

MINUTES	Thursday April 30, 2020 3:00 p.m.	 CITY OF SIOUX FALLS
Board of Ethics Meeting	Carnegie Town Hall Council Chambers 235 W. 10th Street Sioux Falls, SD 57104	

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 being present, the meeting was called to order at 3:00 p.m.

Board Chair, Jack Marsh called the meeting to order.

APPROVAL OF MINUTES

A motion was made by Dan Fritz and seconded by Sue Roust to approve the minutes from the meeting on March 6, 2020. Vote to approve: 5 Yeses. 0 Noes. Motion approved.

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-A

Upon request from the Board Chair, City Attorney Kooistra advised the Board of the procedure for a confidential complaint and stated that the accused did not waive confidentiality. City Attorney Stacy Kooistra advised the Board that he must recuse himself from all matters dealing with Complaint 20-A and further suggested that the Board hire independent counsel to advise the Board going forward.

Board Chair recommended that the Board retain Alan Peterson to handle the matter. Greg LaFollette made a motion to appoint Alan Peterson as counsel for the Board of Ethics in regard to

the handling of confidential Complaint 20-A. Sue Roust seconded the motion. Vote to approve: 5 Yeses. 0 Noes. Motion approved.

Mr. Kooistra left the meeting and Alan Peterson joined the Board at the dais.

B. CONFIDENTIAL COMPLAINT 20-A FILED 03/04/2020

Mr. Peterson advised that the Board should move to executive session to determine jurisdiction of the complaint and advised that the Board move out of executive session with the findings of the Board and complete a vote on the record. Mr. Peterson advised that SDCL §§ 1-25-2(1) and (3) provide for moving to a closed session to discuss complaints involving employees, officers, as well as discussions with the Board's attorney.

Dan Fritz made a motion to enter executive session pursuant to SDCL § 1-25-2(1) to address Complaint 20-A involving a personnel matter and SDCL § 1-25-2(3) to consult with counsel. Wanda Harris seconded the motion. Vote to approve: Yeses, 5. Noes, 0. Motion approved.

Chair Jack Marsh asked Alan Peterson who should remain in the room for executive session. Alan Peterson responded that only the Board members, Board clerk and Board attorney should remain. The Public was asked to leave the room and the PA system was turned off. The Board went into executive session at 3:09 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 meeting was reopened to the public at 3:50 p.m.

Greg LaFollette moved that Ethics Complaint 20-A, dated March 4, 2020 be dismissed without prejudice by this Board for lack of jurisdiction to hear the Complaint alleging a violation of Ordinance § 35.029 as the cited ordinance does not apply. The motion was seconded by Sue Roust. Vote to approve: 5 Yeses. 0 Noes. Motion passes.

NEXT MEETING

No specific date for the next meeting was scheduled.

PUBLIC INPUT WAS CALLED WITH A 5 MINUTE TIME LIMIT

John Cunningham asked who had jurisdiction on the matter. He was advised by the Chair that the ruling would stand and the Board could not provide him with legal advice.

Bruce Danielson advised the Board that they were in violation of the state open meetings law for not including a reference to "Public Input" in the posted agenda and he admonished the Board.

Councilor Janet Brekke addressed the Board regarding § 35.029 and § 35.053 and offered her opinion that the ordinances were the same concept and admonished the Board for their decision not to advise the Complainant of the correct ordinances and amend the Complaint. Councilor Brekke further advised the Board that, in her official capacity, she was going to reach out to the Complainant pursuant to 35.053(d) and advise the Complainant of the proper ordinance to cite for his Complaint.

ADJOURNMENT

Upon conclusion of public input, a motion was made by Dan Fritz and seconded by Wanda Harris to adjourn the meeting. Vote to approve: 5 Yeses. 0 Noes. Motion approved. Meeting adjourned at 4:01 p.m.

Respectfully submitted,

Bonnie Woolam
Recording Clerk