of any police officer in arresting any person accused or suspected of crime or any suppression of any riot or unlawful assembly, or in the prevention of any offense against the city or state, said officer shall have the power when necessary to require the aid of any citizen; and it shall be unlawful for any person to refuse or willfully neglect to obey the summons of any police officer in such cases.

(Prior Code, ' 5.0603) Penalty, see ' 10.99

***HALE HALL AUDITORIUM BOARD*****' 33.15 ESTABLISHED.**

There is hereby established in and for the city an Auditorium Board to be known as the Hale Hall Auditorium Board, to act in an advisory capacity to the Common Council concerning Hale Hall, as authorized by SDCL ' 9522.

(Prior Code, ' 5.10.010)

**' 33.16 COMPOSITION AND APPOINTMENT.**

(A) The Hale Hall Auditorium Board shall be composed of five members selected as follows:

- (1) One person appointed by the Chamber of Commerce;
- (2) One person appointed by the PTO;
- (3) One person appointed by the 810 Club;

## City Organizations

(4) One person appointed by the Mayor with the advice and consent by vote of the Common Council from the city proper; and

(5) One person appointed by the Mayor with the advice and consent by vote of the Common Council from the 57793 zip code.

(B) No member of the Common Council may serve on the Hale Hall Auditorium Board.  
(Prior Code, ' 5.10.020)

### ' 33.17 COMPENSATION, TERMS AND VACANCIES.

(A) The members of the Hale Hall Auditorium Board shall serve without compensation.

(B) The members of the Hale Hall Auditorium Board shall serve twoyear terms beginning May 1, 2013, unless indicated otherwise below.

(C) The member of the Hale Hall Auditorium Board appointed by the Common Council from the city proper will serve an initial term of three years starting May 1, 2013, and thereafter will serve a twoyear term.

(D) The member of the Hale Hall Auditorium Board appointed by the Chamber of Commerce will serve an initial term of three years starting May 1, 2013, and thereafter will serve a twoyear term.

(E) The member of the Hale Hall Auditorium Board appointed by the Common Council from the 57793 zip code will serve an initial term of three years starting May 1, 2013, and thereafter will serve a twoyear term.

(F) If a member resigns or is disqualified prior to the end of their term, the Mayor with the advice and consent by vote of the Common Council or Chamber of Commerce, PTO or 810 Club, as the case may be, shall appoint a new member to complete the resigning member=s term.

(G) Members of the Hale Hall Auditorium Board shall not be required to give a bond to the city, but shall be sworn in as other city appointive officers.

(H) Should the Chamber of Commerce, PTO or 810 Club cease to exist, the Mayor with the advice and consent by majority vote of the remaining members of the Board will appoint a member from any other civic organization(s). If there is no other feasible civic group from which to appoint a Board member, the Mayor with the advice and consent by majority vote of the remaining members of the

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Board will appoint a member from the city proper or from the 57793 zip code. The new member will be approved by vote of the Common Council.

(Prior Code, ' 5.10.030)

### **' 33.18 OFFICERS.**

(A) The Hale Hall Auditorium Board shall at its first organization meeting and at each first meeting in May of subsequent years, elect from its membership a President, Vice President and a Secretary, each of whom shall serve for a oneyear term or until a successor is a elected and qualified.

(B) The Vice President shall act in the absence or disability of the President. In case of death or resignation of an officer, a successor shall be immediately elected.

(Prior Code, ' 5.10.040)

### **' 33.19 MEETINGS.**

The Hale Hall Auditorium Board shall hold monthly meetings, with a posted agenda 24 hours in advance, at a time and place to be designated by the Hale Hall Auditorium Board, pursuant to state open meetings laws. Special meetings may be called at any time by the President or by a majority of the Hale Hall Auditorium Board by giving 24hours= advance notice to the public and other members of such committee. Notice of a special meeting shall be given a minimum of 24 hours prior to meeting time and shall state the reason for requesting the special meeting. Only business stated as the reason for calling a special meeting shall be transacted.

