

## ***Memorandum #08-115***

**To:** City Commission  
**From:** Finance Officer  
**Date:** 6/4/2008  
**Subject:** Memorandum and Information about Advisory Board Guidelines

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Commissioner Murphy has requested an agenda item about Advisory Board Guidelines including any provisions about the process of removing board members prior to the expiration of their terms. We currently have a number of different advisory boards and committees, some of which are identified and explained by the Yankton Code of Ordinances, some of which are explained by previous Commission action and resolutions, and some of which have adopted their own set of guidelines and policies, and some of which are also supported by South Dakota Codified Law. Advisory board members are appointed by the Mayor and approved by majority Commission action. I have attached the Yankton codes that are applicable, but have not researched all of the guidelines that have been established by boards and commissions themselves. To my knowledge the only advisory board that has any formalized provision for removing members is the City Planning Commission and I have cut and pasted the section of the Yankton Code that identifies their process:

*Sec. 17-20. Removal of members.*

*The mayor, with confirmation of the board of commissioners, shall, after public hearing, have authority to remove any member for cause, when the cause shall be stated in writing and made a part of the record of the hearing.  
(Ord. No. 243, § B, 7-24-61)*

It is recommended that the City Commission discuss this item and direct staff if they want more information or possible “Code” amendments introduced.

Thank you,

Al Viereck  
Finance Officer

## **ARTICLE IV. BOARDS AND COMMISSIONS\***

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**\*Cross references:** Board of health, § 11-26 et seq; city plan commission, § 17-16 et seq.

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### **DIVISION 1. GENERALLY**

Secs. 2-69--2-75. Reserved.

### **DIVISION 2. THE PARK ADVISORY BOARD**

#### **Sec. 2-76. Created.**

There is hereby created a park advisory board.  
(Rev. Ords. 1949, § 1.0501; Ord. No. 278, 12-14-64)

#### **Sec. 2-77. Composition; appointment and qualifications of members.**

The park advisory board shall be composed of seven (7) members appointed by the mayor and confirmed by the board of commissioners. The members of the park advisory board shall be residents of the city, one (1) of whom shall be a member of the board of commissioners, other than the mayor.  
(Rev. Ords. 1949, § 1.0502A; Ord. No. 278, 12-14-64; Ord. No. 615, § 1, 7-10-89)

#### **Sec. 2-78. Terms of members.**

The terms of office of the six (6) members of the park advisory board, other than the member of the board of commissioners, shall be three (3) years; the term of the board of commissioners member shall be one (1) year. Each term shall begin on the first commission meeting in June. When the park advisory board is enlarged, one (1) additional member shall be appointed for one (1) year and one (1) additional member for two (2) years. All new appointments shall be for three (3) years.  
(Rev. Ords. 1949, § 1.0502B; Ord. No. 278, 12-14-64; Ord. No. 615, § 2, 7-10-89)

#### **Sec. 2-79. Compensation of members.**

The members of the park advisory board shall serve as such without compensation except for actual expenses, which expenses shall be subject to the approval of the board of commissioners.  
(Rev. Ords. 1949, § 1.0502 D; Ord. No. 278, 12-14-64)

#### **Sec. 2-80. Park advisory board to act in an advisory capacity.**

The chief administrator of the park system of the city shall be the city manager, who shall administer its affairs in the same manner as all other departments under his jurisdiction; the park advisory board shall be an advisory board to advise the city manager and the board of commissioners of the park needs of the city.  
(Rev. Ords. 1949, § 1.0502 C; Ord. No. 278, 12-14-64)  
Secs. 2-81--2-85. Reserved.

### **DIVISION 3. THE AIRPORT ADVISORY BOARD**

#### **Sec. 2-86. Created.**

There is hereby created an airport advisory board.  
(Rev. Ords. 1949, § 1.0501; Ord. No. 278, 12-14-64)

**State law references:** Authority to create, SDCL 1967, § 50-6-1.

#### **Sec. 2-87. Composition; appointment and qualifications of members.**

The airport advisory board shall be composed of seven (7) members appointed by the mayor and confirmed by the board of city commissioners. The members of the airport advisory board shall be residents of the city, except that as long as Yankton County participates in providing funding assistance for the airport, one (1) member may be a resident of Yankton County in the area outside of the corporate limits of the city, and one (1) of whom shall be a member of the board of city commissioners, other than the mayor.

