AGENDA

Friday, August 16, 2019
at 11:00 AM

Board of Ethics Meeting

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

CITY OF SIOUX FALLS

1. CALL TO ORDER

2. APPROVAL OF MINUTES FROM JULY 25, 2019 MEETING (ATTACHED)

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

   A. REQUEST FOR ADVISORY OPINION (19-4) FILED AUGUST 5, 2019 (ATTACHED)

4. PUBLIC INPUT

5. ADJOURNMENT

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

CITY STAFF:
Stacy Kooistra, 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, July 25, 2019
at 4:00 p.m.

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

BOARD MEMBERS ABSENT: Wanda Harris

STAFF PRESENT: Stacy Kooistra, City Attorney, and Cari Hanzel, Recording Clerk

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 Sue Roust and seconded by Jeff Gednalske to approve the minutes from the meeting on April 25, 2019, which included Advisory Opinion 19-2 previously approved and signed by the Board Chair on behalf of the Board. Vote to approve: 4 Yeses. Motion passed.

BUSINESS OR PENDING ISSUES BROUGHT BEFORE THE BOARD

1. REQUEST FOR ADVISORY OPINION 19-3 FILED JUNE 24, 2019.

   Jack Marsh introduced Request for Advisory Opinion 19-3 submitted by Jeff Eckhoff, Director of Planning and Development Services for the City of Sioux Falls.

   Mr. Eckhoff appeared before the Board and was sworn in.

   Mr. Eckhoff explained that he has been a member of Xcel Energy’s South Dakota Advisory Board for the past 8-9 years and wondered if it would be a conflict of interest for him to continue on the Board now that he is the Director of Planning and Development Services for the City of Sioux Falls.
Mr. Eckhoff explained that the purpose of the Advisory Board is to inform and educate business, education and government leaders on the operations of Xcel Energy.

Mr. Eckhoff further explained that service on the Board entails attending meetings generally twice a year, once in Minneapolis and the other usually in Sioux Falls. Xcel Energy pays for all travel and meal expenses and provides a stipend for attendance. Mr. Eckhoff indicated he would decline the stipend if he were to continue to serve on the Board.

Board members questioned Mr. Eckhoff regarding compensation, the intent of the Advisory Board, maintaining confidentialities, the relationship of Xcel Energy and the City of Sioux Falls and what Mr. Eckhoff’s role as Director of Planning and Development Services is in that relationship.

Mr. Eckhoff advised the Board about potential conflicts he could foresee if he were to continue to serve on the Advisory Board and discussed the difficulty in recusing himself due to his role as Director.

Stacy Kooistra advised the Board on the pertinent ordinances and previous Board opinions they should consider and what the Board would need to determine as they discussed the Request for Advisory Opinion.

Further discussion was held by the Board.

Mr. Eckhoff advised the Board that he didn’t think there was anything improper in his continued service on the Advisory Board but he was concerned with the public perception. The public’s perception is very important to the reputation of the City and to him personally and not something he would want to jeopardize to continue service on this Board.

The Board discussed the possible crafting of an advisory opinion that would limit it to the specific facts at hand.

The Board opened the matter up to public input.

Bruce Danielson was sworn and provided input.

Considering the facts and discussions held today, Mr. Eckhoff decided to withdraw his Request for Advisory Opinion.
PUBLIC INPUT

Bruce Danielson appeared before the Board and thanked Mr. Eckhoff for bringing the question to the Board of Ethics.

NEXT MEETING

No specific date for the next meeting was scheduled.

ADJOURNMENT

Meeting adjourned at 4:51 p.m.

Respectfully submitted,

Cari Hanzel
Recording Clerk
City of Sioux Falls
Board of Ethics
Request for Advisory Opinion

Name of Individual Requesting Opinion: Theresa Stehly, City Council
Address: 1621 S. Van Eps
Telephone Number: (605) 978-8783
Email Address: tstehly@siouxfalls.org

Statement of the situation giving rise to the request for an advisory opinion. Include names of individuals, locations, and dates, as applicable.

I am requesting that the Ethics Board provide guidance to the following questions concerning my right to circulate a petition. Please address:

1. My right to circulate a Sioux Falls municipal citizen petition to amend the Charter.

2. My right to lead a Sioux Falls municipal citizen petition to amend the Charter.

I am requesting that these inquiries be addressed within 10 days from the date submitted. Thank you.

