

MINUTES	Friday, December 22, 2017 at 10:00 a.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 (by phone), Jack Marsh and Sue Roust

BOARD MEMBERS ABSENT: None

STAFF PRESENT: Karen Leonard, Acting City Attorney, and Cari Hanzel, Recording Clerk

CALL TO ORDER

As Board Chair Greg LaFollette joined the meeting by phone and not in person, he asked Jack Marsh to chair the meeting.

Roll call was taken and with a quorum being present, the meeting was called to order by Vice Chair Jack Marsh at 10:00 a.m.

APPROVAL OF MINUTES

A motion was made by Sue Roust and seconded by Wanda Harris to approve the minutes from the Special Meeting on October 25, 2017 with one correction on page two, paragraph four, changing the word “exits” to “exists.” Vote to approve: 4 Yeses. 0 Noes. Motion passed.

APPROVAL OF WRITTEN ADVISORY OPINION 17-1

Deputy City Attorney Karen Leonard gave the Board a brief overview of the written opinion.

A motion was made by Greg LaFollette to approve Advisory Opinion 17-1. Sue Roust pointed out one correction in the “Facts” paragraph changing the word “exits” to “exists.” Wanda Harris seconded the motion with the correction. Vote to approve: 4 Yeses. 0 Noes. Motion passed.

BUSINESS OR PENDING ISSUES BROUGHT BEFORE THE BOARD

- A. RECUSAL OF CITY ATTORNEY AND APPOINTMENT OF ALAN PETERSON AS COUNSEL TO THE BOARD OF ETHICS REGARDING CONFIDENTIAL COMPLAINT 17-B

Acting City Attorney Karen Leonard advised the Board that she must recuse herself from all matters dealing with Complaint 17-B and further suggested that the Board hire independent counsel.

Greg LaFollette made a motion to appoint Alan Peterson as counsel for the Board of Ethics in regard to the handling of Confidential Complaint 17-B. Jeff Gednalske seconded the motion. Vote to approve: 4 Yeses. 0 Noes. Motion passed.

Ms. Leonard left the meeting.

B. CONFIDENTIAL COMPLAINT 17-B FILED 11/30/17

Mr. Peterson presented the Board with possible motions to move the Board into executive session.

Jeff Gednalske made a motion to enter executive session pursuant to SDCL § 1-25-2(1) to address Complaint 17-B involving a personnel matter and SDCL § 1-25-2(3) to consult with counsel. Sue Roust seconded the motion. Vote to approve: Yeses, 4. Noes, 0. Motion Passed.

Discussion was had regarding who was allowed to be present in the executive session. Upon the advice of counsel, everyone but the Board, attorney and recording clerk left the room. The Board went into executive session at 10:11 a.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).

The meeting was reopened to the public.

Wanda Harris made a motion to come out of executive session. Sue Roust seconded the motion. Vote to approve: 4 Yeses. 0 Noes. Motion Passed. The Board came out of executive session at 11:24 a.m.

A motion was made by Jeff Gednalske and seconded by Sue Roust that the Board of Ethics dismiss Complaint 17-B. The Complaint related to Sections 35.025 and 35.028 is dismissed due to lack of sufficient facts on its face. The Complaint related to Section 34.007(b) is dismissed due to this Board's lack of jurisdiction pursuant to Ordinance Section 35.010 and the Rules of Procedure of the City of Sioux Falls Board of Ethics. Vote to approve: 4 Yeses. 0 Noes. Motion Passed.

NEXT MEETING

No specific date for the next meeting was scheduled.

ADJOURNMENT

A motion was made by Jeff Gednalske and seconded by Wanda Harris to adjourn the meeting. Vote to approve: 4 Yeses. 0 Noes. Motion passed. Meeting adjourned at 11:25 a.m.

Respectfully submitted,
Cari Hanzel
Recording Clerk