

AGENDA	Wednesday, October 25, 2017 at 3:00 PM	 CITY OF SIOUX FALLS
BOARD OF ETHICS SPECIAL MEETING	Commission Room 1st Floor ~ City Hall 224 West Ninth Street Sioux Falls, South Dakota	

1. CALL TO ORDER

2. APPROVAL OF MINUTES FROM SEPTEMBER 28, 2017 QUARTERLY MEETING

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

A. COMPLAINT (17-A) FILED 9/27/2017

*(POTENTIAL EXECUTIVE SESSION TO CONSULT WITH LEGAL COUNSEL
PURSUANT TO SDCL 1-25-2(3))*

4. ADJOURNMENT

BOARD OF ETHICS MEMBERS:

Greg LaFollette, Chair
Jack Marsh, Vice Chair
Jeff Gednalske
Wanda Harris
Sue Roust

CITY STAFF:

David A. Pfeifle, 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	Thursday, September 28, 2017 at 4:00 p.m.	 CITY OF SIOUX FALLS
BOARD OF ETHICS QUARTERLY MEETING	Commission Room 1st Floor ~ City Hall 224 West Ninth Street Sioux Falls, South Dakota	

BOARD MEMBERS PRESENT: Jeff Gednalske, Wanda Harris, Greg LaFollette, Jack Marsh and Sue Roust

BOARD MEMBERS ABSENT: None

STAFF PRESENT: Dave Pfeifle, Sioux Falls City Attorney (by phone) and Cari Hanzel, Recording Clerk

CALL TO ORDER

A quorum being present, the meeting was called to order by Board Chair Greg LaFollette at 4:00 p.m.

APPROVAL OF MINUTES

A motion was made by Jack Marsh and seconded by Sue Roust to approve the minutes from the Quarterly Meeting on June 28, 2017. Vote to approve: 4 Yeses. Motion passed.

BUSINESS OR PENDING ISSUES BROUGHT BEFORE THE BOARD

David Pfeifle advised the Board that an Ethics Complaint was received by the City Attorney's Office on the afternoon of September 27, 2017 and that a meeting date would need to be scheduled to address this Complaint with time allowed for the accused to receive notice and the opportunity to respond pursuant to the Board's Rules of Procedure. The Board scheduled a special meeting for October 25, 2017 at 3:00 PM.

NEXT MEETING

A special meeting was scheduled for October 25, 2017 at 3:00 PM.

ADJOURNMENT

A motion was made by Jack Marsh and seconded by Wanda Harris to adjourn the meeting. Vote to approve: 4 Yeses. Motion passed. Meeting adjourned at 4:04 p.m.

Respectfully submitted,

Cari Hanzel
Recording Clerk



City of Sioux Falls Board of Ethics Complaint Form

Name of Complainant: Bruce Danielson

Address: PO Box 491, Sioux Falls 57101

Telephone Number: (605) 376-8087

Email Address: bruce@brdan.com

Please cite section of ethics ordinance violated: Chapter 35: Conflicts of interest

Statement of alleged violation of the City's Ethics Ordinance(s). Please be specific and include names of individuals, locations, and dates, as applicable.

I have a Charter Revision Commission (CRC) Membership Question.

There is a CRC member, Jill Entenman with a term expiring March 2019. Currently her husband is running for mayor of Sioux Falls. We must have a ruling on the ethics of a member who could influence the election process by her votes on the upcoming potential Sioux Falls Home Rule Charter Commission decisions. Should Ms. Entenman step down from membership so the Mayor / Council vote on a replacement in time?

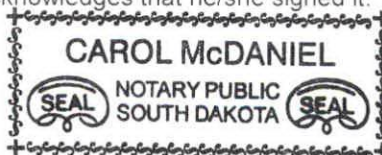
I have initiated the above complaint. The information provided is true to the best of my knowledge and belief. Pursuant to Sections 35.035 and 35.058(b) of the Code of Ordinances of Sioux Falls, SD, this complaint shall remain confidential unless the accused elects to waive confidentiality. I understand that I am bound by this confidentiality provision. I further understand that a violation of this confidentiality provision may result in the dismissal of this complaint.