(Rev. Ords. 1949, § 1.0503 A; Ord. No. 278, 12-14-64; Ord. No. 614, § 1, 7-10-89; Ord. No. 714, § 1, 6-26-95; Ord. No. 895, 11-27-06)

#### **Sec. 2-88. Terms of members.**

The terms of office of the six (6) members of the airport advisory board, other than the member of the board of commissioners, shall be three (3) years; the term of the board of commissioners member shall be one (1) year. Each term shall begin on the first commission meeting in June. All new appointments shall be for three (3) years. If a current board member is unable to serve their full three (3) years, a replacement board member shall be appointed to serve the remainder of that term.

(Rev. Ords. 1949, § 1.0503 B; Ord. No. 278, 12-14-64; Ord. No. 614, § 2, 7-10-89; Ord. No. 895, 11-27-06)

**State law references:** Similar provisions, SDCL 1967, § 50-6-2.

#### **Sec. 2-89. Compensation of members.**

The members of the airport advisory board shall serve as such without compensation except for actual expenses, which expenses shall be subject to the approval of the board of commissioners.

(Rev. Ords. 1949, § 1.0503 D; Ord. No. 278, 12-14-64)

**State law references:** Similar provisions, SDCL 1967, § 50-6-1.

#### **Sec. 2-90. Airport advisory board to act in an advisory capacity.**

The chief administrator of the airport of the city shall be the city manager, who shall administer its affairs in the same manner as all other departments under his jurisdiction; the airport advisory board shall be an advisory board to advise the city manager and the board of commissioners of the airport needs of the city.

(Rev. Ords. 1949, § 1.0503 C; Ord. No. 278, 12-14-64)

#### **Sec. 2-91. Officers of the board; quorum and bonding.**

- (a) The officers of the board shall be a chairman and a vice chairman.
- (b) A quorum shall be a simple majority of the board members.
- (c) The bond for board members shall be set at zero.

(Ord. No. 868, § 1, 2-14-05)

**Sec. 2-92. Meeting schedule and reporting.**

(a) The frequency of board meetings shall be called at the discretion of the board chairman, but the board shall meet no less than once per calendar quarter.

(b) The minutes of the board meetings shall be the only required report submitted to the city manager and the board of city commissioners.

(Ord. No. 868, § 1, 2-14-05)

Secs. 2-93--2-96. Reserved.

**DIVISION 4. LIBRARY BOARD OF TRUSTEES\***

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**\*State law references:** Library board of trustees to be appointed by the board of commissioners, SDCL 1967, § 9-10-9; municipal libraries, SDCL 1967, § 14-4-1, et seq.

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**Sec. 2-97. Created.**

There is hereby created a library board of trustees.

(Rev. Ords. 1949, § 1.0501; Ord. No. 278, 12-14-64)

**Sec. 2-98. Generally.**

The membership, terms, duties and compensation of the library board of trustees shall be as set forth in South Dakota Compiled Laws 1967, Chapter 14-4, and amendments thereof.

(Rev. Ords. 1949, § 1.0504; Ord. No. 278, 12-14-64)

Secs. 2-99, 2-100. Reserved.

**DIVISION 5. SISTER CITIES ADVISORY COMMISSION\***

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**\*Editor's note:** Ordinance No. 680, adopted June 28, 1993, did not specifically amend this Code; hence, codification of §§ 1--4 of said ordinance as §§ 2-101--2-104 herein was at the editor's discretion.

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**Sec. 2-101. Created.**

The city hereby authorizes an advisory commission to be known as the Yankton Sister Cities Advisory Commission hereinafter referred to as "commission" to fulfill the purposes of this division.