Please be advised that the Board of Ethics may hear and discuss requests for advisory opinions in executive session only to the extent allowed by law. Even if an executive session is allowed, the Board must take any final action on the matter in a public meeting, where they must reveal your name and the general substance of your inquiry. If you have any pertinent and sensitive details to your inquiry that you wish to remain confidential, please share them with the Board during a possible executive session rather than placing them on this form or stating them in an open meeting of the Board.

I request that this information be kept confidential: Yes ______ No ______

The information provided is true to the best of my knowledge and belief.

Signature: Theresa Stehly
Date: Aug. 5, 2019

Received by: Carrie Nesler
Date: 8-5-2019

Please return completed form to the City Attorney’s Office.
City Council Staff:

The City Council has appointed support staff to assist it in its role as the policy making and legislative body of the City.

- The Legislative/Operations Manager coordinates the day-to-day operations of the City Council, while monitoring and analyzing legislative activities on the federal, state, and local level.
- The City Clerk division provides a legal record of Council meetings, ensures proper administration of legal documents acted on by the Council, and administers agenda and minutes posting and video streaming of the Council meetings and committees.
- The Budget Analyst provides financial research and analytical support for the Council.
- The Internal Audit division conducts internal audits of citywide operations to assess the effectiveness of controls, accuracy of records, and efficiency of operations. Internal Auditors provide audit reports to the City Council, which may include recommendations for corrective or preventative measures.

Contact Council Staff:

- Legislative/Operations Manager
- City Clerk's Office
- Budget Analyst
- Internal Audit Office
Board of Ethics  
City of Sioux Falls  
Advisory Opinion No. 18-2

Request for Opinion

City Councilor Theresa Stehly requested that the Board of Ethics provide guidance on the following:

1. Her right to circulate a Sioux Falls municipal citizen petition. (This could be an initiative, referendum or charter revision effort.)

2. Her right to lead a Sioux Falls municipal citizen petition drive. (This could be an initiative, referendum or charter revision effort.)

3. Her right to participate in a county, school district or statewide initiative/referendum petition effort.

4. Her right to lead a county, school district or statewide initiative/referendum petition effort.

5. Her right to circulate nominating petitions for other city council candidates.

6. Her right to circulate nominating petitions for school board, county and state candidates.

Facts

Councilor Stehly expressed interest in leading petition drives and circulating petitions at municipal, school district, county and statewide levels. She acknowledged that she interchanged the words, circulate, lead and participate in her questions one through three above. She clarified she wanted guidance on her right to circulate a Sioux Falls municipal citizen petition or a statewide initiative/referendum petition. Questions 5 and 6 were correctly worded. She provided the Board with examples of similar activities by other state and county elected officials. Councilor Stehly did not provide the Board with a specific factual situation which detailed what the issue would be surrounding the petition she wanted to circulate.

Opinion

In advisory opinion 07-01, the Board noted "[i]t has historically taken a firm position against the idea of offering speculative or conjectural opinions as to what hypothetical activities
may or may not be allowed under the City's ethics provisions." In the matter at hand, the Board finds it difficult to apply the ethic ordinances without knowing the facts at hand. The Rules of Procedure adopted by this Board precludes it from giving opinions on hypothetical questions. Thus, the Board declines to provide opinions on questions it finds to be hypothetical and refers Councilor Stehly to the Advisory Opinion 07-01 for guidance and recommends she familiarize herself with the Canons of Ethics referenced in such opinion.

Jack Marsh, Chair

Opinion decided: June 7, 2018

Written opinion approval: September 13, 2018
Board of Ethics  
City of Sioux Falls  
Advisory Opinion No. 14-2

Request for Opinion

City Councilor Kermit Staggers and City Councilor Christine Erickson requested an opinion regarding serving as precinct officers for their respective political parties while also serving as members of the City Council. Councilor Staggers also requested advice on serving as an elected church elder within his church.

Facts

Councilor Staggers and Councilor Erickson serve as precinct officers for their respective political parties. Precinct officers are elected by the voters of each precinct who are registered members of that particular political party. It should be noted that municipal elections are non-partisan by law, meaning that political party affiliation is not disclosed and is not germane to the conduct of municipal elections. Precinct officers act as delegates to their political parties' state convention. Precinct officers help develop and approve the parties' platform and nominate their parties' slate of candidates for state-wide office.

Councilor Staggers currently serves as an elected church elder for his local church, while also serving on the City Council.

