

Sioux Falls Board of Ethics Advisory Opinions — 2007

1. The Mayor asked what level of involvement elected officials or citizen members of the Parks Board could have in a citizen petition drive that could result in a citywide election. From gathering signatures to publicly campaigning on one side or the other, what level of political activity is permitted?

Opinion: It was the opinion of the Board that the proposed act of collecting or gathering signatures on a petition would appear to be a violation of Canons 3.3 and 7.0 of the Code of Ethics of the Sioux Falls City Council as found in Appendix E of the Revised Ordinances of Sioux Falls. Further, the Board opined that the Council's Code of Ethics Canons, as considered and adopted by the City in 2000, were adequate guidelines for Council members to follow in considering their potential level of political involvement on ballot issues such as that which was presented to the Board. In addition, Citizen Parks Board members were cautioned to avoid any financial interest in such political campaigns, as generally outlined under Chapter 12 ½ Article I, Section 12 1/2 -4 (a). The Board of Ethics otherwise declined to address the issue of or the permitted extent of elected officials or citizen board members "actively campaigning" as that question was too broad and speculative in nature for the Board to appropriately offer an opinion on the same. Finally, the Board encouraged the Mayor and members of the City Council to review the Canons found within the Revised Ordinances of Sioux Falls, Appendix E, with specific attention and thorough consideration being given to the cautionary provisions of Canons 3.0, 3.3, 6.0 and/or 7.0.

2. A Sioux Falls police officer was named VFW Post 628's Law Enforcement Officer of the Year. The police officer asked if he would violate the City's conflict of interest ordinance if he accepted the cash award of \$100 and plaque from the VFW recognizing the honor.

Opinion: It was the opinion of the Board that the officer would not violate the City's conflicts of interest ordinance by accepting the award and check for \$100. Pursuant to Section 12 1/2-5 of the City's conflicts of interest ordinance, the award was not intended to influence the employee in the performance of his duties, nor was it intended as a reward for an official act.

3. A citizen asked whether an elected official could hold more than one City office without running afoul of the City Charter or violating the City's conflict of interest and ethics ordinances or canons.

Opinion: The Board believed that, under the facts and circumstances of the question, a Council member was in violation of Section 2.05 (a) of the City Charter given the unacceptable dual offices he held with the City as both Council member and Board of Appeals member. Furthermore, the Board found that after reviewing the facts surrounding the Council member's involvement as an employee of the Sioux Empire Housing Partnership, both as a member of the Board of Appeals as well as his position on the City Council, the Council member had an indirect financial interest in matters before the City which was in violation of both City Ordinance Section 12 ½ - 4(a) and 12 ½ - 46. Finally, the Board noted that the Council member's actions in this matter were, at best, viewed to be inapposite with the Code of Ethics Canons for the Sioux Falls City Council as found within the Revised Ordinances of Sioux Falls, Appendix E, under Canons 3.0, 3.2 and/or 6.2. Given the foregoing findings, the Board recommended that the Council member immediately resign from one of his current city positions.

4. A citizen currently serving as an insurance agent for the City's property insurance asked if he could accept a position on the Sioux Falls Planning Commission.

Opinion: It was the opinion of the Board that the citizen's potential service on the Planning Commission would violate Section 12 ½ -4(a) due to the individual's personal financial interest in the property insurance contract with the City. The individual's commission would be of a magnitude that would exert an influence on an average, reasonable person. Further, if this individual pursued service on the Planning Commission, it could be perceived as a potential conflict of interest under Section 7.01(a) and any such appearance of impropriety should be avoided.