

MINUTES

Friday, January 6, 2012 at 3:30 p.m.



Board of Ethics Quarterly Meeting

Carnegie Town Hall
235 West 10th Street
Sioux Falls, SD

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

BOARD MEMBERS ABSENT: None

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

GUESTS: None

CALL TO ORDER

Board Chair Bill O'Connor called the meeting to order at 3:30 p.m.

ELECTION OF CHAIR AND VICE CHAIR

Following some preliminary discussion gauging members' interest in the positions, Howard Paulson nominated Bob Swanhorst to serve as Chair of the Board of Ethics for 2012. Said motion was then amended by Bill O'Connor to also nominate Howard Paulson to serve as Vice Chair of the Board of Ethics for 2012. Mari Robbennolt seconded the amended motion. No further nominations were received.

With no further nominations on the floor, Bill O'Connor declared the nominations closed and made a motion that a unanimous ballot of true nominees be cast. Five yeases. Motion carried.

Bob Swanhorst assumed the position of Chair for the remainder of the meeting.

Mari Robbennolt made a recommendation that the Mayor begin looking for replacements to fill the vacancies created when the terms of Robbennolt, McKnight and O'Connor expire at the end of May, 2012.

Bill O'Connor suggested that the terms of the three new incoming members be staggered so that the Board isn't faced with three members leaving at the same time again.

Mike McKnight indicated that lawyers tend to have conflicts and therefore, would advise the Mayor to be cautious in his appointments.

APPROVAL OF MINUTES

A motion was made by Mari Robbennolt and seconded by Howard Paulson to approve the minutes from the Special Meeting on October 27, 2011. Five Yeses. Motion carried.

APPROVAL OF 2011 ANNUAL REPORT

A motion was made by Mike McKnight and seconded by Bill O'Connor to approve the 2011 Annual Report. Five Yeses. Motion carried.

BUSINESS OR ISSUES BROUGHT BEFORE THE BOARD

A. REVIEW OF ETHICS ORDINANCES:

Dave Pfeifle reviewed with the Board suggested revisions to the following ethics ordinance sections: 12½ -8, 12½ -9, 12½ -10, 12½ -12, 12½ -15, 12½ -19, 12½ -21, 12½ -22, 12½ -23, 12½ -24, 12½ -26, 12½ -31, 12½ -34, and 12½ -35. Drafts of the revisions along with a written memorandum from Pfeifle explaining the proposed changes were previously submitted to the Board and posted on the City's website in advance of today's meeting.

A motion was made by Bill O'Connor and seconded by Mike McKnight to make a recommendation to the City Council to adopt the proposed amendments as presented today.

B. DISCUSSION AND ADOPTION OF AMENDED BOE PROCEDURES:

Dave Pfeifle presented the Board with suggested revisions to the Board's Rules of Procedure. A draft of the revisions was previously submitted to the Board and posted on the City's website in advance of today's meeting.

Bill O'Connor suggested enlarging the time frame, currently 2 business days, within which to schedule a meeting of the Board and provide the accused with notice of a complaint and the meeting date. O'Connor explained that two days is often not enough time to get a meeting scheduled with five citizen board members due to scheduling conflicts and communication delays.

A motion was made by Bill O'Connor and seconded by Mari Robbennolt to accept the proposed revisions to the Board's Rules of Procedure as of January 6, 2012 with authority given to Attorney Dave Pfeifle to make any additional clerical changes to the Rules and/or recommendations for change to the ordinances to enlarge the 2 day requirement. Five Yeses. Motion carried.

A motion was made by Bob Swanhorst and seconded by Bill O'Connor to direct Attorney Dave Pfeifle to issue a letter to the City Council explaining the Board's adoption of the amended Rules of Procedures as presented today. Five Yeses. Motion carried.

C. CONFIDENTIAL REQUEST FOR ADVISORY OPINION RECEIVED 1/4/12
(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).)

Bill O'Connor made a motion to go into closed session to discuss a confidential Request for an Advisory Opinion received by the Board on January 4, 2012. Mari Robbennolt seconded the motion. Five Yeses. Motion carried. The Board went into closed session at 4:08 p.m.

Bill O'Connor made a motion to come out of closed session. Mike McKnight seconded the motion. Five Yeses. Motion carried. The Board came out of closed session at 4:18 p.m.

A motion was made by Bill O'Connor and seconded by Mike McKnight to authorize the Board's legal advisor, David Pfeifle to send an email or letter to the individual requesting the opinion to confirm whether the individual has any additional information to present to the Board and if there is no additional information to be presented, then to draft a confidential Advisory Opinion as discussed in executive session and to authorize the Board Chair to sign the opinion as drafted on behalf of the Board. Five Yeses. Motion carried.

NEXT MEETING

The Board discussed holding its next quarterly meeting at the end of May, 2012 unless a matter were to come to the Board that would require meeting prior to that time. No specific date for the next meeting was scheduled.

ADJOURNMENT

A motion was made by Bob Swanhorst and seconded by Mike McKnight to adjourn. Motion carried. Meeting adjourned at 4:20 p.m.

Respectfully submitted,

Cari Hanzel
Recording Clerk