(Ord. No. 680, § 1, 6-28-93)

**Sec. 2-102. Appointment of members; terms.**

The commission shall consist of seven (7) members who shall be appointed by the mayor with the approval of the board of city commissioners. The initial board will be chosen as follows: Two (2) members for a term of one (1) year; three (3) members for a term of two (2) years; and two (2) members for a term of three (3) years. After the initial

appointment all appointments shall be for a period of three (3) years or until a successor is qualified.

(Ord. No. 680, § 2, 6-28-93)

**Sec. 2-103. Adoption of bylaws.**

The commission shall adopt such bylaws as may be necessary to accomplish the purposes for its organization. These bylaws shall be effective upon adoption by the commission and approval by the Board of City Commissioners of the City of Yankton. The commission shall then organize and select officers as specified in the bylaws.

(Ord. No. 680, § 3, 6-28-93)

**Sec. 2-104. Duties and powers.**

The Yankton Sister Cities Advisory Commission shall have the following duties and powers:

(a) To draft a set of bylaws for such a commission and to periodically review said bylaws for any necessary changes;

(b) To develop guidelines and a program for a sister city relationship with other cities throughout the world;

(c) To prepare an annual report of the activities of the sister city advisory commission for the City of Yankton and to compare the commission's activities to those of similar commissions in the comparable cities throughout the country;

(d) To develop a budget as necessary for the sister city advisory commission projects to be considered by the board of city commissioners;

(e) To initiate, sponsor or conduct, alone or in conjunction with other cities or agencies, public programs to further public awareness of and interest in communities throughout the world emphasizing such things as the cultural, historical, and economic aspects of the city's adopted sister cities;

(f) To advise and assist the city in connection with such other activities as may be referred to the commission by the board of directors;

(g) To generally stimulate, facilitate, coordinate and cooperate with existing organizations throughout the country for the promotion and development of sister city relationships.

(Ord. No. 680, § 4, 6-28-93)

Secs. 2-105--2-110. Reserved.

## **DIVISION 6. MAYOR'S COMMISSION FOR RECONCILIATION\***

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**\*Editor's note:** Ordinance No. 684, adopted Aug. 9, 1993, did not specifically amend this Code; hence, codification of §§ 1--3 of said ordinance as §§ 2-111--2-113 herein was at the editor's discretion.

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### **Sec. 2-111. Created.**

The city hereby authorizes an advisory commission to be known as the mayor's commission for reconciliation hereinafter referred to as "commission" to fulfill the purposes of this division.  
(Ord. No. 684, § 1, 8-9-93)

### **Sec. 2-112. Appointment of members; terms.**

The commission shall consist of eight (8) members who shall be appointed by the mayor with the approval of the board of city commissioners. The initial board will be chosen as follows: Five (5) members for a term of two (2) years; and three (3) members for a term of one (1) year. After the initial appointment all appointments shall be for a period of two (2) years or until a successor is qualified.  
(Ord. No. 684, § 2, 8-9-93; Ord. No. 704, § 1, 12-12-94)

### **Sec. 2-113. Duties and powers.**

The mayor's commission for reconciliation shall have the following duties and powers:

- (a) To foster a better understanding amongst citizens.
- (b) To hear concerns from citizens about social inequities.
- (c) To take a proactive approach towards the abatement of prejudice.
- (d) To inform the city commission of ongoing problems and concerns within the City of Yankton.

(Ord. No. 684, § 3, 8-9-93)

Secs. 2-114--2-120. Reserved.

## **DIVISION 7. SOLID WASTE ADVISORY COMMITTEE\***

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**\*Editor's note:** Ordinance No. 690, adopted Feb. 14, 1994, did not specifically amend this Code; hence, codification of §§ 1--5 of said ordinance as §§ 2-121--2-125 herein was at the editor's discretion.

