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CHAPTER 2.01 – MUNICIPAL EMPLOYEES

- 2.0101 Supervision of Departments. The City Board President shall act in a supervisory capacity over all departments/employees and shall report the conditions of the departments to the remaining board members.
- 2.0102 Employees Not Provided by Ordinance. All full and part-time employee positions, including seasonal, to be hired by the municipality shall be approved in advance by a majority vote of the governing body. Supervisory capacity of said positions shall be determined at that time.
- 2.0103 Compensation. The annual salary of the City Board President, trustees and appointed officers and employees shall be set by resolution of the City Board at the regular meeting in January. (SDCL 9-14-28)
- 2.0104 Rate of Pay and Overtime. The municipality, in reference to employees of the City of Timber Lake shall comply with applicable state or federal wage and hour laws.
- 2.0105 Bonds. The Finance Officer shall be bonded in such sum to be approved by the City in accordance with state law, conditioned for the faithful performance of the duties of such office. The bond costs shall be payable by the municipality. (SDCL 9-14-6.1)

CHAPTER 2.02 – CITY BOARD OF TRUSTEES/GOVERNING BODY

- 2.0201 Class of Municipality. The City of Timber Lake is a third-class municipality with a population less than 500. (SDCL 9-2-1)
- 2.0202 Change of Classification. The City of Timber Lake may change its classification if the territory of the municipality has changed substantially since the last preceding census. The governing body by resolution may authorize and direct its finance officer to determine the population by filing in his or her office a certificate showing the whole number of persons who voted at the last preceding annual municipal election, which number multiplied by three shall constitute the population for the purpose of classification until the next federal census shall have been completed. (SDCL 9-2-2)

- 2.0203 Form of Government/Composition. The City Board shall consist of five (5) Trustees, elected at large. Each Trustee shall be elected for a term of three (3) years. (SDCL 9-2-3 and 9-7-3)
- 2.0204 Trustee Qualifications. A Trustee must be a citizen of the United States, a qualified voter of Timber Lake and an individual residing within the municipal boundary limits of Timber Lake for a minimum of three months prior to his/her election or appointment. Neither can a person owe money to the municipality or be delinquent on any funds owed the municipality of Timber Lake. (SDCL 9-14-2)
- 2.0205 President of Board. On an annual basis, at the first regular meeting after the City's annual election, the members of the City Board shall elect one of their members as President (chief elected official) of the Board of Trustees to serve for one year. (SDCL 9-7-5).
- 2.0206 Vice President. On an annual basis, at the first regular meeting after the City's annual election, the members of the City Board shall elect one of their members as Vice-President of the Board of Trustees to serve for one year.
- 2.0207 City Board President – Duties. The President shall preside at all meetings of the City Board. The President shall perform such other duties as may be prescribed by laws and ordinances and ensure that such laws and ordinances are faithfully executed.
- 2.0208 City Board Vice-President –Duties. The Vice-President in the absence of the City Board President shall be the presiding officer at the city board meetings during the absence of the City Board President and in the temporary absence of the City Board President shall perform the duties of the City Board President as provided by state law or ordinances of the City of Timber Lake including signing any necessary paperwork and financial documents.
- 2.0209 Compensation – City Board. The City Board members are to be allowed compensation as set by resolution of the City Board. Compensation of the City Board members as herein set forth shall be paid at such times as may be decided upon by the Board by ordinance or resolution. (SDCL 9-14-28)
- 2.0210 Vacancies. If a vacancy occurs for a government body member/Trustee, the remaining members shall appoint a replacement to serve until the next annual municipal election, except as described below.
- A. If any trustee who is incapacitated by illness or an accident which causes the members to be unable to attend meetings of a governing body or fulfill the duties of the office, the member may elect to temporarily resign from the governing body. Notice of such shall be in writing to the Municipal Finance Officer. If the member or officer is unable to give notice, the member's/officer's spouse or guardian or any person who has durable power of attorney for the member or

officer may give notice of resignation. A temporary member may then be appointed by the remaining trustees who shall serve until the member or officer is able to fulfill the requirements of office or until the expiration of the member's term, whichever comes first. (SDCL 3-4-9)

- B. If any board member/trustee is also a member of the National Guard or reserved component of the armed forces of the United States and is called into active duty which causes the trustee to be unable to attend meetings of the governing body, the member may elect to temporarily resign from the governing body. Notice of temporary resignation shall be in writing to the Finance Officer. A temporary replacement shall then be appointed by the remaining trustees. The temporary member shall serve until the member returns from active duty or until the expiration of the member's term, whichever occurs first. (SDCL 3-4-8)
- C. Any appointee to fill an unexpired term must meet the qualifications as identified in 2.0204.

2.0211 Voting Precinct. The City shall be comprised of one election precinct for the purpose of holding all municipal elections. The Timber Lake City Hall/Community Center shall be the voting place, unless another voting place is so designated.

#### CHAPTER 2.03 – CITY BOARD MEETINGS/RULES

- 2.0301 Meetings. Unless otherwise determined and announced, regular monthly meetings of the City Board shall be held at the designated meeting place on the first Monday of each month at 7 p.m. Should the meeting fall on a legally designated holiday, the meeting will be held the following day at 7 p.m. or on another day so designated at the previously month meeting of the City Board.
- 2.0302 Special Meeting. Special meetings may be called at any time by the City Board President by oral or written notice to its members to consider such matters as mentioned in the call for the meeting. (SDCL 9-7-6)
- 2.0303 Notice of Regular and Special Meetings. The municipal Financial Officer shall issue written notice with the proposed agenda at least 24 hours prior to any meeting by posting a copy of the notice, visible to the public, at the designated meeting place. The municipal Financial Officer shall provide in advance of each special or rescheduled meeting via person, mail, email or by telephone the information in the notice to members of the local news media who have requested notice. (SDCL 1-25-1.1) For special and/or rescheduled meetings, the city shall try to meet the provision of this section.

