AGENDA

Thursday, December 22, 2016
at 4:00 PM

Board of Ethics
Quarterly Meeting

Commission Room
1st Floor ~ City Hall
224 West Ninth Street
Sioux Falls, South Dakota

CITY OF SIOUX FALLS

1. CALL TO ORDER

2. INTRODUCTION OF NEW BOARD MEMBER SUE ROUST

3. APPROVAL OF MINUTES FROM AUGUST 10, 2016 QUARTERLY MEETING

4. APPROVAL OF WRITTEN ADVISORY OPINION 16-1

5. ANY BUSINESS OR PENDING ISSUES TO BE BROUGHT BEFORE THE BOARD

6. ADJOURNMENT

BOARD OF ETHICS MEMBERS:
Greg LaFollette, Chair
Jack Marsh, Vice Chair
Jeff Gednalske
Wanda Harris
Sue Roust

CITY STAFF:
David A. Pfeifie, City Attorney
Cari Hanzel, Paralegal/Board Liaison

If an ADA accommodation is needed, please contact the Human Relations Office at 367-8745 or humanrelations@siouxfalls.org at least 12 hours in advance of the meeting.
MINUTES

Wednesday, August 10, 2016 at 11:00 a.m.

Board of Ethics Quarterly Meeting

Commission Room
1st Floor ~ City Hall
224 West Ninth Street
Sioux Falls, South Dakota

CITY OF SIOUX FALLS

BOARD MEMBERS PRESENT: Jeff Gednalske, Wanda Harris, Greg LaFollette and Jack Marsh (by phone)

BOARD MEMBERS ABSENT: None

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

CALL TO ORDER

A quorum being present, the meeting was called to order by Board Chair Greg LaFollette at 11:01 a.m.

APPROVAL OF MINUTES

A motion was made by Jack Marsh and seconded by Wanda Harris to approve the minutes from the Quarterly Meeting on June 30, 2016. Vote to approve: 3 Yeses. Motion passed.

BUSINESS OR PENDING ISSUES BROUGHT BEFORE THE BOARD

A. REQUEST FOR ADVISORY OPINION FILED JULY 25, 2016.

Assistant Police Chief Galen Smidt, appearing by phone before the Board, reviewed the Request for Advisory Opinion he filed on behalf of the Sioux Falls Police Department on July 25, 2016.

Assistant Chief Smidt explained that, as a means of showing support for the Police Department, two churches in the community dropped off a total of 300 thank you cards. Each card contained an anonymous handwritten note of encouragement along with a gift card to a local Sioux Falls restaurant, coffee shop, etc. in amounts ranging from $5 to $25. There were enough cards donated that each sworn and civilian employee of the Police Department could receive a card.

The Police Department policy on the acceptance of gifts was read.
The Board agreed with Police Department policy that if a gift of food or beverage could be consumed on premises then it could be accepted.

David Pfeifle reviewed the relevant ordinances of the City as well as a couple of prior Ethics Board decisions with similar factual scenarios.

The Board was not interested in setting a threshold amount defining nominal intrinsic value.

The Board discussed the outpouring of support and the fact that these thank you cards were given with the best intentions.

Discussion was had regarding the value of the gift cards as a whole verses their nominal value if considered individually.

The two churches that dropped off the handwritten notes of encouragement with gift cards were identified as King of Glory and Linwood Wesleyan.

The Board also discussed the fact that the gifts were unsolicited, were unrelated to any specific action of the Police Department and were not given in exchange for special consideration.

The Board reviewed the Police Department policy again.

The Board invited public input. Bruce Danielson addressed the Board.

A motion was made by Jack Marsh to advise the Police Department to not accept the gift cards despite the Board's feeling that there was no impropriety in the intentions of the two organizations and their parishioners and to return the gift cards to the churches.

After a brief discussion, an amended motion was made by Jack Marsh that the Board does not question the donors' motives, however it is the feeling of this Board that the gift cards not be accepted. No second.

Greg LaFollette asked for a substitute motion.

A motion was made by Jeff Gednalske that the Board advise the Police Department to refer to and follow its existing policy. Gednalske then withdraws motion.

A motion was made by Wanda Harris that the Board follow the letter of the policy of the Police Department and recommend that these gift cards not be accepted.

A motion was made by Jack Marsh and seconded by Wanda Harris that the Board recommends that the Police Department does not accept the donated gift cards. No further discussion was had. Vote to approve: Roll Call: Yeses, Jeff Gednalske, Wanda Harris, Jack Marsh, 3. Noes, 0. Motion Passed.
A motion was made by Jeff Gednalske and seconded by Wanda Harris to allow counsel for the Board of Ethics, David Pfeifle, to draft a written advisory opinion consistent with the discussions and motion of the Board. Vote to approve. 3 Yeses. Motion passed.

Assistant Chief Smidt asked the Board if they could open the envelopes, remove the gift cards and distribute just the notes of encouragement to Police Department employees. They would then contact the churches about returning the gift cards. The Board approved.

**NEXT MEETING**

No specific date for the next meeting was scheduled.

**ADJOURNMENT**

A motion was made by Jack Marsh and seconded by Jeff Gednalske to adjourn the meeting. Meeting adjourned at 11:49 a.m.

Respectfully submitted,

Cari Hanzel
Board Liaison/Recording Clerk
Board of Ethics  
City of Sioux Falls  
Advisory Opinion No. 16-1

Request for Opinion

Galen Smidt, Assistant Chief of Police, requested an opinion on behalf of the Sioux Falls Police Department regarding the acceptance of anonymous thank you cards from two local churches containing handwritten notes of encouragement along with gift cards to local restaurants.

Facts

The first 3 weeks of July was a volatile time of violence in our country with police officer shootings in Dallas, Texas & Baton Rouge, Louisiana that resulted in the deaths of eight officers. During this time, the Sioux Falls Police Department received an enormous amount of support from the citizens of Sioux Falls including letters, emails, hugs, handshakes & snacks delivered to the PD for our officers. The policy of the Sioux Falls Police Department is that consumable items can be accepted as long as they are consumed on premises.

As part of this outpouring of support, two churches in Sioux Falls dropped off handwritten notes of encouragement for officers with gift cards to restaurants in Sioux Falls to be utilized by officers. The gift cards ranged in value from $5 to $25. Between the two churches, there were enough gift cards for each police department employee.

Opinion

Section 35.029 of the Code of Ordinances of Sioux Falls, SD provides as follows:

(a) No officer or employee shall directly or indirectly solicit any gift, or accept any gift whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee, in the performance of official duties, or was intended as a reward for any official action.

(b) Legitimate political contributions are not gifts under the provisions of this subchapter.

(c) It is not a conflict of interest for any official or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value.
In consideration of the above ordinance, the Board finds that any gift beyond that which can be immediately consumed, is not advisable to accept as it would be more than nominal intrinsic value.

Although the Board advises against the acceptance of the gift cards, it supports the distribution of the notes of encouragement to each police department employee.

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Greg LaFollette, Chair


Written opinion approval _____________________________