**Cross references:** Garbage and trash, Ch. 10.

### **Sec. 2-121. Created.**

The city hereby authorizes an advisory commission to be known as the solid waste advisory committee hereinafter referred to as "committee" to fulfill the purposes of this division.  
(Ord. No. 690, § 1, 2-14-94)

**Sec. 2-122. Membership.**

The commission shall consist of nine (9) members who shall be appointed by the mayor with the approval of the board of city commissioners. The initial board will be chosen as follows: Three (3) members shall be residents of Yankton County and shall reside outside the corporate limits of the City of Yankton; four (4) members shall be residents of the City of Yankton and reside within the corporate limits of the City of Yankton; one (1) member shall be a Yankton City Commissioner and one (1) member shall be a Yankton County Commissioner. The Yankton County Commission shall advise the mayor in the appointment of the three (3) Yankton County members and the Yankton County Commission representative. The terms of the members shall be as follows: The two (2) city and county commission representatives shall be for a term of one (1) year; four (4) members for a term of two (2) years; and three (3) members for a term of three (3) years. After the initial appointment all appointments shall be for a period of three (3) years or until a successor is qualified.

(Ord. No. 690, § 2, 2-14-94)

**Sec. 2-123. Officers.**

The officers of the advisory board shall consist of a chairperson and a secretary. They shall be elected annually for a one-year term at the first regular meeting of the advisory board scheduled after July 1. Their respective powers and duties shall include the following:

(1) The chairperson shall preside at all meetings.

(2) In the event of the absence of the chairperson, an acting chairperson shall be appointed for said meeting.

(3) The secretary shall record, transcribe, and maintain the minutes of all meetings, and shall distribute the minutes of the prior meeting and the agenda for the coming meetings to all members and others entitled to receive same.

(Ord. No. 690, § 3, 2-14-94)

**Sec. 2-124. Adoption of bylaws.**

The commission shall adopt such bylaws as may be necessary to accomplish the purposes for its organization. These bylaws shall be effective upon adoption by the commission and approval by the Board of City Commissioners of the City of Yankton. The commission shall then organize and select officers as specified in the bylaws.

(Ord. No. 690, § 4, 2-14-94)

**Sec. 2-125. Duties and powers.**

The solid waste advisory committee shall have the following duties and powers:

(a) To draft a set of bylaws for such a committee and to periodically review said bylaws for any necessary changes.

(b) To establish a recycling plan for the City of Yankton.

(c) To open the lines of communication between residents of the community and the City of Yankton and Yankton County to promote ongoing recycling efforts.

(d) To work actively in an advisory role, to assist the community in determining recycling and solid waste disposal needs.

(e) To work with all groups and individuals interested in developing programs to improve the community's environment and to promote a greater understanding of environmental issues.

(f) To advise and make recommendations as are appropriate to the city commission regarding solid waste and recycling issues.

(Ord. No. 690, § 5, 2-14-94)??

## **ARTICLE II. CITY PLAN COMMISSION**

### **Sec. 17-16. Created.**

There is hereby created a city plan commission.  
(Rev. Ords. 1949, § 1.0501; Ord. No. 278, 12-14-64)

### **Sec. 17-17. Composition; appointment and qualifications of members.**

The city plan commission shall consist of nine (9) members appointed by the mayor and confirmed by the board of commissioners. The members of the city plan commission shall be residents of the city, qualified by knowledge and experience to act in the matters pertaining to the development and administration of a civic plan, who shall not hold any elective office in the municipal government.

(Ord. No. 243, § A, 7-24-61)

**State law references:** Composition and appointment of members of city planning commission, SDCL 1967, § 11-6-2.

### **Sec. 17-18. Terms of members; limit on consecutive terms.**

The term of each member of the city plan commission appointed after July 1, 1995 shall be for three (3) years, except that the terms of members first appointed after July 1, 1995 and first appointed after July 1, 1997 shall be staggered so that, after July 1, 1997, three (3) members are to be appointed in each year. No member of the plan commission shall be appointed to more than two (2) consecutive terms.

(Ord. No. 713, § 1, 6-26-95)

**State law references:** Terms of planning commission members, SDCL 1967, § 11-6-4.

### **Sec. 17-19. Filling vacancies.**

Any vacancy in the membership of the city plan commission may be filled for the unexpired term by the mayor in the same manner as for an initial appointment.