(Prior Code, ' 5.10.050)

### **' 33.20 QUORUMS.**

A majority (three) of the Hale Hall Auditorium Board shall constitute a quorum and may by resolution or motion at any meeting duly held authorize any action within the power of the Hale Hall Auditorium Board.

(Prior Code, ' 5.10.060)

### **' 33.21 FUNDING.**

(A) Funding for daytoday operations including utilities and routine maintenance will come from the BBB Tax.

## City Organizations

(B) Revenue from hall rentals, fund raisers or donations will be deposited in a separate account to be determined by the City Finance Officer to provide funding for major renovations.  
(Prior Code, ' 5.10.070)

### ' 33.22 POWERS, USE OF PROCEEDINGS RECORDS IN LEGAL ACTIONS.

The Hale Hall Auditorium Board shall have power to contract for supplies and services, including promotion, necessary to the operation and maintenance of Hale Hall, and for the rental of the same or any part thereof; to fix and collect rentals and charges for admission; to schedule and determine priorities among activities proposed to be conducted in Hale Hall; to allow claims for supplies and services necessary to the operation and maintenance of Hale Hall; and to do all other things necessary and proper to assure the maximum use of Hale Hall for the general welfare of the city and its inhabitants and industries and the sufficiency of the revenues thereof for the payment of all proper charges thereon. The Hale Hall Auditorium Board shall have the specific power to incur expenses for promotion of Hale Hall both within the state and without the state. Copies of proceedings of the Hale Hall Auditorium Board, certified by its appointed secretary shall be competent as evidence in any action or legal action or proceedings, as authorized by SDCL ' 95223.  
(Prior Code, ' 5.10.080)

### ' 33.23 FUNDS, CUSTODY AND EXPENDITURES.

All funds pertaining to Hale Hall shall be placed in the custody of the City Finance Officer, and shall be expended only upon warrants drawn by the Finance Officer, pursuant to allowance by the Hale Hall Auditorium Board of duly verified claims; provided, that a petty cash fund may be maintained in an amount and for expenditures and in the custody of the officer as the Hale Hall Auditorium Board shall determine. A verified account of expenditures from the fund shall be submitted monthly to the Hale Hall Auditorium Board, which may thereupon authorize issuance of a warrant covering the expenditures.  
(Prior Code, ' 5.10.090)

### ' 33.24 BUDGET PREPARATION.

The Hale Hall Auditorium Board shall submit to the city on or before July 1 of each a proposed itemized budget for the succeeding fiscal year in the form prescribed for other city departments, and further, the Mayor may request a preliminary budget prior to that date and the Hale Hall Auditorium Board shall comply with the request.

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(Prior Code, ' 5.10.100)

**' 33.25 REPORTING REQUIREMENTS; RECORDS INSPECTION.**

The Hale Hall Auditorium Board shall make an annual report to the city by February 1 of the following year of its acts and all its expenditures, showing the condition of all affairs under its control, and its records, books and accounts shall at all reasonable times be subject to inspection by the Finance Officer of the city or any committee appointed by the city for that purpose, or any citizen. Additional reports shall be submitted as may be requested by the city.

(Prior Code, ' 5.10.110)



**CHAPTER 34: OFFICIALS AND EMPLOYEES**

Section

*Appointive Officers*

- 34.01 Officers
- 34.02 Bonds
- 34.03 Duties
- 34.04 City Attorney

*Personnel Policies*

- 34.15 Salaries and wages
- 34.16 Vacation leave
- 34.17 Sick leave and emergency leave
- 34.18 Notice of termination

***APPOINTIVE OFFICERS***

**' 34.01 OFFICERS.**

(A) The hired officers of the city shall be a Public Works Director, Finance Officer, Chief of Police, and such other hired officers as may be necessary for the administration of city business and affairs. Such officers shall be hired by the Mayor and Common Council and shall hold office until their successors are duly hired and qualified.

(B) There shall be appointed by the Mayor of the city and ratified by the Common Council on the first Monday of May of each year, a City Attorney and Building Official, and such other appointed officers as may be provided for by statute or ordinance, who shall hold office until the first Monday of May of the year following their appointment, and until their successors shall be appointed and qualified, unless otherwise their term should be terminated by the Mayor as by law provided.

