

	Friday June 19, 2020 2:00 PM Reconvened on: Friday July 17, 2020 1:00 PM Reconvened on: Tuesday August 11, 2020 3:00 PM	<h1>MINUTES</h1>
	Commission Room 1 st Floor ~City Hall 224 W. Ninth Street Sioux Falls, SD 57104	

FRIDAY JUNE 19, 2020

BOARD MEMBERS PRESENT: Jack Marsh, Sue Roust, Greg LaFollette, Wanda Harris, and Dan Fritz.

BOARD MEMBERS ABSENT: None

STAFF PRESENT: Stacy Kooistra, City Attorney, and Bonnie Woolam, Recording Clerk

CALL TO ORDER

Roll call was taken and with a quorum present, the meeting was called to order at 2:00 p.m. by Board Chair, Jack Marsh.

APPROVAL OF MINUTES

A motion was made by Sue Roust and seconded Greg LaFollette to approve the minutes from the meeting on April 30, 2020. Vote to approve: 5 Yeses. 0 Noes. Motion approved.

PUBLIC INPUT WAS CALLED WITH A 5 MINUTE TIME LIMIT PER PERSON

Bruce Danielson addressed the Board.

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 20-B

Upon request from the Board Chair, City Attorney Kooistra addressed the Board and stated that Complaint 20-B involved an official with the City of Sioux Falls and therefore, he was recusing himself from the proceedings. Attorney Kooistra left the room at that time.

Board Chair recommended that the Board retain Alan Peterson as the Board’s legal counsel with regard to Complaint 20-B. Dan Fritz made a motion to appoint Alan Peterson as counsel for the Board of Ethics with regard to the handling of Confidential Complaint 20-B, Wanda Harris seconded the motion. Vote to approve: 5 Yeses. 0 Noes. Motion approved.

B. CONFIDENTIAL COMPLAINT 20-B FILED 05/18/2020.

The Board invited Alan Peterson to join them at the dais. The Chair requested that Mr. Peterson explain how the Board should proceed. Mr. Peterson stated there was an ethics complaint filed against a city official and under the ordinances of the City of Sioux Falls, the proceedings concerning the complaint would remain confidential. Mr. Peterson laid out the procedures relevant to SDCL 1-25-2 and exceptions allowing for the Board to enter into executive session. Mr. Peterson recommended the Board move into executive session to examine a complaint that addressed the character and performance of an officer.

Greg LaFollette asked Mr. Peterson if it was true that all complaints are confidential unless waived by the accused. Mr. Peterson said that was correct. Mr. LaFollette pointed out that confidentiality had not been waived.

Board Chair requested a motion to move into executive session. Greg LaFollette made a motion to enter executive session and Sue Roust seconded the motion. Attorney Peterson advised that SDCL §§ 1-25-2(1) and (3) provide for moving to a closed session. Alan Peterson addressed the public stating that it was not anticipated that a decision would be made that day and rather than make them wait for 3 hours only to have the hearing continued, he offered to take phone numbers for those who wanted to be contacted in the unlikely chance that the Board came out of executive session. A fifteen minute period would be granted before the public portion of the meeting was resumed.

Vote to approve moving into executive session: Yeses, 5. Noes, 0. Motion approved. The Board clerk gathered phone numbers from the public in attendance in the event the executive session ended before the end of the day.

The Board went into executive session at 2:14 p.m.

Executive session to discuss a personnel matter pursuant to SDCL 1-25-2(1) and consulting with legal counsel pursuant to SDCL 1-25-2(3).

The Board recessed at 5:48 pm to reconvene at a later date yet to be determined and noticed to the public.

**FRIDAY JULY 17, 2020
RECONVENING FROM FRIDAY JUNE 19, 2020**

BOARD MEMBERS PRESENT: Jack Marsh, Sue Roust, Greg LaFollette, Wanda Harris.

BOARD MEMBERS ABSENT: Dan Fritz.

STAFF PRESENT: Bonnie Woolam, Recording Clerk

BOARD ATTORNEY: Alan Peterson

CALL TO ORDER

Roll call was taken and with a quorum was present, the meeting was called to order at 1:00 p.m. by Board Chair, Jack Marsh. The Chair made note that the Board Attorney Alan Peterson was in attendance and Dan Fritz was unable to attend.