(Ord. No. 243, § B, 7-24-61)

**State law references:** For similar provisions, see SDCL 1967, § 11-6-4.

### **Sec. 17-20. Removal of members.**

The mayor, with confirmation of the board of commissioners, shall, after public hearing, have authority to remove any member for cause, when the cause shall be stated in writing and made a part of the record of the hearing.

(Ord. No. 243, § B, 7-24-61)

**State law references:** For similar provisions, see SDCL 1967, § 11-6-4.

**Sec. 17-21. Compensation of members.**

All members of the city plan commission shall serve as such without compensation, except for actual expenses which shall be subject to the approval of the board of commissioners.

(Ord. No. 243, § C, 7-24-61)

**Sec. 17-22. Organization.**

Upon appointment, the city plan commission shall be called together by the mayor and shall organize by choosing from its members a chairman and a vice-chairman for a term of one (1) year, with eligibility for reelection, and may fill such other of its offices as it may create in a manner prescribed by its rules. Any qualified full-time city employee selected by a majority vote of the city plan commission shall act as secretary of the city plan commission, but shall not be a member thereof. Annually, in the month of May, the city plan commission shall choose its officers for the ensuing year.

(Ord. No. 243, § D, 7-24-61)

**State law references:** Organization of planning commission, SDCL 1967, § 11-6-5.

**Sec. 17-23. Meetings.**

The city plan commission shall hold at least one (1) regular meeting each month, and may hold such additional or special meetings as it, in its discretion, may deem necessary.

(Ord. No. 243, § E, 7-24-61)

**State law references:** For similar provisions, see SDCL 1967, § 11-6-6.

**Sec. 17-24. Promulgation of rules and regulations.**

The city plan commission shall adopt rules for the transaction of its business.

(Ord. No. 243, § E, 7-24-61)

**State law references:** For similar provisions, see SDCL 1967, § 11-6-6.

**Sec. 17-25. Record of proceedings.**

The city plan commission shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record, and it shall cause its secretary to forward a copy of any of its resolutions, transactions, findings and determinations to the board of commissioners not later than the first meeting of the month following action by the city plan commission.

(Ord. No. 243, § E, 7-24-61)

**State law references:** For similar provisions, see SDCL 1967, § 11-6-6.

**Sec. 17-26. Utilization of professional services.**

The city plan commission may utilize and have made available to it the advice and services of city engineers, architects or other consultants.

(Ord. No. 243, § E, 7-24-61)

**State law references:** For similar provisions, see SDCL 1967, § 11-6-7.

**Sec. 17-27. Annual report.**

The city plan commission shall each year on or about the first of May make a report to the board of commissioners of its proceedings, which report shall include a statement of

any receipts or disbursements made by the city plan commission during the preceding year.

(Ord. No. 243, § F, 7-24-61)

**Sec. 17-28. Promulgation of master plan.**

It shall be a duty and function of the city plan commission to make and adopt a master plan for the physical development of the city, including any areas outside of the boundary and within its planning jurisdiction, which, in the city plan commission's judgment, bear relation to the planning of the city. The master plan with accompanying maps, charts and directive or explanatory matter shall show the city plan commission's recommendations for the physical development, and it may include, among other things, the general location, character and extent of streets, bridges, parks, parkways, waterways, waterfront developments, playgrounds, airports, and other public grounds and, in order to effect a master plan, the city plan commission shall make careful and comprehensive studies of present conditions and future growth of the city, and with due regard to its relation to the neighboring territory. The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the city which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

(Ord. No. 243, § G, 7-24-61)

**State law references:** For similar provisions, see SDCL 1967, § 11-16-14.

**Sec. 17-29. Adoption of master plan.**

(a) The city plan commission may adopt a master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one (1) or more of the functional subdivisions of the subject matter of the plan.

(b) Before adoption of the master plan or part thereof, the city plan commission shall hold at least one (1) public hearing, notice of the time and place of which shall be given at least fifteen (15) days in advance of publication in a newspaper having general circulation in the community.

(c) The adoption of the master plan or any part, amendment or additions, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the city plan commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the city plan commission to form the whole or part of the master plan, and the action taken shall be recorded on the adopted master plan or part thereof by the identifying signature of the chairman and the secretary of the city plan commission, and a copy of the plan or part thereof shall be certified to the board of commissioners.

