

MINUTES	Wednesday, August 10, 2016 at 11:00 a.m.	 CITY OF SIOUX FALLS
BOARD OF ETHICS QUARTERLY MEETING	Commission Room 1st Floor ~ City Hall 224 West Ninth Street Sioux Falls, South Dakota	

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

BOARD MEMBERS ABSENT: None

STAFF PRESENT: Dave Pfeifle, Sioux Falls City Attorney and Cari Hanzel, Board Liaison/Recording Clerk

CALL TO ORDER

A quorum being present, the meeting was called to order by Board Chair Greg LaFollette at 11:01 a.m.

APPROVAL OF MINUTES

A motion was made by Jack Marsh and seconded by Wanda Harris to approve the minutes from the Quarterly Meeting on June 30, 2016. Vote to approve: 3 Yeses. Motion passed.

BUSINESS OR PENDING ISSUES BROUGHT BEFORE THE BOARD

A. REQUEST FOR ADVISORY OPINION FILED JULY 25, 2016.

Assistant Police Chief Galen Smidt, appearing by phone before the Board, reviewed the Request for Advisory Opinion he filed on behalf of the Sioux Falls Police Department on July 25, 2016.

Assistant Chief Smidt explained that, as a means of showing support for the Police Department, two churches in the community dropped off a total of 300 thank you cards. Each card contained an anonymous handwritten note of encouragement along with a gift card to a local Sioux Falls restaurant, coffee shop, etc. in amounts ranging from \$5 to \$25. There were enough cards donated that each sworn and civilian employee of the Police Department could receive a card.

The Police Department policy on the acceptance of gifts was read.

The Board agreed with Police Department policy that if a gift of food or beverage could be consumed on premises then it could be accepted.

David Pfeifle reviewed the relevant ordinances of the City as well as a couple of prior Ethics Board decisions with similar factual scenarios.

The Board was not interested in setting a threshold amount defining nominal intrinsic value.

The Board discussed the outpouring of support and the fact that these thank you cards were given with the best intentions.

Discussion was had regarding the value of the gift cards as a whole verses their nominal value if considered individually.

The two churches that dropped off the handwritten notes of encouragement with gift cards were identified as King of Glory and Linwood Wesleyan.

The Board also discussed the fact that the gifts were unsolicited, were unrelated to any specific action of the Police Department and were not given in exchange for special consideration.

The Board reviewed the Police Department policy again.

The Board invited public input. Bruce Danielson addressed the Board.

A motion was made by Jack Marsh to advise the Police Department to not accept the gift cards despite the Board's feeling that there was no impropriety in the intentions of the two organizations and their parishioners and to return the gift cards to the churches.

After a brief discussion, an amended motion was made by Jack Marsh that the Board does not question the donors' motives, however it is the feeling of this Board that the gift cards not be accepted. No second.

Greg LaFollette asked for a substitute motion.

A motion was made by Jeff Gednalske that the Board advise the Police Department to refer to and follow its existing policy. Gednalske then withdraws motion.

A motion was made by Wanda Harris that the Board follow the letter of the policy of the Police Department and recommend that these gift cards not be accepted.

A motion was made by Jack Marsh and seconded by Wanda Harris that the Board recommends that the Police Department does not accept the donated gift cards. No further discussion was had. Vote to approve: Roll Call: Yeses, Jeff Gednalske, Wanda Harris, Jack Marsh, 3. Noes, 0. Motion Passed.

A motion was made by Jeff Gednalske and seconded by Wanda Harris 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. Vote to approve. 3 Yeses. Motion passed.

Assistant Chief Smidt asked the Board if they could open the envelopes, remove the gift cards and distribute just the notes of encouragement to Police Department employees. They would then contact the churches about returning the gift cards. The Board approved.

NEXT MEETING

No specific date for the next meeting was scheduled.

ADJOURNMENT

A motion was made by Jack Marsh and seconded by Jeff Gednalske to adjourn the meeting. Meeting adjourned at 11:49 a.m.

Respectfully submitted,

Cari Hanzel
Board Liaison/Recording Clerk