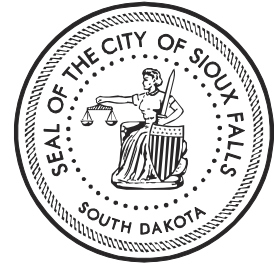


# Minutes

Monday, February 9, 2009



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## Public Service Committee

4:44 p.m.  
at the Carnegie Town Hall  
235 West Tenth Street

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Members Present: Kenny Anderson Jr., Vernon Brown, De Knudson and Kermit Staggers

Members Absent: None

Staff Present: City Clerk Debra A. Owen and Assistant City Clerk Jamie L. Palmer

Guests: City Attorney Robert Amundson; Council Member Gerald Beninga, Council Member Pat Costello, Council Member Bob Litz, Council Member Greg Jamison; former Council Member Bob Jamison; Planning and Building Services Director Mike Cooper; Steve Metli; former Council Member Tam Baker; Board of Ethics Chair Mary Robbennolt; Board of Ethics Member Lloyd Stivers; Argus Leader Reporter Jonathan Ellis

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### 1. Call To Order

Committee Chair Anderson Jr. called the meeting to order at 4:44 p.m.

### 2. Review and approval of Minutes dated January 12, 2009

A motion was made by Knudson and seconded by Brown to approve said minutes. Anderson Jr. called for a voice vote on the motion. All members present voted yes. **Motion Passed.**

### 3. Code of Ethics Ordinance

Knudson opened the discussion regarding the Code of Ethics Ordinance. She introduced Board of Ethics members Mari Robbennolt and Lloyd Stivers. She stated that this item is before the committee today at the request of the Ethics Board during the City Council Meeting on February 2, 2009.

Anderson Jr. asked for a summary of the proposed changes. Owen stated that this discussion first began in a public meeting when former council member Bob Jamison asked the former City Attorney Gary Colwill for clarification on the definition of an advisory opinion. It became the effort of the council to clarify the definition of any advisory opinion. She gave an overview of the proposed changes.

Knudson asked if the new definition being proposed is only for City Council members and city employees. Owen stated that it would apply to city employees, city officials, and elected officials of the city. Discussion followed regarding the proposed language regarding advisory opinions. Bob Jamison gave some history of the origin of the Board of Ethics ordinance by stating that most of the language came directly from the National League of Cities. He stated that advisory opinions should only benefit or affect the individual asking for the opinion and that it should be kept confidential. If necessary, citizens have the right to file a complaint by following an outlined complaint procedure.

Discussion continued regarding citizens having the right to ask for an advisory opinion and recent board of ethics opinions. Amundson stated that he has served on various ethics committees boards and he strongly believes that advisory opinions must be kept confidential.

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## Minutes for Public Services Committee

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Knudson stated that during a recent conversation with Stivers, she asked him if he thought the Board of Ethics Canons (Ord. 34-00) could be incorporated into the Ethics ordinance. Discussion followed. Owen stated the Canons are written in board terms and serve as guidelines to Council which differ from the Standards of Conduct language in the Code of Ethics.

Knudson stated that she intends to make a motion to defer this item. Beninga and Costello agreed this item should be deferred. Stagers disagreed and argued that most of the items discussed are already included in the proposed revisions. Discussion followed.

Anderson Jr. asked for additional comments or statements. Bob Jamison reiterated that the City of Sioux Falls is not able to write a code of ethics that applies to the citizens but they can write one that applies to the city employees, city officials and elected officials.

The next Board of Ethics meeting is February 17, 2009 at 2:30 p.m. in the Commission Room (City Hall). Council members are encouraged to attend if available.

### 4. Transit Management Services

Anderson opened the discussion by stating that he would like to form a committee to conduct research and review other options for Transit Management Services. Discussion followed regarding whether or not this issue fits within the role of the City Council.

Mike Cooper stated that the current contract expires at the end of 2009. The Attorney's Office, Finance Office, Human Resources Office, and Planning Office have been discussing their options and gathering information. Based on the information gathered, the most cost effective option is an Request For Proposal process for a management contract. The RFP would be open early March so that a decision could be made sometime in June or July, to allow time for negotiation.

Beninga stated that in the past he served on the committee that conducted extensive research on this topic. He stated that operational issues are not within the council role. Anderson Jr. requested Cooper to research other cities that have Transit Authority Boards and report back. Steve Metli stated that an authority board has the ability to tax independently and Beninga stated that previously dismissed that option for that reason.

Anderson Jr. requested that Cooper give a summary of the RFP process at an Informational meeting before a decision is made. Anderson Jr. stated that since he will be receiving the information from Cooper, he will drop his request to form a committee.

### 5. Open Discussion

There was none.

### 6. Adjournment

A motion was made by Knudson and seconded by Brown to adjourn the meeting at 6:23 p.m. Anderson Jr. called for a voice vote on the motion. All members present voted yes. **Motion Passed.**

Jamie L. Palmer  
Assistant City Clerk