

ORDINANCE NO. 3831**AN ORDINANCE AMENDING CHAPTER 2.08 OF THE RAPID CITY MUNICIPAL CODE BY ADDING A NEW SECTION 2.08.110 RELATING TO CONFLICTS OF INTEREST AND STANDARDS OF CONDUCT FOR ELECTED OFFICIALS**

BE IT ORDAINED by the City of Rapid City that Section 2.08.110 of Chapter 2.08 of the Rapid City Municipal Code be added to read as follows:

Section 2.08.110 Conflicts of Interest and Standards of Conduct for Elected Officials**A. Declaration of Policy**

All elected officials shall act with integrity, impartiality, and dedication to the best interest of the city and the public trust which they hold. The citizens have a right to expect that elected officials will conduct themselves in a manner that will tend to preserve public confidence in and respect for the government they represent. The public confidence and respect can best be promoted if elected officials uniformly treat all citizens with courtesy, impartiality, fairness, and equality under the law and avoid both actual and potential conflicts between their private self-interest and the public trust.

B. Conflicts of Interest – Elected Officials

It shall be unlawful for elected officials to participate, vote on, or otherwise influence any city council, committee, board, or commission action in which they have a direct or indirect financial interest. Every elected official who voluntarily participates, votes on, or otherwise influences any such city action in which they have a financial interest shall be guilty of violating this section and therefore subject to the penalties contained in § 1.12.010. Further, such a conflict of interest shall be grounds for expulsion whenever two-thirds of the remaining membership of the council shall concur pursuant to Rapid City Municipal Code § 2.08.100.

C. Financial Interest – Defined

Financial Interest means an expectation of receiving a pecuniary benefit. A financial interest of an elected official includes any financial interest of a member of that person's immediate family. An elected official has a financial interest in an organization in which that person has an ownership interest, or is a director, officer or employee. An elected official has a financial interest in a decision if a financial interest of that person will vary with the outcome of the decision. A financial interest does not include the following:

1. A personal or financial interest which is not of the magnitude that would exert an influence on an average, reasonable person.

2. A personal or financial interest of a type which is generally possessed by the public or a large class of persons to which that elected official belongs.
3. An action or influence which would have an insignificant or conjectural effect on the matter in question.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
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Chapter 12 1/2
CONFLICTS OF INTEREST OF OFFICERS AND EMPLOYEES AND ETHICS BOARD

ARTICLE I.
CONFLICTS OF INTEREST OF OFFICERS AND EMPLOYEES AND THE BOARD OF ETHICS

Sec. 12 1/2-1. Declaration of policy.

The proper operation of a republic requires that public officers and employees be honest, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. This article applies to city officers and employees, whether appointed, paid or unpaid, including members of all boards, commissions, and committees of the city. The purpose of these regulations is to establish guidelines setting forth those actions which are incompatible with the best interest of the citizens of the city and directing disclosure by such officers and employees of private financial or other interests in matters affecting city government. This article does not apply to the mayor and council members.

(Ord. No. 88-95, § 1, 6-19-95; Ord. No. 33-00, § 1, 4-10-00)

Sec. 12 1/2-2. Construction.

This article shall be liberally construed to protect the public interest in full disclosure of conflicts of interest and promoting ethical standards of conduct for municipal officers, employees, members of city agencies, and all advisory boards.

(Ord. No. 88-95, § 1, 6-19-95; Ord. No. 33-00, § 1, 4-10-00)

Sec. 12 1/2-3. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity, or entity.

City agency means any authority, advisory board, body, commission, committee, department, unit, division, or office of the city.

Confidential information means all information, including information described in section 12 1/2-6.1 whether transmitted verbally or in writing, which is not, at the time, a public record pursuant to SDCL 1-27-1.

Financial interest means an expectation of receiving a pecuniary benefit. A financial interest of a person includes any financial interest of a member of that person's immediate family. A person has a financial interest in an organization in which that person has an ownership interest, or is a director, officer or employee. A person has a financial interest in a decision if a financial interest of that person will vary with the outcome of the decision. A financial interest does not include the following:

- (1) A personal or financial interest which is not of the magnitude that would exert an influence on an average, reasonable person.
- (2) A personal or financial interest of a type which is generally possessed by the public or a large class of persons to which that official or employee belongs.
- (3) An action or influence which would have an insignificant or conjectural effect on the matter in question.

Immediate family means any person related to an officer or employee within the first degree of consanguinity and includes a spouse, parent, child, grandparent, grandchild, or an individual claimed by that individual or the spouse as a dependent for federal income tax purposes.

Income means any money or thing of value received or to be received as a claim on future services, whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, and shall include all income from whatever source derived.

Officer or employee means any person appointed to, or employed or retained by, any public office or public body of the city, whether paid or unpaid and whether temporary, part-time, or full-time.

(Ord. No. 88-95, § 1, 6-19-95; Ord. No. 73-97, § 1, 10-20-97; Ord. No. 33-00, § 1, 4-10-00)

Sec. 12 1/2-4. Conflicts of interest; acting in an official capacity on matters in which an official or employee has a private financial interest clearly separate from that of the general public.