(Prior Code, ' 5.0301)

**Whitewood Administration****' 34.02 BONDS.**

The Finance Officer shall be bonded in the amount of \$150,000 and the bond premium shall be paid out of the General Fund.

(Prior Code, ' 5.0302)

**' 34.03 DUTIES.**

Each officer shall perform all of the duties as prescribed by this subchapter and the statutes of the state, and such other duties as may from time to time be prescribed by the Common Council or Mayor.

(Prior Code, ' 5.0303)

**' 34.04 CITY ATTORNEY.**

The governing body of the city may contract for legal services or employ an attorney under such terms and conditions as the city shall deem proper. Any contract for legal services with the City Attorney shall be made by ordinance or resolution. Such contract shall set forth the compensation to be paid and the specific services to be rendered.

(Prior Code, ' 5.0304)

***PERSONNEL POLICIES*****' 34.15 SALARIES AND WAGES.**

(A) The salaries of employees and officers of the city shall be established by the Common Council from time to time.

(B) The City Attorney=s salary shall compensate the City Attorney for attending the Common Council meetings. All other services in representing the city shall be performed upon the basis provided in the contract with the city.

(Prior Code, ' 5.0701)

**' 34.16 VACATION LEAVE.**

## **Officials and Employees**

All fulltime employees, officers duly appointed or hired hereunder, who shall have been employed by the city for one continuous year, shall be entitled to a oneweek vacation with full pay per year. All of said employees who shall have been employed by the city for two continuous years shall be entitled to a twoweek vacation with full pay per year; all of said employees who shall have been employed by the city for five continuous years shall be entitled to three weeks of vacation time with full pay per year. Annual vacation leave must be used on an annual basis or will be paid at regular time, to the employee on the employees anniversary date. Fulltime employees desiring to go on vacation need approval from Mayor prior to taking said vacation.

(Prior Code, ' 5.0702)

### **' 34.17 SICK LEAVE AND EMERGENCY LEAVE.**

All fulltime employees and officers duly appointed or hired hereunder shall be entitled to six days of sick leave per year with full pay, with a maximum of 45 days of accumulation. Sick leave cannot be taken or used as vacation time. In the event of an emergency, employee will contact one Commissioner directly related to his or her line of work, with that Commissioner responsible for letting the Mayor and other five Common Council members know as soon as possible that employee has an emergency situation and will be gone, either the employee must use vacation time for said emergency or when emergency is based on employee=s personal illness, sick leave can be used.

(Prior Code, ' 5.0703)

### **' 34.18 NOTICE OF TERMINATION OF EMPLOYMENT.**

All employees who have worked continuously for the city for one full year or more may not be discharged without having been given at least twoweeks= notice before the pay is terminated. This provision shall not apply, however, to any employee who was discharged for malfeasance in his or her employment.

(Prior Code, ' 5.0704)

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## CHAPTER 35: TAX AND FINANCE

### Section

#### *General Provisions*

- 35.01 Bad checks given to city or its agents

#### *Taxation*

- 35.15 Retail sales and use tax  
35.16 Special bed, board, booze and ticket sales tax

#### *Budget*

- 35.30 Budget required  
35.31 Duties of officials  
35.32 Preparation  
35.33 Public hearing  
35.34 Adoption  
35.35 May spend more or less than provided for each item in budget  
35.36 Responsibility of city officials

### **GENERAL PROVISIONS**

#### **' 35.01 BAD CHECKS GIVEN TO CITY OR ITS AGENTS.**

(A) It is unlawful for any person to deliver, give or present as payment to the city, or to any agent thereof, any check or draft upon any bank or banking association that the maker or drawer thereof does not have sufficient funds in or credit with such bank or banking association for the payment of the same, or that the maker or drawer thereof does not have an account in or with the bank or banking association subject to the check or draft.

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(B) In addition to payment of all other amounts due and owing, any person who violates division (A) above shall pay to the city's Finance Officer a service charge of \$40. The payment shall not relieve the person of any criminal liability. If a check is dishonored for any other reason, including, but not limited to, stop payment orders, closed accounts, frozen accounts or other checks returned to the maker, the maker or drawer of the check shall pay to the Finance Officer a handling fee of \$25 in addition to all other amounts due and owing.