[Signature]
Signature

September 27, 2017
Date

On this the 27 day of September, 2017, personally appeared before me, Bruce Danielson, to be the signer of the foregoing document, and he/she acknowledges that he/she signed it.

[Signature]
Notary Public—South Dakota
My Commission expires: 10/30/20



Received by:
[Signature]
Name

9-27-2017
Date

Please return completed form to the City Attorney's Office.

RECEIVED

OCT 16 2017

CITY ATTORNEY'S OFFICE
SIOUX FALLS, SD

Statement of Jill Entenman

On Friday, September 29, 2017, I received, by United States Mail, a notice of a complaint filed with the Sioux Falls Board of Ethics. The first paragraph reads:

“A Complaint (“the Complaint”) has been filed with the Board of Ethics (“Board”) on September 27, 2017 alleging that you, Jill Entenman, as a Charter Revision Commission Member, have violated Chapter 35 of the Ordinances of Sioux Falls, SD. Specifically, the Complaint alleges as follows:

Jill Entenman is current member of the Charter Revision Commission. Ms. Entenman’s husband is running for mayor of Sioux Falls. A ruling is needed on the ethics of a Charter Revision Commission member who could influence the election process by her votes on the upcoming potential Sioux Falls Home Rule Charter decisions by the Commission.

As you have a right to receive a copy of the Complaint filed against you, one has been attached.”

The complaint was filed with the Ethics Board on September 22, 2017, by Mr. Bruce Danielson. I disagree with this complaint. On October 16, 2017, I waived my right to confidentiality and filed the following response with the Ethics Board:

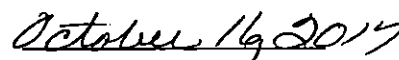
I am a member of the Charter Revision Commission because I enjoy public service, consider it a high calling, and believe that I have something valuable to contribute to the process. It’s a belief that was instilled in me, at an early age, by my dad, a former Circuit Court Judge; a belief confirmed when I received my degree in government at Augustana College, now Augustana University; and a belief that I share with my husband, Jim. My husband and I have served on a number of community and non-profit boards. I believe serving our community is a calling, and among the most significant work you can do.

It is worth emphasizing the role of the Charter Revision Committee. As a volunteer member serving without any compensation, I will work with my colleagues on the Committee to recommend improvements to the City Charter. However, we are not a legislative or administrative body with final decision-making authority. We make recommendations for final action by others. Any changes to the Charter would be reported to the City Council prior to a vote of the people who have the final say on all changes. To somehow suggest a seat on the Charter Revision Committee holds the power to influence City Elections in favor of any one candidate is absurd.

I believe that my participation on the Commission is ethical, honest and appropriate; and is motivated by my honest and sincere wish to serve in a positive and constructive way. I strongly disagree with the suggestion in the complaint made against me that I am unethical, and I am hopeful that the ethics commission is able to review and decide the complaint very soon. While I absolutely contest the merits of this complaint, I certainly respect the role and responsibility of this Commission and am committed to abiding by the ultimate opinion in this matter.



Jill Entenman



Date

Certificate of Service

I hereby certify that I served a copy of the foregoing Statement of Jill Entenman by mailing a copy to Bruce Danielson to address PO Box 491, Sioux Falls, SD 57101, first class, postage prepaid, on this 16th Day of October 2017.

Jill Entenman
Signature

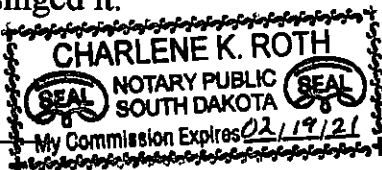
October 16, 2017
Date

On this the 16 day of October, 2017, personally appeared before me, Jill Entenman, to be the signer of the foregoing document, and he/she acknowledges that he/she signed it.

