

<b>MINUTES</b>	Thursday, March 29, 2018 at 4:00 p.m.	 <b>CITY OF SIOUX FALLS</b>
<b>BOARD OF ETHICS MEETING</b>	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:** Karen Leonard, Acting City Attorney, and Cari Hanzel, Recording Clerk

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**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

A motion was made by Jeff Gednalske and seconded by Wanda Harris to approve the minutes from the meeting on January 26, 2018. Vote to approve: 4 Yeses. Motion passed.

**BUSINESS OR PENDING ISSUES BROUGHT BEFORE THE BOARD**

- A. Request for Advisory Opinion (18-1) filed March 5, 2018.

Marsh outlined the pending Request for Advisory Opinion submitted by Council Member Greg Neitzert.

LaFollette recused himself from the discussion and vote on the matter. LaFollette left the room at 4:02 p.m.

Marsh advised that Council Member Neitzert waived his right to confidentiality regarding his advisory opinion request.

The Board invited Council Member Neitzert to speak to his request. He was sworn under oath.

Council Member Neitzert thanked the Board of Ethics for their service. After detailing his involvement with the transportation networking company, Lyft, he asked the Board if he would

need to restrict his activities related to matters dealing with the transportation services ordinances that may come before the City Council.

Discussion was had regarding constituents' concerns about transportation networking companies that were brought to Council Member Neitzert.

Further discussion was had regarding the application process of Lyft.

The public was given the opportunity to speak to the Board on the matter. No one came forward.

Leonard reviewed the applicable ordinances and discussion was had regarding the issues to be addressed.

The Board discussed whether Lyft drivers would be independent contractors or employees.

A motion was made by Roust and seconded by Harris that Council Member Neitzert's involvement with Lyft, a transportation network company:

1. Did not create a direct or indirect financial interest pursuant to Ordinance Sections 35.052 and 35.053(c);
2. Did not directly or indirectly create a private business client or customer relationship with Lyft pursuant to Ordinance 35.053(g); and
3. Did not create any ethical issues pursuant to Ordinance 35.054(d) and (e).

Vote to approve: 4 Yeses. 0 Noes. Motion Passed.

A motion was made by Harris and seconded by Roust to authorize the Board's legal advisor, Karen Leonard, to draft an Advisory Opinion consistent with the discussions and motion of the Board and to authorize the Board Chair to sign the Opinion as drafted on behalf of the Board.

Vote to approve: 4 Yeses. Motion carried.

### **NEXT MEETING**

No specific date for the next meeting was scheduled.

### **ADJOURNMENT**

A motion was made by Harris and seconded by Gednalske to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 4:44 p.m.

Respectfully submitted,

Cari Hanzel  
Recording Clerk