(Prior Code, ' 5.11.010) (Res. 201504, passed 6/2015; Ord. 201501, passed 6/2015) Penalty, see ' 10.99

### TAXATION

#### ' 35.15 RETAIL SALES AND USE TAX.

(A) *Purpose.* The purpose of this section is to provide additional revenue for the municipality, by imposing a municipal retail sales and use tax pursuant to the powers granted to the municipality, by the state, by SDCL ' 1052 entitled Uniform Municipal NonAd Valorem Tax Law, and acts amendatory thereto.

(B) *Effective date and enactment of tax.* From and after January 1, 2006, there is hereby imposed as a municipal retail occupational sales and services tax upon the privilege of engaging in business a tax measured by 2% on the gross receipts of all persons engaged in business within the jurisdiction of the municipality, who are subject to the State Retail Occupation Sales and Service Tax, SDCL ' 1045 and acts amendatory thereto.

(C) *Use tax.* In addition, there is hereby imposed an excise tax on the privilege of use, storage and consumption with the jurisdiction of the municipality of tangible personal property or service purchased from and after January 1, 2006, at the same rate as the municipal sales and service tax upon all transactions or use, storage and consumption which are subject to the State Use Tax Act, SDCL ' 1046, acts amendatory thereto.

(D) *Collection.* Such tax is levied pursuant to authorization granted by SDCL ' 1052 and acts amendatory thereto, and shall be collected by the State Department of Revenue and Regulation in accordance with the same rules and regulations applicable to the State Sales Tax and under such additional rules and regulations as the Secretary of Revenue and Regulation of the state shall lawfully prescribe.

(E) *Interpretation.* It is declared to be the intention of this section and the taxes levied hereunder that the same shall be interpreted and construed in the same manner as all sections of the State Retail

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Occupational Sales and Service Act, SDCL ' 1045 and acts amendatory thereto and the State Use Tax, SDCL ' 1046, and acts amendatory thereto, and that this shall be considered to be a similar tax except for the rate thereof to that tax.

(F) *Penalty.* Any person failing or refusing to make reports or payments prescribed by this section and the rules and regulations relating to the ascertainment and collection of the tax levied shall be guilty of a violation of this section. In addition, all such collections remedies authorized by SDCL ' 1045, and acts amendatory thereto, and SDCL ' 1046, and acts amendatory thereto, are hereby authorized for the collection of these excise taxes by the Department of Revenue and Regulation. (Prior Code, ' 15.0101)

### **' 35.16 SPECIAL BED, BOARD, BOOZE AND TICKET SALES TAX.**

(A) *Purpose.* The purpose of this section is to provide additional revenue for the municipality by imposing a municipal gross receipts tax pursuant to the powers granted to the municipality by the state, by SDCL ' 1052A, and acts amendatory thereto.

(B) *Effective date and enactment of tax.* From and after January 1, 2004, there is hereby imposed a municipal gross receipts tax of 1% upon the gross receipts from the sale of leases or rentals of hotel, motel, campsites or other lodging accommodations within the municipality for periods less than 28 consecutive days, the sale of alcoholic beverages as defined in SDCL ' 3511, establishments where the public is invited to eat, dine or purchase and carry out prepared food for immediate consumption, and ticket sales or admissions to places of amusement, athletic or cultural events. The tax applies to the gross receipts of all persons engaged in business within the jurisdiction of the municipality, who are subject to the State Retail Occupational Sales and Service Tax, SDCL ' 1045 and acts amendatory thereto.

(C) *Collection.* Such tax is levied pursuant to authorization granted by SDCL ' 1052A and acts amendatory thereto, and shall be collected by the State Department of Revenue and Regulation in accordance with the same rules and regulations applicable to the state sales tax and under such additional rules and regulations as the Secretary of Revenue of the state shall lawfully prescribe.

