	Wednesday, Aug. 26, 2020 at 9:00 a.m.	<h1>MINUTES</h1>
	Commission Room 1 st Floor, City Hall 224 W. Ninth Street Sioux Falls, SD 57104	<h2>Board of Ethics Meeting</h2>

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 9:00 a.m. The clerk took the roll and all members of the Board of Ethics were present. The Chair acknowledged a quorum and the meeting proceeded.

Chairman Marsh explained that the draft meeting minutes under consideration covered three sessions dealing with Complaint 20-B. Marsh suggested two revisions to the minutes, on page 5 of the minutes for Tuesday, Aug. 11, 2020. Marsh read the changes.

The Chair invited a motion to approve the minutes as amended. Motion by Dan Fritz; seconded by Sue Roust. No discussion. Vote to approve: 5 Yes. 0 No. Motion approved.

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

John Cunningham addressed the Board
 Councilor Greg Neitzert addressed the Board
 John Cunningham addressed the Board a second time
 Councilor Janet Brekke addressed the Board
 John Cunningham addressed the Board a third time

BUSINESS OR PENDING ISSUES BROUGHT BEFORE THE BOARD

Chair Marsh acknowledged receipt on Aug. 20 of City Council's Aug. 18 remand and request for clarity on the report submitted to City Council by the Board of Ethics on Aug. 11, 2020. Chair Marsh stated that it was his understanding that the Board's report concluded the Board's consideration of

Complaint 20-B and that jurisdiction had transferred from the Board of Ethics to the City Council as of Aug. 11.

Board members concurred that an executive session was not necessary to consult with legal counsel and to consider the remand from City Council.

The meeting continued in open public session.

Board Attorney Alan Peterson cited 35.058(c) of the complaint procedure. The Board discussed its obligations and responsibilities under the ordinance as well as options available to the Board in response to the questions posed by City Council. The issue of confidentiality of prior proceedings and documents was discussed, in light of the waiver of confidentiality from the accused, Councilor Greg Neitzert, received by letter on Aug. 24, 2020. Board counsel advised that the Board could choose to answer the questions posed but was not required to do so.

Board members discussed the Council's remand of 20-B and the questions posed. The board reached consensus that answers to the questions were included in the Board's original report of Aug. 11 and that further elaboration was unnecessary. Furthermore, following discussion, the board reached consensus that Chapter 35, Code of Ordinances, explains the processes for handling and disposition of Complaint 20-B by City Council, including the recommendations and findings forwarded by the Board of Ethics.

Chair Marsh recognized Greg LaFollette for a motion.

Greg LaFollette moved: The Sioux Falls Board of Ethics hereby returns City Council's remand with a comment that the Board's report stands as submitted. Motion died for lack of a second.

Chair Marsh recognized Wanda Harris for a substitute motion. Moved by Wanda Harris; seconded by Sue Roust: The Sioux Falls Board of Ethics hereby responds to City Council and recommends review of the Board's previously submitted official report for answers to the questions posed. The Board of Ethics further recommends that the Council review Chapter 35, Code of Ordinances, Sioux Falls, for guidance pertinent to the Council's jurisdiction over and disposition of this matter.

There was further discussion. LaFollette called the question. Chair Marsh directed the clerk to take a roll call vote on the motion.

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

Vote to Approve: 5 Yes. 0 No. Motion approved.

The matter was referred back to Sioux Falls City Council. (Note: Following the meeting, Chair Marsh sent a letter (copy attached) to City Council, informing City Council of the Board's action. The letter was delivered to the City Clerk's Office on the same day, Aug. 26.)

Greg LaFollette moved to adjourn; seconded by Sue Roust
Vote to adjourn: 5 Yes. 0 No. Motion approved. Meeting adjourned at 10:14 a.m.

NEXT MEETING

Not set.

Respectfully submitted,

Bonnie Woolam
Recording Clerk

August 26, 2020

Hand-delivery

Sioux Falls City Council
235 W. 10th Street
Sioux Falls, SD 57104

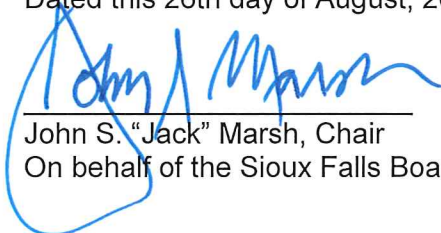
Re: Ethics Complaint 20-B

Dear Honorable City Council Members:

The Sioux Falls Board of Ethics, meeting today in public session, reviewed and discussed the Council's remand resolution of Complaint 20-B, received on Aug. 20, 2020. The following motion was approved 5-0.

Moved by Wanda Harris and seconded by Sue Roust: "The Sioux Falls Board of Ethics hereby responds to City Council and recommends review of the Board's previously submitted official report for answers to the questions posed. The Board of Ethics further recommends that the Council review Chapter 35, Code of Ordinances, Sioux Falls, for guidance pertinent to the Council's jurisdiction over and disposition of this matter." Roll call vote. Yes: Jack Marsh, Sue Roust, Greg LaFollette, Wanda Harris, Dan Fritz. Unanimously adopted.

Dated this 26th day of August, 2020



John S. "Jack" Marsh, Chair
On behalf of the Sioux Falls Board of Ethics