Opinion

Sioux Falls City Charter Section 2.05(a) states: "No council member shall hold any other elected public office during the term for which the member was elected to the council." (emphasis added) The Sioux Falls City Charter was patterned after the Seventh Edition of the National Civic League's Model City Charter. The commentary to section 2.05(a) of the Model Charter states:

"This provision prohibits councilmembers from holding other elective office (e.g., as occurs in some states, serving in the state legislature and the council concurrently). Also prohibited is holding any other city office or employment during one's council term or for one year after leaving office. These provisions are designed to avoid conflict of interest situations."

"Public office" is defined as: "A position whose occupant has legal authority to exercise a government's sovereign powers for a fixed period," Black's Law Dictionary (9th ed.) at 1351. "Sovereign power" is defined as: "The power to make and enforce laws," Id. at 1523. The courts have held that the exercise of sovereign power generally refers to someone serving in some legislative or policymaking capacity for the sovereign government.
City Ordinance Section 34.005(b)(Canon Three of the City Council's Code of Ethics) provides:

It is essential that city government attract those citizens best qualified and willing to serve. City Council members have legitimate interests (economic, professional and vocational) of a private nature. City Council members should not be denied, and should not deny to other City Council members or citizens, the opportunity to acquire, retain and pursue private interests, economic or otherwise, except when conflicts with their responsibility to the public cannot be avoided.

City Ordinance Section 34.009(a)(Canon 7(a)) states that a City Council member, "should refrain from political activity inappropriate to his or her office." City Ordinance Section 34.009(b)(Canon 7(b)) states that City Council members, "have a civic responsibility to support good government by every available legal and ethical means[.]

The Board is aware that precinct officers and church elders are not an "elected public office" as defined by law. However, the Board is also mindful of its role in advising and protecting Council members from potential conflicts of interest even when the law may not prohibit such activity.

The Board advises against City Council members from dually serving as precinct officers while also serving as members of the City Council.

The Board also advises that Councilor Staggers may serve as an elected church elder for his church while also being a member of the City Council.

Gregory L. LaFollette, Chair


Written opinion approval 12-19-14
Board of Ethics
City of Sioux Falls
Advisory Opinion No. 13-2

Request for Opinion

Mayor Mike T. Huether has requested an opinion regarding an upcoming item for consideration by the City Council. He has also asked for further guidance in relation to a similar prior matter.

Facts

The City of Sioux Falls intends to provide $500,000 in equipment to be used by the Community Indoor Tennis Center, Inc. ("CITC") for a new community indoor tennis facility. In exchange for the use of the equipment, the CITC will ensure public access to the facility for community benefit. The CITC is a charitable non-profit corporation and has achieved tax-exempt status under section 501(c)(3) of the Internal Revenue Code. As such, the CITC cannot be organized or operated for the benefit of private interests and no part of that organization's net earnings may inure to the benefit of any private shareholder or individual. Cindy Huether is married to the Mayor and is an unpaid Vice President of the CITC; all CITC officers are volunteers and not compensated. She and the Mayor have also donated to the organization. Neither will receive any monetary award or dividend from her volunteer service or from their donations to the project. While the Mayor does not believe any conflict of interest would arise, he has already communicated to the City Council that he intends to recuse himself from participating in the discussion and vote on the Resolution to approve the agreement with CITC at a City Council meeting on December 10, 2013. The Mayor has requested the Board provide any additional guidance.

In a similar vein, on September 6, 2011 the Mayor had recused himself from the City Council’s discussion and vote on a Resolution approving the Developer Agreement for Tax Incremental District No. 11, or Tax Incremental Financing "TIF" No. 11. This project involved a multi-family housing project in the Whittier neighborhood. In May 2011, the City Council established the TIF No. 11 district and approved the project plan. In August 2011, Cindy Huether was approached by the Developer to become an investor in the project. She informed the Mayor that she intended to become an investor. The Mayor then notified the City Council that his wife would be an investor in the project and he recused himself from participating in the discussion or vote on the Resolution approving the Developer Agreement at the September 6, 2011 City Council meeting. Cindy Huether became an investor in the project after the City Council approved the Developer Agreement.

The Mayor has also requested guidance for the future on similar matters.

Opinion

Section 35.053 of the Code of Ordinances of Sioux Falls, SD prohibits City Council members, including the Mayor, from participating or voting on matters "in which they may have a direct or indirect financial interest." A "financial interest" is "[a]n expectation of
receiving a pecuniary benefit." Section 35.052. "A person has a financial interest in an
organization in which that person is a director, officer, or employee." Id. A financial interest
includes any financial interest of the Council member's immediate family, including his/her
spouse. Id. City Council members who have any financial interest in any matter pending
before the City Council must disclose such interest to other members and may not
participate in the discussion and vote on the matter. Section 35.053(c).