Charlene K. Roth

Notary Public – South Dakota

My Commission expires: 02-19-2021



RECEIVED

OCT 16 2017

CITY ATTORNEY'S OFFICE
SIOUX FALLS, SD



ADVISE OF RIGHTS RE: COMPLAINT 17-A

1. A Complaint ("the Complaint") has been filed with the Board of Ethics ("Board") on September 27, 2017 alleging that you, Jill Entenman, as a Charter Revision Commission Member, have violated Chapter 35 of the Ordinances of Sioux Falls, SD. Specifically, the Complaint alleges as follows:

Jill Entenman is a current member of the Charter Revision Commission. Ms. Entenman's husband is running for mayor of Sioux Falls. A ruling is needed on the ethics of a Charter Revision Commission member who could influence the election process by her votes on the upcoming potential Sioux Falls Home Rule Charter decisions by the Commission.

As you have a right to receive a copy of the Complaint filed against you, one has been attached hereto.

2. Under City Ordinance Sections 35.009(b) and 35.035, you have the right to elect to waive confidentiality and make this Complaint and any proceedings on the Complaint public.

I hereby elect to waive X /not waive ___ my right to confidentiality of the Complaint and any proceedings on the Complaint. *(please check one)*

Dated: Oct 16, 2017

Jill Entenman
Jill Entenman

3. You have a right to challenge the sufficiency of the Complaint and to provide any written arguments or documents to the Board to contest the Board's jurisdiction over the Complaint. You must provide any such documents or arguments in writing to the Board at least five days in advance of its next meeting to consider the Complaint. Any such documents or written arguments must also be served upon the complaining party and a Certificate of Service shall be filed with the Board swearing or affirming that service was made on the other party.
4. At the Board's next meeting on the Complaint, the Board will first rule on whether the Complaint meets the sufficiency test and whether it has jurisdiction over the Complaint.
5. You have a right to know that the Board will receive statements from the complaining party and from you at its next meeting related to the Complaint. At that meeting, you may also be asked to

Ms. Entenman
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respond to questions relating to the Complaint itself, any statements made by you or the complaining party, as well as the investigator's report, if an investigation is ordered by the Board. You will also have the right to cross-examine any witness who appears at the next meeting of the Board.

6. You will also have the right to request a subpoena be issued to persons to testify or for production of documents to be presented at the next Board meeting. No unreasonable subpoena request will be denied by the Board to the accused. Any request for a subpoena should be filed with the Board, by filing it with the City Attorney's Office no later than five days prior to the next meeting. Any request received after that time may be denied as untimely.
7. If the Board determines that an investigation is necessary, you and the complaining party will both be provided with a copy of the investigator's report in advance of the next meeting of the Board when that report will be presented to the Board for its consideration. You will have an opportunity to rebut or ask questions about the investigator's report at the next meeting of the Board.
8. You have a right to be represented by legal counsel of your own choosing and at your own expense at all stages of this investigation.
9. You have a right to submit documents or other evidence to the Board for its consideration prior to the next meeting of the Board. You also understand and agree to provide copies of any such documents or other evidence to the complaining party at the same time as those items are delivered to the Board for its review. A Certificate of Service shall be filed with the Board swearing or affirming that service was made on the other party.
10. You understand that the Board may make a finding at the conclusion of the meeting whether you have violated any provisions of the City's Ethic's Ordinances based on the allegations of the Complaint and any testimony or other evidence produced at the meeting. If the Board finds that a violation has occurred, then the Board may recommend such penalties as authorized by City Ordinance § 35.999.

I acknowledge receipt of this Advise of Rights and that I understand it.

Dated: October 16, 2017

Jill Entenman
Jill Entenman

RECEIVED

OCT 16 2017

**CITY ATTORNEY'S OFFICE
SIOUX FALLS, SD**