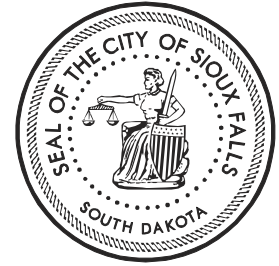


MINUTES

Thursday, October 27, 2011 at 4:00 p.m.



Board of Ethics Special Meeting

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

ROLL CALL

BOARD MEMBERS PRESENT: Bill O'Connor, Howard Paulson, Mari Robbennolt and Bob Swanhorst.

BOARD MEMBERS ABSENT: Michael McKnight

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

OTHERS PRESENT: I.L. Wiedermann, Attorneys Bill Garry and Jon Sogn, Board Investigator SFPD Sgt. Matt Burns, and media

As a quorum was present, Board Chair Bill O'Connor called the meeting to order at 3:59 p.m.

APPROVAL OF MINUTES

A motion was made by Mari Robbennolt and seconded by Bob Swanhorst to approve the minutes from the Quarterly Meeting of September 7, 2011. Vote to approve: Yeses, 4. Noes, 0. Motion Passed.

CONFIDENTIAL COMPLAINT 11-B

Dave Pfeifle advised the Board that he must recuse himself from all matters dealing with Complaint 11-B and further suggested that the Board hire independent counsel.

Bill O'Connor informed those present that Board Member Mike McKnight also recused himself from this matter due to a conflict of interest.

Howard Paulson made a motion to appoint Jon Sogn as counsel for the Board of Ethics in regard to the handling of Complaint 11-B. Mari Robbennolt seconded the motion. Vote to approve: Roll Call: Yeses, O'Connor, Paulson, Robbennolt, Swanhorst, 4. Noes, 0. Motion Passed.

Bill O'Connor advised that Section 12 ½-12 of the Revised Ordinances of Sioux Falls, SD authorizes the Board to consult with outside legal counsel and that's why Jon Sogn was contacted.

Bob Swanhorst made a motion pursuant to SDCL §§ 1-25-2(1) and 1-25-2(3) to go into closed session to discuss Complaint 11-B. Howard Paulson seconded the motion. Vote to approve: Yeses, 4. Noes, 0. Motion Passed. The Board went into closed session at 4:02 p.m.

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).

Mari Robbennolt made a motion to come out of closed session. Bob Swanhorst seconded the motion. Vote to approve: Yeses, 4. Noes, 0. Motion Passed. The Board came out of closed session at 5:00 p.m.

A motion was made by Bob Swanhorst and seconded by Mari Robbennolt, with regard to Complaint 11-B, that based upon the allegations made in the complaint and consistent with the reasons discussed in executive session, the Board of Ethics finds that it does not have subject matter jurisdiction over the complaint and therefore dismisses the complaint. Vote to approve: Roll Call: Yeses, O'Connor, Paulson, Robbennolt, Swanhorst, 4. Noes, 0. Motion Passed.

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

None.

NEXT MEETING

The Board of Ethics meets quarterly, unless a matter is brought before the Board requiring a meeting. No future meetings have been scheduled at this time.

ADJOURNMENT

Bill O'Connor moved to adjourn the meeting. There being no objections, the meeting was adjourned at 5:02 p.m.

Respectfully submitted,

Cari Hanzel
Recording Clerk