The City Council's Code of Ethics, Section 34.005(b) and (c), states:

It is essential that city government attract those citizens best qualified and
willing to serve. City Council members have legitimate interests
(economic, professional and vocational) of a private nature. City Council
members should not be denied, and should not deny to other city council
members or citizens, the opportunity to acquire, retain and pursue private
interests, economic or otherwise, except when conflicts with their
responsibility to the public cannot be avoided.

Sioux Falls City Charter Section 7.01 and the City Council Code of Ethics instruct: "The
appearance of impropriety shall be avoided."

On the upcoming discussion and vote on the Community Indoor Tennis Center, it is the
opinion of the Board that the Mayor and Cindy Huether factually do not and legally cannot
have any expectation of receiving any pecuniary benefit. Section 35.052. The Mayor and
his wife will not receive any benefits of any kind from their donations or her volunteer
service to the CITC. The Board finds that there is no actual conflict of interest, but to avoid
the possibility of an appearance of any conflict or impropriety, the Mayor's proposed action
to recuse himself from participation in the upcoming discussion or vote on the Resolution to
approve the Agreement with the Community Indoor Tennis Center is appropriate based on
the ethics ordinances.

On the TIF No. 11 matter, the Board notes that Cindy Huether is a private citizen who
should be allowed to invest in projects in the community. Canon Three, Section 34.005(c).
Under the circumstances, her investment in TIF No. 11 was proper. The Board believes
that the Mayor followed the law and properly recused himself from participating and voting
on the TIF No. 11 project once he was informed by his wife that she intended to become an
investor in the project. The Board hereby affirms that the Mayor's action in recusing himself
from the discussion and vote on the Resolution approving the Developer Agreement for
Tax Incremental District No. 11 was correct and in accordance with the letter and spirit of
the law and canons of ethics.

The Board notes that the Mayor has requested guidance for future instances. The Board
believes each instance turns upon its own set of facts so the Board declines to render an
opinion that could cover all future conduct.

Opinion decided December 6, 2013.

Robert Swanhurst, Chair
Board of Ethics  
City of Sioux Falls  
Advisory Opinion No. 07-1

Request for Opinion

What level of involvement can elected officials or citizen members of the Parks Board have in a citizen petition drive that could result in a citywide election? From gathering signatures to publicly campaigning on one side or the other, what level of political activity is permitted?

Facts

The Sioux Falls City Council has previously voted to build an indoor swimming pool at Drake Springs Park. A citizen petition drive was subsequently undertaken to bring the decision of a possible outdoor swimming pool to a citywide election. Mayor Munson has asked for an opinion on the level of involvement elected officials or citizen members of the Parks Board are able to pursue in this effort. The Mayor believes that there will be questions about what level of political activity can be undertaken by proponents or opponents of the outdoor swimming pool who are either elected or appointed to serve on the City Parks Board.

Opinion

Initially, the Board notes that it historically has taken a firm position against the idea of offering speculative or conjectural opinions as to what hypothetical activities may or may not be allowed under the City's ethics provisions or ordinances. However, it is the opinion of the Board that the proposed act of collecting or gathering signatures on a petition would appear to be a violation of Canons 3.3 and 7.0 of the Code of Ethics of the Sioux Falls City Council as found in Appendix E of the Revised Ordinances of Sioux Falls. Further, the Board today opines that the Council's Code of Ethics Canons, as considered and adopted by the City in 2000, are adequate guidelines for Council members to follow in considering their potential level of political involvement on ballot issues such as that which is presented here. In addition, Citizen Parks Board members are cautioned to avoid any financial interest in such political campaigns, as generally outlined under Chapter 12 ½ Article I, Section 12 1/2 -4 (a).

The Board of Ethics otherwise declines to address the issue of or the permitted extent of elected officials or citizen board members "actively campaigning" as that question is too broad and speculative in nature for the Board to appropriately offer an opinion on the same. Should any elected official or Parks Board member have specific questions regarding the campaign as it may progress, the Board of Ethics
would strongly encourage any such members to bring specific questions before this Board for immediate review and consideration.

Finally, the Board would encourage the Mayor and members of the City Council to review the Canons found within the Revised Ordinances of Sioux Falls, Appendix E, with specific attention and thorough consideration being given to the cautionary provisions of Canons 3.0, 3.3, 6.0 and/or 7.0.