(D) *Interpretation.* It is declared to be the intention of this section and the taxes levied hereunder that the same shall be interpreted and construed in the same manner as all sections of the State Retail and Occupational Sales and Service Tax Act, SDCL ' 1045, and acts amendatory thereto, and that this shall be considered a similar tax except for the rate to that tax.

(E) *Use of revenue.* Any revenues received under this section may be used only for the purposes of land acquisition, architectural fees, construction costs, payment for civic center, auditoriums or athletic

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facility buildings, including the maintenance, staffing and operations of such facilities and the promotion and advertising of the municipality, its facilities, attractions and activities.

(F) *Penalty.* Any person failing or refusing to make reports or payments prescribed by this section and the rules and regulations relating to the ascertainment and collection of the tax hereunder shall be guilty of a violation of this section. In addition, all collection remedies authorized by SDCL ' 1025, and acts amendatory thereto are authorized for the collection of these excise taxes by the Department of Revenue and Regulation.

(Prior Code, ' 15.0102)

### *BUDGET*

#### **' 35.30 BUDGET REQUIRED.**

An annual budget, for the calendar year, shall be prepared and adopted in the manner hereinafter provided. Said budget shall state in detail the proposed expenditures of the city for the following calendar year. This budget shall not only specify the expenditures required for each department, but shall specify the items for which the expenditures are to be made from the total amount stated for each department.

(Prior Code, ' 5.0401)

#### **' 35.31 DUTIES OF OFFICIALS.**

The City Finance Officer shall be considered the Budget Director, and it shall be his or her duty to cause said budget to be prepared in the manner hereinafter provided. The Common Council member who acts as the supervisor of the Finance Department shall serve as an assistant to the City Finance Officer in the preparation of said budget. All Common Council members and/or Mayor who are serving as supervisors of any city department provided in ' 32.07 shall submit to the Finance Officer, on or before August 1 of each year, a detailed and itemized estimate of the expenses which each supervisor believes will accrue for his or her respective department during the following year. The Chairperson of all other boards or committees for which expenditures will occur during the following year shall also submit to the City Finance Officer on or before August 1 of each year, a detailed and itemized estimate of such expenses. All other city officials shall be required to assist in the preparation of said budget at the call of the City Finance Officer or Supervisor of the Finance Department.

(Prior Code, ' 5.0402)

#### **' 35.32 PREPARATION.**



## **Tax and Finance**

It shall be the duty of the City Finance Officer, with the assistance of the Supervisor of the Finance Department and such other persons as either of the above officers shall request, to prepare a proposed budget for the following year between the dates of August 1 and August 30. To successfully perform this endeavor; the City Finance Officer shall have the duty and power to make all necessary inquiries and investigations in regards to the submitted estimates, and to require the cooperation of all city officials and other citizens to the extent that they may be of some help in the preparation of the budget and to hold or call all necessary meetings with supervisors, other officials or citizens, and to request a special meeting of the Common Council if such action is deemed necessary. The City Finance Officer shall present the proposed budget to the Common Council as soon as possible.  
(Prior Code, ' 5.0403)

### **' 35.33 PUBLIC HEARING.**

After the proposed budget has been presented to the Common Council, said Council shall then establish a time and place for a public hearing to be held for the purpose of allowing any interested citizen or city official to be heard on said budget. A notice of said hearing shall be published once at least four days before said day of hearing.  
(Prior Code, ' 5.0404)

### **' 35.34 ADOPTION.**

After said hearing has been held, the Common Council may adopt the proposed budget as proposed or as amended. The appropriation ordinance shall then be adopted as required by state law and in conformance with the adopted budget.  
(Prior Code, ' 5.0405)

### **' 35.35 MAY SPEND MORE OR LESS THAN PROVIDED FOR EACH ITEM IN BUDGET.**

More or less than the amount stipulated in the adopted budget for a specific item may be spent so long as the appropriation ordinance or any supplement thereto is not exceeded.  
(Prior Code, ' 5.0406)

### **' 35.36 RESPONSIBILITY OF CITY OFFICIALS.**

It shall be the responsibility of and duty of all city officials to make reasonable efforts to keep

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within the expenditures specified in the city budget.  
(Prior Code, ' 5.0407)

**Tax and Finance**