

<h1>AGENDA</h1>	Thursday, September 19, 2013 at 4:00 p.m.	
<b>Board of Ethics Quarterly Meeting</b>	Commission Room 1st Floor ~ City Hall 224 West Ninth Street Sioux Falls, South Dakota	

1. CALL TO ORDER
  
2. APPROVAL OF MINUTES FROM MAY 30, 2013 SPECIAL MEETING
  
3. APPROVAL OF WRITTEN ADVISORY OPINION 13-1
  
4. ANY BUSINESS OR PENDING ISSUES TO BE BROUGHT BEFORE  
THE BOARD
  
5. ADJOURNMENT

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**BOARD OF ETHICS MEMBERS:**

Bob Swanhorst, Chair  
Jeff Gednalske  
Carol Knudtson  
Greg LaFollette  
Ronald Sisk

**CITY STAFF:**

David A. Pfeifle, City Attorney  
Cari Hanzel, Paralegal/Recording Clerk

# MINUTES

Thursday, May 30, 2013 at 3:00 p.m.



## ***Board of Ethics Special Meeting***

City Hall - Commission Room  
224 West Ninth Street, Sioux Falls, SD

**BOARD MEMBERS PRESENT:** Jeff Gednalske, Carol Knudtson, Greg LaFollette, Ron Sisk and Bob Swanhorst,

**BOARD MEMBERS ABSENT:** None

**STAFF PRESENT:** Dave Pfeifle, Sioux Falls City Attorney and Cari Hanzel, Recording Clerk

**GUESTS:** Jill Franken, Alicia Collura and Mary Michaels

### **CALL TO ORDER**

A quorum being present, the meeting was called to order by Board Chair Bob Swanhorst at 3:00 p.m.

### **APPROVAL OF MINUTES**

A motion was made by Carol Knudtson and seconded by Greg LaFollette to approve the minutes from the Quarterly Meeting on March 29, 2013. Four Yeses. Jeff Gednalske abstained as he was absent from the previous meeting. Motion carried.

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

- A. *Request for Advisory Opinion received May 6, 2013 from Alicia Collura, Sioux Falls Health Department regarding the Live Well Sioux Falls initiative.*

Alicia Collura, Jill Franken and Mary Michaels presented information to the Board regarding the Health Department's new Live Well Sioux Falls initiative, asking the Board for help in developing strategies to accept funds offered and to be proactive in soliciting for funds to support and further the program.

Franken explained that there have been changes made to the non-profit rules for health entities, requiring them to be more involved in communities' health needs.

Franken explained about the Live Well Sioux Falls Coalition, a group of people from all different aspects of the City that have come together to help further this initiative.

Discussion was had regarding event sponsorship verses program sponsorship and potential policies regarding the recognition of contributors.

The Board encouraged the Health Department to come back with specific questions or problems as they arise. In addition, Swanhorst suggested that they come back in one year for a review.

LaFollette recommended that every contributor or sponsor be considered either a single event sponsor or an ongoing sponsor. If it's a single event, there should be a published price list. If it's a general or ongoing sponsorship, there should be levels of sponsorship set and published.

It was further recommended that sponsors be recognized by developing levels of giving and that sponsors be informed how their donations are being used. The Health Department indicated that it could provide ongoing sponsors with a list of programs their donations would go to support.

Sisk made a motion:

1. To approve, in principle, the Health Department proceeding with the plan to develop a sponsorship program for the Live Well Sioux Falls initiative;
2. To recommend that the program include standards for single events and ongoing sponsorship; and
3. To have the Health Department report back in one year as to the status of the program and to gain further feedback from the Board.

Knudtson suggested that Sisk add to the motion under No. 2 as follows:

- (a). To recommend that the Health Department be as inclusive as possible when seeking sponsorships.

Sisk amended his motion to add the suggestion from Knudtson.

Gednalske suggested that Sisk add to the motion under No. 2 as follows:

- (b). To recommend that the Health Department develop their own policies to guide them in seeking and/or accepting sponsorships.

Sisk amended his motion to add the suggestion from Gednalske.

The motion was then read in its entirety. Jeff Gednalske seconded the motion. Five Yeses. Motion carried.

A motion was made by Greg LaFollette and seconded by Carol Knudtson to allow counsel for the Board of Ethics, David Pfeifle, to draft a written advisory opinion consistent with the discussions and motion of the Board. Five Yeses. Motion carried.

### **NEXT MEETING**

No specific date for the next meeting was scheduled.

An invitation is extended to the Health Department to come back before the Board at its 2<sup>nd</sup> quarter meeting of 2014 for a one-year review of the sponsorship plan for Live Well Sioux Falls. The actual date of this meeting will be set and notice sent out in the spring of 2014.

### **ADJOURNMENT**

A motion was made by Greg LaFollette and seconded by Carol Knudtson to adjourn. Motion carried. Meeting adjourned at 4:15 p.m.

Respectfully submitted,

Cari Hanzel  
Recording Clerk

**Board of Ethics  
City of Sioux Falls  
Advisory Opinion No. 13-1**

**Request for Opinion**

The Health Department has requested an opinion regarding the seeking of and/or acceptance of sponsorships and partnership opportunities to support the Live Well Sioux Falls initiative.

**Facts**

A primary goal of the City of Sioux Falls and the City Health Department in particular is to improve the quality of life of the community and to understand and influence the health and well-being of citizens. In that regard, the City is instituting an initiative called Live Well Sioux Falls, which will be a long-term project to change the way of thinking and shaping future decisions about health issues in the community. To provide for sustainable community-level changes, impact infrastructure and aid in shifting social norms related to health, unique community partnerships between the City and area organizations and individuals must be formed and different approaches implemented. The Health Department would like to ensure the long-term sustainability of health promotion and prevention initiatives through Live Well Sioux Falls by providing opportunities for sponsorships and partnerships. These opportunities would be designed to ensure that they provide a community benefit.

Some examples of sponsorship opportunities could include: businesses providing funds for expanded functionality of the Live Well website; sponsorships in kind (e.g. food, printing costs) for the Community Leaders Breakfast as part of the Healthy Design Summit or for the Live Well Work Well event in the fall; providing funds and in-kind donations to develop a Live Well “kiosk” to utilize for community events, health fairs and health screenings (display materials, screening equipment); and enhancing the City’s ability to apply for grants like Wellmark’s MATCH Grant, which requires a dollar-for-dollar match from other community organizations or businesses.

**Opinion**

Section 35.029 of the Code of Ordinances of Sioux Falls, SD provides as follows:

- (a) No officer or employee shall directly or indirectly solicit any gift, or accept any gift whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee, in the performance of official duties, or was intended as a reward for any official action.

(b) Legitimate political contributions are not gifts under the provisions of this subchapter.

(c) It is not a conflict of interest for any official or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value.

It is the opinion of the Board that the City Health Department's involvement in the Live Well Sioux Falls program and specifically in the solicitation of sponsorships from area organizations does not violate the City's conflicts of interest ordinance. While City employees would be soliciting such sponsorships, it could not be reasonably inferred that any such sponsorship donation to the program would be intended to influence a particular City employee as the program is tailored for a community-wide benefit, not merely for the benefit of City employees. The Live Well Sioux Falls program should develop standards for single event and on-going sponsorships. The program shall be as inclusive as possible in providing sponsorship opportunities for anyone in the community. The Health Department will develop standards, implement the program, and return to the Board within one year to apprise the Board of the standards implemented and discuss the need, if any, for further guidance.

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Robert Swanhorst, Chair

Opinion decided: May 30, 2013.

Written opinion approval \_\_\_\_\_