

MINUTES

Thursday, October 28, 2010 at 10:30 AM

**Board of Ethics
Special Meeting**

Commission Room – First Floor – City Hall
224 West Ninth Street, Sioux Falls, SD



ROLL CALL

BOARD MEMBERS PRESENT: Mike McKnight, Howard Paulson and Mari Robbennolt

BOARD MEMBERS ABSENT: Bob Swanhorst and Bill O'Connor

STAFF PRESENT: David Pfeifle, City Attorney and Cari Hanzel, Recording Clerk

OTHERS/GUESTS PRESENT: Council Members Jamison and Aguilar

Board Chair Mike McKnight called the meeting to order at 10:33 a.m.

APPROVAL OF MINUTES

A motion was made by Mari Robbennolt and seconded by Howard Paulson to approve the minutes from the Special Meeting of August 26, 2010. Three Yeses. Motion carried.

BUSINESS OR ISSUES BROUGHT BEFORE THE BOARD

1. Open Meetings Commission Matter.

David Pfeifle advised the Board of an open meetings complaint filed with the Minnehaha County State's Attorney and subsequently the Open Meetings Commission by Kermit Staggers. The complaint concerned the Board's May 4, 2010 meeting where action was taken by the Board in executive session.

Pfeifle recommended that the Board admit to the violation of the open meetings law with the explanation that it had relied on counsel's erroneous legal advice and that the Board had no intent to disregard state law.

Pfeifle went on to explain the Commission's procedure and the possibility of a public reprimand.

A motion was made by Mike McKnight and seconded by Mari Robbennolt to authorize Mr. Pfeifle to proceed with the admission as Mr. Pfeifle recommended. Three Yeses. Motion carried unanimously.

Pfeifle asked for the Board's permission to appear on the Board's behalf before the Open Meetings Commission should it be necessary to explain the Board's position as previously stated.

Mike McKnight amended his motion to include permission for Dave Pfeifle to appear on the Board's behalf before the Open Meetings Commission should it be necessary to explain the Board's position as previously stated. The amended motion was seconded by Mari Robbennolt. Three Yeses. Motion carried unanimously.

NEXT MEETING

No future meetings scheduled at this time.

ADJOURNMENT

A motion was made by Howard Paulson and seconded by Mari Robbennolt to adjourn. Three Yeses. Motion carried. Meeting adjourned at 10:40 a.m.

Respectfully submitted,

Cari Hanzel
Recording Clerk