Bill O'Connor, Chair

Opinion decided: February 26, 2007
Written opinion approval Feb. 24, 2007
Board of Ethics  
City of Sioux Falls  
Advisory Opinion No. 06-1

Request for Opinion
Can the elected officials of the City of Sioux Falls wear campaign buttons supporting or opposing a ballot issue at an official public meeting?

Facts
A City Council Member recently wore a "YES" button, indicating support for the construction of a new Rec Center, at City Council meetings. Whether or not to construct a new Rec Center was the subject of an upcoming public vote at the time the Council Member wore the "YES" button.

Opinion
City Ordinance 12 ½-40 provides in part:

“All city council members shall act with integrity, impartiality, and dedication to the best interest of the city and the public trust which they hold. The citizens have a right to expect that city council members will conduct themselves in a manner that will tend to preserve public confidence in and respect for the government they represent. The public confidence and respect can best be promoted if city council members uniformly treat all citizens with courtesy, impartiality, fairness, and equality under the law and avoid both actual and potential conflicts between their private self-interest and the public trust.”

City Ordinance 12 ½-44(4) provides in part:

“City officials, shall not take action to . . . grant any special consideration, treatment, or advantage to any citizen, individual, business organization, or group beyond that which is normally available to every other citizen, individual, business organization, or group.”

The First Amendment to the U.S. Constitution states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”
Considering both the above-referenced City Ordinances and the ramifications of the First Amendment, it is the opinion of the Board of Ethics that the wearing of the "YES" button by a City Council member at Council meetings did not present a conflict of interest in view of the political development involving the Rec Center at that particular time. The Board, however, restricted its finding to the specific facts at hand and did not extend this finding to future incidents. Instead, the Board cautioned all City of Sioux Falls elected officials that campaign buttons can offend people and that officials may be better off not wearing them.

Bill O'Connor, Chair

Opinion decided: February 10, 2006

Written opinion approval 5/11/06
Section 7.01 Conflicts of interest; board of ethics.

(a) *Conflicts of interest.* The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official, the use of confidential information; and appearances by city officials before other city agencies on behalf of private interests. The appearance of impropriety shall be avoided. Municipal officials shall be, at a minimum, restricted from conflict of interest to the same extent that state public officials are bound by state law; provided however, that the city council may adopt an ordinance setting a stricter standard.

(b) *Board of ethics.* The city council shall, by ordinance, establish an independent board of ethics to administer and enforce violations of the conflict of interest and financial disclosure ordinances as well as determine violations of Sections 2.05 (a) and (b), 6.01(c), and 7.02 (a) (3), (4), and (5) of this Charter and related ordinances. No member of the board may hold elective or appointed office under the city or any other government or hold any political party office. Insofar as possible under state law, the city council shall authorize the board to issue binding advisory opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to hire independent counsel. The city council shall appropriate sufficient funds to the board of ethics to enable it to perform the duties assigned to it.

(4-13-04, § F; 4-8-08, § J; 4-10-12, § C)
Section 7.02 Prohibitions.

(a) *Activities prohibited.*

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, gender, sexual orientation, age, disability, religion, country of origin, or political affiliation.

(2) No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules, and regulations.

(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with any test, appointment, proposed appointment, promotion, or proposed promotion.

(4) No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription, or contribution for any political party or political purpose to be used in conjunction with any city election from any city employee.

(5) No city employee shall, directly or indirectly, contribute money or anything of value to or render service in behalf of the candidacy of any candidate for nomination or election to any city office. Elected officials and spouses of city employees acting on their own behalf are exempt from this prohibition. The expression of private or personal views concerning candidates for political office is not prohibited hereby.

(b) *Penalties.* Any person violating this section shall be ineligible for a period of five (5) years following such violation to hold any City elected or appointed office or board. If the person violating this section is a city officer or employee, said violation shall be sufficient cause for the suspension, demotion or termination of employment of the officer or employee. The city council may establish by ordinance any further penalties as it may deem appropriate.

(4-11-00, § G; 4-13-04, §§ G, H; 4-12-16, § F)
§ 34.003 CANON ONE.

(a) A city council member shall honor the letter and spirit of the law.

(b) City council members shall support the constitution of the United States, the constitution of the state, the charter of the city and the laws enacted by the congress of the United States, the state and the city pursuant thereto.

(1992 Code, App. E) (Ord. 34-00, passed 4-11-2000)

§ 34.005 CANON THREE.

(a) A city council member should avoid impropriety and the appearance of impropriety in all his or her activities.

