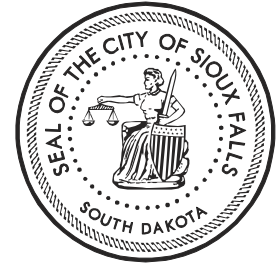


MINUTES

Wednesday, September 7, 2011 at 3:30 p.m.



Board of Ethics Quarterly Meeting

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

ROLL CALL

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

BOARD MEMBERS ABSENT: Howard Paulson

STAFF PRESENT: Dave Pfeifle, Sioux Falls City Attorney and Cari Hanzel, Recording Clerk.

OTHERS PRESENT: None

As a quorum was present, Board Chair Bill O'Connor called the meeting to order at 3:34 p.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 2, 2011. Vote to approve: Yeses, 4. Noes, 0. Motion Passed.

CONFIDENTIAL REQUEST FOR ADVISORY OPINION RECEIVED 8-11-11

Executive session to discuss personnel matter pursuant to SDCL 1-25-2(1) and consulting with legal counsel pursuant to SDCL 1-25-2(3).

Mike McKnight made a motion to go into closed session to discuss the confidential Request for Advisory Opinion received on August 11, 2011. Mari Robbennolt seconded the motion. Vote to approve: Roll Call: Yeses, Bill O'Connor, Mike McKnight, Mari Robbennolt, Bob Swanhorst, 4. Noes, 0. Motion Passed. The Board went into closed session at 3:35 p.m.

Howard Paulson arrived at 3:50 p.m. and apologized for being late, explaining that he had a client meeting that ran long.

Mari Robbennolt made a motion to come out of closed session. Bob Swanhorst seconded the motion. Vote to approve: Roll Call: Yeses, Bill O'Connor, Howard Paulson, Mike McKnight, Mari Robbennolt, Bob Swanhorst, 5. Noes, 0. Motion Passed. The Board came out of closed session at 4:13 p.m.

Mike McKnight made a motion to authorize the City Attorney to draft a confidential Advisory Opinion consistent with the Board's discussion in executive session and to authorize Board Chair, Bill O'Connor to sign off on said opinion. Mari Robbennolt seconded the motion. Vote to approve: Roll Call: Yeses, Bill O'Connor, Howard Paulson, Mike McKnight, Mari Robbennolt, Bob Swanhorst, 5. Noes, 0. Motion Passed.

DISCUSSION REGARDING UPDATES TO THE ETHICS BOARD RULES OF PROCEDURE AND SUGGESTED REVISIONS TO CHAPTER 12 ½ OF THE REVISED ORDINANCES OF SIOUX FALLS, SD

David Pfeifle reviewed some of his suggested changes to the Board's Rules of Procedure and indicated that he would submit his suggestions to the Board in writing for their review and consideration. Discussion followed.

David Pfeifle and the Board discussed the following concerns and suggestions with the current ethics ordinances.

1. As the ordinances are written now, if a complaint were filed against a city councilor, the city attorney would represent the Board as well as the City Council in the complaint process. Pfeifle explained that it would be an obvious conflict for him and suggested that the ordinance be amended and funding be appropriated to allow the Board to hire outside counsel in that situation.
2. The 30 day deadline set forth in Section 12 ½ - 35(b) and the 15 day deadline in Section 12 ½ -35(d) are not workable. The Board would like to see both of those deadlines extended to 60 days to allow for more investigation and preparation time should it be necessary.
3. The Board discussed a possible provision in ordinance that would allow an employee or city councilor to self-report a potential ethics violation after the fact but before a complaint was filed. Pfeifle advised the Board that he would look into this further to see if it would be workable.
4. The Board would like to shore up language in the ordinances to allow for the removal of citizen board members for acts of dishonestly or moral turpitude.

David Pfeifle advised that he would draft a letter to City Council for the Board's consideration containing the suggestions/concerns for the ethics ordinances that the Board outlined today.

ANY NEW BUSINESS OR PENDING ISSUES TO BE BROUGHT BEFORE THE BOARD

None.

NEXT MEETING

The Board's next quarterly meeting will be held in December, 2011, unless a matter is brought before the Board requiring a meeting before then.

ADJOURNMENT

Bob Swanhorst moved to adjourn the meeting. There being no objections, the meeting was adjourned at 4:38 p.m.

Respectfully submitted,

Cari Hanzel
Recording Clerk