- 2.0304 Quorum. A majority of the members of the City Board shall constitute a quorum. No act of the board shall be effective unless agreed to by a majority of the members. (SDCL 9-7-7)
- 2.0305 Record of Meetings. The City Board/Governing Body shall sit with open doors, unless otherwise allowed by SDCL and shall keep a written record of its proceedings.
- 2.0306 Votes. The yeas and nays shall be recorded by individual upon the passage of all ordinances and upon any proposal to create a liability or for the expenditure of money, and in all other cases at the request of any member. No municipal official(s) may participate in discussions or vote on any issue in which the official(s) have a conflict of interest and/or if the following circumstances apply: 1) the official has a direct monetary interest in the matter before the City Board/Governing Body; or 2) at least two-thirds of the governing body vote that an official has an identifiable conflict of interest that should prohibit such official from voting on a matter. If an official with a direct monetary interest participates in discussions or votes on the matter, the legal sole remedy shall be to invalidate the official's vote. (SDCL 6-1-17)

#### CHAPTER 2.04 – FIRE & POLICE DEPARTMENTS

- 2.0401 Fire Department. The Timber Lake Volunteer Fire Department, Inc. shall be the designated Fire Department for the City of Timber Lake.
- 2.0402 Fire Department Organization and Management. The Timber Lake Volunteer Fire Department will organize and manage itself according to the following mandates:
- A. Membership: The fire department consists of a fire chief; such officers as the members of the fire department deem necessary for the effective operation of the department; and such personnel and organized force companies as may be necessary to manage the fire engines, hose carts, tools, ladders, and other fire apparatus. The Chief will submit a complete roster to the City Board at the annual reorganizational meeting scheduled in May.
  - B. Election of Officer: The Fire Chief and other officers of the department shall be annually elected by the membership of the fire department for a term of one year, commencing on the first Wednesday of January of each year.
  - C. Duties of Fire Chief: The Fire Chief shall have command of the fire department.
  - D. Powers of the Fire Chief: The Fire Chief may prescribe limits in the vicinity of a fire within which no person except those admitted by the Chief or his or her subordinate

shall be permitted to come. The Chief or officer having charge at any fire may call upon any person present to assist the firefighters in their duties.

E. Command at Fires: The Fire Chief, or his or her designee, has in all cases of fire sole control over all members of the department. The Fire Chief also has the power to order any police officer to arrest any person at any such fire refusing to obey his or her orders in extinguishing such fire or in removing and protecting property or for any other just cause. Any person so arrested shall be subject to fine and penalty as prescribed for Class 2 misdemeanors under South Dakota law for each offense.

2.0403 Police Department. The City of Timber Lake does not operate its own police department; therefore, municipal ordinances may be enforced by the City Board President and any other certified law officer of the state of South Dakota or federal government.

CHAPTER 2.05 – FINANCE REGULATIONS

2.0501 Treasury Reports. The Finance Officer shall report to the governing body monthly, quarterly, and annually as prescribed by this Chapter, giving a full and detailed account of all receipts and expenditures since the last report, and the state of the treasury pursuant to South Dakota Codified Law 9-22-20.

2.0502 Monthly Cash Flow Report. The Finance Officer shall report to the governing body on the first Board meeting of each month, giving a full and detailed account of all receipts and expenditures since the last report, including fund balances.

2.0503 Council Review & Publishing. The City Board will review financial reports presented by the Finance Officer per the following schedule. The City Board will not publish financial reports, except as required by SD State Law. Financial reports are made available to the public at the City Finance Office. The City Board meeting minutes will detail the Board review of financial reports.

Reconciliation Report	Monthly
Claims Presented for Payment	Monthly
Cash Flow Report	Monthly
Budget v Actual Variance Report	Quarterly 1 <sup>st</sup> Quarter (April) 2 <sup>nd</sup> Quarter (July) 3 <sup>rd</sup> Quarter (October) 4 <sup>th</sup> Quarter & Year-End (January)
Annual Report	Annually (SDCL 9-22-20)
Audit Report	As necessary; based on \$600,000+ revenue

## CHAPTER 2.06 – CODE OF CONDUCT

2.0601 Purpose. The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with all applicable federal and state standards, regulations, and laws.

2.0602 Application. This Code of Conduct applies to all officers, employees, or agents of the City of Timber Lake engaged in the award or administration of contracts supported by federal grant awards.

2.0603 Requirements. No officer, employee, or agent of the City of Timber Lake shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- A. The employee, officer, or agent;
- B. Any member of his/her immediate family;
- C. His/her partner; or
- D. An organization which employs, or is about to employ any of the above has a financial or other interest in the first selected for award. ‘

The City officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

2.604 Remedies. To the extent permitted by federal, state or local laws or regulations, violation of these standards may case penalties, sanctions, or other disciplinary actions to be taken against the City’s officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

2.605 Effective Date. Adopted September 16, 2021. Effective October 14, 2021. (Source Ordinance: 2021-09-02).