

MINUTES	Wednesday, October 25, 2017 at 3:00 p.m.	 CITY OF SIOUX FALLS
BOARD OF ETHICS SPECIAL 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, City Attorney, Karen Leonard, Deputy City Attorney, and Cari Hanzel, Recording Clerk

CALL TO ORDER

A quorum being present, the meeting was called to order by Board Chair Greg LaFollette at 3:00 p.m.

APPROVAL OF MINUTES

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

BUSINESS OR PENDING ISSUES BROUGHT BEFORE THE BOARD

- A. Complaint 17-A filed 9/27/2017 against Charter Revision Commission Member Jill Entenman

David Pfeifle provided a brief overview of the documents received by the Board in reference to Complaint 17-A as well as a review of the relevant ethics ordinances and rules of procedure.

Board Chair LaFollette asked for a motion regarding jurisdiction of the Board to hear the Complaint.

A motion was made by Jack Marsh and seconded by Sue Roust to accept Complaint 17-A and find the Board has jurisdiction to handle it. Vote to approve: 4 Yeses. Motion passed.

Discussion was had regarding whether this matter should be addressed as a complaint or a request for advisory opinion and whether there was a true conflict or a hypothetical situation. The Board decided to flush out the evidence first and then decide how to proceed.

Bruce Danielson made a presentation to the Board concerning the allegation in his Complaint questioning whether Jill Entenman, a citizen board member of the Charter Revision Commission whose husband is running for mayor, should continue to serve on the Commission where she could possibly influence the election process by her votes on the upcoming potential Sioux Falls Home Rule Charter Commission decisions.

Mr. Danielson clarified that he intended to file this as an ethics question and not a complaint.

Mr. Danielson further clarified that he is not saying Ms. Entenman has done anything unethical; only that it is possible.

The Board asked Mr. Danielson if he was asking for an opinion whether a conflict exists currently with a citizen board member being married to a candidate for mayor or if it's a potential future conflict if Jim Entenman becomes mayor and Jill Entenman serves on the Charter Revision Commission. Mr. Danielson advised that he was asking for an opinion on both scenarios.

Further discussion was had by the Board regarding acceptable solutions like recusal of a board member if faced with a conflict.

Jill Entenman provided a statement to the Board and entertained questions.

Ms. Entenman reiterated that the Charter Revision Commission does not have final decision making authority. They report their suggestions to the City Council and then the matters are placed on the ballot for a vote of the people.

Mr. Pfeifle explained the role of the Charter Revision Commission and how suggested amendments to the Charter get on the ballot.

At the Board's request, Ms. Entenman reviewed the Charter amendments that were recommended by the Charter Revision Commission and voted on in the last election.

Ms. Entenman was uncomfortable with addressing hypotheticals or "what ifs" but indicated that if there was ever a suggestion of impropriety, she would recuse herself.

The Board thanked Mr. Danielson and Ms. Entenman for their time and testimony.

A motion was made by Jack Marsh and seconded by Wanda Harris to convert the complaint to a request for advisory opinion. Vote to approve: 4 Yeses. Motion passed.

Mr. Pfeifle advised the Board that the only laws or prohibitions regarding relatives of elected officials serving on citizen boards or being employed by the City deal with conflict of interest of a financial nature or the acceptance of gifts or things of value. Mr. Pfeifle advised the Board to focus on Charter Section 7 regarding avoiding the appearance of impropriety. Mr. Pfeifle further advised that there are no prohibitions on the mayor or council member also having a relative employed by the City or appointed to a position or to a citizen board as long as there is no direct supervisory authority over that person.

Mr. Pfeifle provided the Board with the following documents to aid in their discussions: 1) Resolution 15-15 appointing Jill Entenman to the Charter Revision Commission; 2) Statement of Organization filed by Jim Entenman as a Candidate for Mayor; and 3) election data from 1994 through 2016.

Discussion was had by the Board regarding the facts before them and whether a conflict of interest or an appearance of impropriety could be found.

Mr. Pfeifle advised the Board that in looking at a financial conflict of interest, if the Charter Revision Commission was considering an amendment of Section 2.04 of the Charter regarding elected official compensation, because that could affect Ms. Entenman if her husband were to be elected mayor, then that would be an instance where her recusal would be necessary.

Further discussion was had by the Board.

A motion was made by Jack Marsh that the Board does not find an inherent conflict of interest when the spouse of the mayor serves on an appointed civic board.

Board Chair LaFollette suggested “mayor or mayoral candidate”, to which Mr. Marsh agreed.

No comments were made.

Motion died for lack of a second.

A motion was made by Mr. Gednalski to have David Pfeifle draft an advisory opinion finding the following: 1) that the spouse of a mayoral candidate serving on a board does not create an inherent conflict; and 2) that if there is a conflict or recommended change to the Charter that relates to the mayoral election or Article 3 of the Charter.

Ms. Roust suggested finishing the motion with, “that the person should recuse themselves from those issues,” to which Mr. Gednalski agreed.

Discussion was had on the motion.

Ms. Roust seconded the motion. Vote to approve: 3 Yeses. 1 No. Motion passed.

The Board discussed Mr. Danielson’s concern that there is no form for someone to request an advisory opinion only a form to request a complaint.

The Board confirmed that citizens can file requests for advisory opinions and that the form is available on the Board of Ethics page on the City’s website, labelled “Request for Advisory Opinion.”

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. Vote to approve: 4 Yeses. Motion passed. Meeting adjourned at 4:01 p.m.

Respectfully submitted,

Cari Hanzel
Recording Clerk