

HOME RULE CHARTER

ARTICLE IX – TRANSITION / SEPARABILITY PROVISION

Section 9.01 – Officers and Employees.

1. Rights and Privileges Preserved. Nothing in this Charter except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.
2. Continuance of Office or Employment. All officers and employees currently existing under the City of Pierre administrative structure will remain in that position after the implementation of this Charter unless and until the City Commission shall take action to the contrary.
3. Personnel System. An employee holding a city position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in Article 9.02 (3).

Section 9.02 – Departments, Offices and Agencies-Transition

1. Transfer of Powers. If a city department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the city department, office or agency designated in this charter or, if the charter makes no provision, designated by the City Commission.
2. Property and Records. All property, records and equipment of any department, office or agency existing when this Charter or any amendment thereof is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the City Commission in accordance with this Charter.
3. Personnel Policy Manual. The City of Pierre Personnel Manual currently in existence is hereby made a part of this Charter, including any amendments that may from time to time be approved by the City Commission.

Section 9.03 – Pending Matters. All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the city department, office or agency appropriate under this Charter.

Section 9.04 – State and Municipal Laws. All city ordinances, resolutions, policies and regulations which are in force when this Charter becomes effective shall continue, except any ordinance is repealed, to the extent it is inconsistent with this Charter or with ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of South Dakota permit, all laws relating to or affecting this city or its agencies, officers or employees, which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

Section 9.05 – Separability. If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 9.06 - Effective Date. Approved by voters on June 5, 2001.

ATTEST:

Gary Drewes, Mayor

Kenneth L. Hericks, Finance Officer