(b) It is essential that city government attract those citizens best qualified and willing to serve. City council members have legitimate interests (economic, professional and vocational) of a private nature. City council members should not be denied, and should not deny to other city council members or citizens, the opportunity to acquire, retain and pursue private interests, economic or otherwise, except when conflicts with their responsibility to the public cannot be avoided.

(c) City council members should conduct themselves at all times in a manner that promotes public confidence in the integrity of their office and of city government.

(d) City council members should not allow family, social or other relationships to unduly influence their conduct or judgment and should not lend the prestige of the office of city council member to advance the private interests of others; nor should they convey or permit others to convey the impression that they are in a special position to influence them.

(1992 Code, App. E) (Ord. 34-00, passed 4-11-2000)

§ 34.008 CANON SIX.

(a) A city council member should limit his or her extra-governmental activities to minimize the risk of conflict with his or her official duties.

(b) City council members should inform themselves concerning campaign finance, conflicts of interest and other appropriate city, state and federal laws and should scrupulously comply with the provisions of the laws.

(c) City council members should refrain from financial and business dealings that tend to reflect adversely on the city or on city government or to interfere with the proper performance of official duties.

(d) City council members should manage their personal financial interests to minimize the number of cases in which they must refrain from discussion and voting on matters coming before the city council.
(e) Information acquired by city council members in their official capacity should not be used or disclosed in financial dealings or for any other purpose not related to official duties.

(1992 Code, App. E) (Ord. 34-00, passed 4-11-2000)

§ 34.009 CANON SEVEN.

(a) A city council member should refrain from political activity inappropriate to his or her office.

(b) City council members have a civic responsibility to support good government by every available legal and ethical means, to continue to inform and educate the citizenry about the affairs and processes of city government, and to make themselves available to citizens of the city so that they may ascertain and respond to the needs of the community. In doing so, city council members may join or affiliate with civic organizations that advocate and support the principles consistent with the constitution and laws of the United States and South Dakota. In furtherance of this section, city council members may hold appointed or elected positions within their respective political parties, including, but not limited to, precinct officer.

(c) Candidates for the office of city council member, including incumbents:

(1) Should inform themselves concerning the laws of the city and state with regard to campaigns and relevant disclosure requirements and should scrupulously comply with the provisions of the laws

(2) Should maintain the dignity appropriate to the office

(3) Should not misrepresent their identity, qualifications, present position, or other fact

(4) Should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.

(1992 Code, App. E) (Ord. 34-00, passed 4-11-2000; Ord. 98-14, passed 12-16-2014)
§ 35.054 STANDARDS OF CONDUCT; CITY COUNCIL MEMBERS.

City officials shall not take action to:

(a) Disclose confidential information;

(b) Directly or indirectly use any confidential information which was gained because of their official position or employment for their own personal gain or benefit or for the benefit of others. Disclose or reveal any information or the contents of any discussion which took place in executive session under the provisions of the state open meetings law;

(c) Disclose or reveal any information, or the contents of any discussion, considered during an executive session or closed meeting conducted pursuant to the state open meetings law, held by the city council, any city agency, board, commission, committee or department, except as may be authorized by a majority vote of that body;

(d) Grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group;

(e) Use their elected position to secure special advantages, privileges or exemptions for themselves or others;

(f) Engage in any conduct which may be directly prejudicial to the government of the city or which reflects discredit or dishonor on the government of the city, which conduct causes the city substantial monetary damage or the commission of a criminal act;

(g) Use city supplies, equipment or facilities for any purpose other than the conduct of official city business, unless otherwise provided for by law, ordinance or city policy;

(h) Knowingly perform or refuse to perform any act to deliberately prevent the execution of the city ordinances, rules or regulations, or the achievement of official city programs;

(i) Violate the city’s election ordinances; and

(j) Violate the city’s fraud control policy.

(1992 Code, § 12.5-31) (Ord. 24-09, passed 3-16-2009; Ord. 57-12, passed 8-7-2012) Penalty, see § 35.999
§ 38.004 REQUIREMENT OF REGISTRATION WITH CITY CLERK TO PRECEDE PETITION CIRCULATION FOR INITIATIVE OR REFERENDUM IN A MUNICIPAL ELECTION.

Persons seeking to propose or refer an ordinance or resolution shall first register with the city clerk's office before the petitions are circulated for signatures. Registration shall include the name of the organization, address, contact person and language of the proposed ordinance or resolution, or the title and date of passage of the ordinance or resolution being referred. A copy of the proposed resolution or ordinance will become public when petition circulation effort commences.