(Ord. No. 243, § H, 7-24-61)

**State law references:** For similar provisions, see SDCL 1967, §§ 11-6-16--11-6-18.

**Sec. 17-30. City plan commission approval required for improvements in areas covered by the master plan.**

Upon the establishment of a master plan by the city plan commission, no street, park, or other public way, ground, place, or space; no public building or structure; no public utility, whether publicly or privately owned, if covered by the master plan or any adopted part thereof, shall be constructed or authorized in the city or within three (3) miles of its corporate limits until and unless the location and extent thereof shall have been

submitted to and approved by the city plan commission; in case of disapproval, the city plan commission shall indicate its reasons of disapproval to the board of commissioners, which by a vote of not less than two-thirds ( 2/3) of its entire membership, shall have the power to overrule such disapproval. Upon the adoption of a master plan of the city, or any part thereof, the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for any street or other public way, ground, place, property, or structure shall be subject to similar submission and approval by the city plan commission, and the failure to approve by the city plan commission may be similarly overruled.

(Ord. No. 243, § M, 7-24-61)

**State law references:** For similar provisions, see SDCL 1967, §§ 11-6-19, 11-6-20.

### **Sec. 17-31. To act as zoning commission.**

The plan commission shall have all powers of a zoning commission and shall be the zoning commission of the city and shall perform all the duties of the zoning commission.

(Ord. No. 243, § I, 7-24-61)

**State law references:** City plan commission acting as zoning commission, SDCL 1967, § 11-4-11.

### **Sec. 17-32. Recommendations as to public improvement programs.**

The city plan commission may recommend to the board of commissioners or other officials of the city, programs for public improvement.

(Ord. No. 243, § I, 7-24-61)

### **Sec. 17-33. Additional powers generally.**

The city plan commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary marks and monuments thereon. In general, the city plan commission shall have such powers as may be necessary to enable it to fulfill and perform its functions and, in general, to effect good city planning.

(Ord. No. 243, § I, 7-24-61)

### **Sec. 17-34. Subdivisions generally; platting jurisdiction.**

From and after the time the city plan commission shall have adopted a master plan, which includes at least a major street plan, or shall have progressed in its master planning to the stage of the making and adoption of a major street plan, and shall have filed a certified copy of the major street plan in the office of the register of deeds, no plat of a subdivision of land lying within the city or of land within three (3) miles of its corporate limits, shall be filed or recorded until it shall have been submitted to and a report and recommendations thereon made by the city plan commission to the board of commissioners, and the board of commissioners has approved the plat.

(Ord. No. 243, § J, 7-24-61)

**State law references:** For similar provisions, see SDCL 1967, § 11-6-26.

### **Sec. 17-35. Approval of plats.**

(a) All plans, or replats of subdivisions of resubdivisions of land embraced in the city, or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the city, shall first be submitted to the city plan commission and its recommendation obtained before approval by the board of

commissioners, irrespective of whether a master plan shall have been perfected. After the establishment of any master plan, as required by law, any plat subject to this section embraced within the municipality, or of land within three (3) miles of its corporate limits and not located in any other municipality, shall be deemed subject to such approval.

(b) All plats should be approved or disapproved pursuant to subsection (a) within sixty (60) days after their submission; otherwise, such plats shall be deemed to have been approved and a certificate to that effect shall be issued by the board of commissioners on demand. However, the applicant for the approval may waive this requirement and consent to the extension of such period. The ground of the disapproval of any plat shall be stated upon the records of the board of commissioners.

(Ord. No. 243, § K, 7-24-61)

**State law references:** Approval of subdivision plats, SDCL 1967, § 11-6-31, et seq.

**Sec. 17-36. Approval of plat not to constitute acceptance.**

The approval of a plat by the city plan commission or by the board of commissioners shall not be deemed to constitute or effect an acceptance by the city or public of the dedication of any street or other ground shown on the plat.

(Ord. No. 243, § L, 7-24-61)

**State law references:** For similar provisions, see SDCL 1967, § 11-6-33.