

MINUTES

Tuesday, July 13, 2010 at 3:00 PM

**Board of Ethics
Special Meeting**

Commission Room – First Floor – City Hall
224 West Ninth Street, Sioux Falls, SD



ROLL CALL

BOARD MEMBERS PRESENT: Mike McKnight, Bill O'Connor, Mari Robbennolt and Bob Swanhorst

BOARD MEMBERS ABSENT: Howard Paulson

STAFF PRESENT: Gail Eiesland, Chief Assistant City Attorney, Cari Hanzel, Recording Clerk and Mike Hall, Board Investigator

OTHERS/GUESTS PRESENT: David Pfeifle and City Council Members Jim Entenman and Sue Aguilar

Board Chair Mike McKnight called the meeting to order at 3:01p.m.

APPROVAL OF MINUTES

A motion was made by Mari Robbennolt and seconded by Bob Swanhorst to approve the minutes from the Special Meeting of June 30, 2010. Four Yeses. Motion carried.

BUSINESS OR ISSUES BROUGHT BEFORE THE BOARD

1. Board Chair McKnight presented the written Request for Advisory Opinion submitted on July 2, 2010 by City Council Member Jim Entenman

Mr. Entenman appeared before the Board and explained his business relationship with the City as co-owner of J&L Harley Davidson. Given that relationship and the fact that he is now an elected official of the City, Mr. Entenman asked the Board for guidance regarding two issues:

1. For the past several years J&L has been awarded the annual contract for two new Harley-Davidson motorcycles. J&L has been the only bidder. Because Mr. Entenman is on the City Council, SDCL 6-1-2 requires a minimum of two bids.

2. Because Mr. Entenman is now on the City Council, the amount of service business that J&L can perform for the City is limited by the applicable provisions of SDCL 6-1-2.

Mr. Entenman explained his proposed solutions to the issues presented.

Gail Eiesland advised the Board on the statutes relevant to Mr. Entenman's request.

The Board agreed that as long as the procedures outlined in state statute were followed, they did not see any ethical concern.

A motion was made by Mike McKnight and seconded by Mari Robbennolt that the Board finds no ethical violation within the confines of Mr. Entenman's request as long as the statutory restrictions are followed. If the matter would come up for vote before the City Council, the Board would remind Mr. Entenman that he would need to recuse himself from participation. Four Yeses. Motion carried unanimously.

2. City Council Member Sue Aguilar thanked the Board for what they do and stated that she was looking forward to working with the Board of Ethics on the ethics ordinance revisions.

APPROVAL OF CONFIDENTIAL WRITTEN ADVISORY OPINION 10-1

Bill O'Connor made a motion to go into closed session to discuss approval of Confidential Request for Advisory Opinion 10-1. Bob Swanhorst seconded the motion. Four Yeses. Motion carried. The Board went into closed session at approximately 3:20 p.m.

Bob Swanhorst made a motion to come out of closed session. Mari Robbennolt seconded the motion. Four Yeses. Motion carried. The Board came out of closed session at approximately 3:24 p.m.

A motion was made by Bill O'Connor and seconded by Bob Swanhorst to approve Confidential Advisory Opinion 10-1 as amended in closed session. Four Yeses. Motion carried unanimously.

APPROVAL OF CONFIDENTIAL WRITTEN ADVISORY OPINION 10-2

A motion was made by Bob Swanhorst and seconded by Mari Robbennolt to approve Confidential Advisory Opinion 10-2. Four Yeses. Motion carried.

NEXT MEETING

The Board discussed possible meeting dates to hold a working session with the Public Service Committee. As the Public Service Committee's proposed date of July 21, 2010

would not with most Ethics Board members, alternate potential dates will be forwarded back to the Committee for consideration.

ADJOURNMENT

A motion was made by Bob Swanhorst and seconded by Bill O'Connor to adjourn. Four Yeses. Motion carried. Meeting adjourned at 3:32 p.m.

Respectfully submitted,

Cari Hanzel
Recording Clerk