PUBLIC INPUT WAS CALLED WITH A 5 MINUTE TIME LIMIT PER PERSON

Bruce Danielson addressed the Board.

BUSINESS OR PENDING ISSUES BROUGHT BEFORE THE BOARD

Board chair Jack Marsh requested a motion to move back into executive session. Greg LaFollette made a motion to enter executive session. Motion was seconded by Wanda Harris. No discussion. Vote to approve: 4 Yeses. 0 Noes. Motion approved. There was a question from Pat Starr if the Board planned to come out of executive session to adjourn. He requested that the clerk to take phone numbers to call them when the Board came out of executive session before any vote would take place. Phone numbers were taken from those who wished to be contacted. Board Chair Jack Marsh asked members of the public to clear the room.

The Board went into executive session at 1:10 p.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).

Parties were called and notified that the meeting would reopen to the public at 2:25 p.m. Public meeting resumed at 2:25 p.m.

The chair announced that the meeting was back in session and requested a motion to come out of executive session.

A motion was made by Greg LaFollette and seconded by Sue Roust to come out of executive session. No discussion. Vote to Approve: 4 Yeses. 0 Noes. Motion approved.

Sue Roust made a motion to recess with the intent to reconvene on Tuesday August 11 at 3:00 pm to further consider confidential Complaint 20-B. The motion was seconded by Wanda Harris. No discussion. Vote to Approve: 4 Yeses. 0 Noes. Motion approved.

The Board recessed at 2:28 pm.

**TUESDAY AUGUST 11, 2020
RECONVENING FROM FRIDAY JULY 17, 2020**

BOARD MEMBERS PRESENT: Jack Marsh, Sue Roust, Greg LaFollette, Wanda Harris, Dan Fritz.

BOARD MEMBERS ABSENT: None

STAFF PRESENT: Bonnie Woolam, Recording Clerk

BOARD ATTORNEY: Alan Peterson

CALL TO ORDER

Chairman Jack Marsh called the meeting to order at 3:00 PM. The clerk called the roll and all members of the Board of Ethics were present. The Chair made note that Board Attorney Alan Peterson was in attendance. The Chair noted that a quorum was present and the Board would proceed with the Agenda as distributed.

PUBLIC INPUT WAS CALLED WITH A 5 MINUTE TIME LIMIT PER PERSON

No members of the public stepped forward to offer public input.

BUSINESS OR PENDING ISSUES BROUGHT BEFORE THE BOARD

Board chair Jack Marsh requested a motion to move back to executive session to proceed with Item #3 on the Agenda, consideration of Complaint 20-B filed on May 18, 2020 pursuant to 1-25-2(1) and 1-25-2(3).

Greg LaFollette moved to go into executive session. The motion was seconded by Sue Roust. No discussion. Vote to approve: 4 Yeses. 0 Noes. Motion approved.

The Board went into executive session at 3:04 p.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 board opened the meeting to the public at 3:36 PM.

The Chair opened the meeting by requesting a motion to come out of executive session. A motion was made by Sue Roust and seconded by Wanda Harris to come out of executive session. No discussion. Vote to Approve: 5 Yeses. 0 Noes. Motion approved.

The Chair invited a motion regarding disposition of Complaint 20-B.

Wanda Harris made a motion to approve the draft report as to Complaint 20-B that was discussed in executive session. The Board chair was authorized to sign a report for delivery to the City Council as soon as practical. The motion was seconded by Dan Fritz.

The Chair stated for clarity that the complaint remained confidential and the report regarding the disposition of the complaint remained confidential until delivered to City Council and disclosure would be decided by City Council. The Chair requested any further comments or discussion.

The Chair called for a roll call vote:

Dan Fritz	Yes
Sue Roust	Yes
Greg LaFollette	Yes
Jack Marsh	Yes
Wanda Harris	Yes

Vote to Approve: 5 Yeses. 0 Noes. Motion approved.

The motion was read again pursuant to request from the public.

Greg LaFollette made a motion for adjournment, with the motion being seconded by Dan Fritz. Vote to Approve: 5 Yeses. 0 Noes. Motion approved.

ADJOURNMENT

Meeting adjourned at 3:40 p.m.

NEXT MEETING

No specific date for the next meeting was scheduled.

Respectfully submitted,
Bonnie Woolam
Recording Clerk