(a) No officer or employee of the city shall knowingly have a financial interest clearly separate from that of the general public in any contract, transaction, zoning decision, or other matter which is subject to an official act of the city. This provision shall not apply if the interested officer or employee discloses by communication to the city council the nature and extent of such interest and disqualifies himself or herself from consideration or participation in the matter.

(b) This section is not applicable if an interested officer or employee does not act, directly or indirectly, for the city as to inspection or performance under such matter. In addition, this section does not apply if the interested officer or employee is an employee of a business involved in the matter and has no ownership interest or will not receive a fee.

(Ord. No. 88-95, § 1, 6-19-95)

Sec. 12 1/2-5. Acceptance of gifts and other things of value.

(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 chapter.

(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.

(Ord. No. 88-95, § 1, 6-19-95)

Sec. 12 1/2-6. Disclosure of confidential information.

During the period of employment or service and for two years thereafter, no officer or employee, with respect to any contract, transaction, zoning decision, or other matter which is or may be the subject of an official act or action of the city shall, without appropriate authorization, disclose confidential information concerning the property, government, or affairs of the city. In addition, no officer or employee shall use such information to advance the financial or other private interest of the officer or employee or others.

(Ord. No. 88-95, § 1, 6-19-95; Ord. No. 73-97, § 2, 10-20-97)

Sec. 12 1/2-6.1. Disclosure of confidential or privileged information prohibited.

No member of any city agency may publicly disclose information received, discussed, or decided in executive session or in conference with legal counsel which is protected by the attorney/client privilege or has been confidentially disclosed at a meeting held subject to the provisions of SDCL 1-25-2, unless a majority of the members of the city agency has authorized that disclosure or unless a disclosure is authorized by a court of competent jurisdiction.

(Ord. No. 73-97, § 3, 10-20-97; Ord. No. 33-00, § 1, 4-10-00)

Sec. 12 1/2-7. Appearances by city officials on behalf of private interests.

No officer or employee, except when acting in an official capacity, shall appear on behalf of any private person before any city agency. This section shall not apply to any officer who has fully informed the city agency of the officer's private interest in a matter and the officer does not participate in any decision related thereto.

(Ord. No. 88-95, § 1, 6-19-95; Ord. No. 73-97, § 4, 10-20-97; Ord. No. 33-00, § 1, 4-10-00)

Sec. 12 1/2-8. Prohibited conduct after leaving the city.

No present or former officer or employee may represent another person for compensation before the city or any public body thereof while in office or employed for a period of two years from the date of termination of their office or employment concerning any matter with which such officer or employee was directly concerned and in which such officer or employee personally participated during the employment or service by a substantial and material exercise of administrative discretion either during their holding of office or employment or for a period of two years thereafter.

(Ord. No. 88-95, § 1, 6-19-95)

Sec. 12 1/2-9. Board of ethics created.

There is hereby created a board which shall be known as the board of ethics which shall consist of five members.

(Ord. No. 88-95, § 1, 6-19-95)

Sec. 12 1/2-10. Qualifications.

No member of the board may be an officer or employee of the city or any other governmental unit, including a school district, or hold any political party office. No member of the board may endorse or engage in any political or campaign activity on behalf of any candidate for city office.

(Ord. No. 88-95, § 1, 6-19-95; Ord. No. 26-99, § 5, 3-1-99)

Sec. 12 1/2-11. Appointment.

The members of the board of ethics shall be appointed by the mayor with the advice and consent of the city council.

(Ord. No. 88-95, § 1, 6-19-95)

Sec. 12 1/2-12. Terms

The members of the board of ethics shall be appointed for staggered terms of four years.

(Ord. No. 88-95, § 1, 6-19-95; Ord. No. 33-00, § 1, 4-10-00)

Sec. 12 1/2-13. Compensation.

No member of the board of ethics shall receive a salary. Members may be reimbursed for expenses in accordance with city policy.

(Ord. No. 88-95, § 1, 6-19-95)

Sec. 12 1/2-14. Chairperson.

The board of ethics shall annually select a chairperson from its members.

(Ord. No. 88-95, § 1, 6-19-95; Ord. No. 33-00, § 1, 4-10-00)

Sec. 12 1/2-15. Meetings.

(a) The board of ethics may meet in executive session pursuant to state law.

(b) The board of ethics shall meet at least quarterly.

(Ord. No. 88-95, § 1, 6-19-95)

Sec. 12 1/2-16. Quorum.

Except as provided in section 12 1/2-20 of this code, three members of the board of ethics shall constitute a quorum for the transaction of business coming before it.

(Ord. No. 88-95, § 1, 6-19-95)

Sec. 12 1/2-17. Complaints.

(a) Any person who is a resident of the city or is doing or attempting to do business with the city may file a complaint with the board. Such complaint shall be in writing, signed and dated, and include an address and telephone number.

(b) All complaints shall remain confidential until the board determines they should be made public.

(Ord. No. 88-95, § 1, 6-19-95)

Sec. 12 1/2-18. Powers and duties of the board of ethics.

In addition to the other powers and duties specifically mentioned in this article, the board of ethics shall have the following powers and duties:

- (1) To initiate and to receive complaints of violations of any of the provisions of Article I and Article II.
- (2) To determine whether to investigate and whether to act upon any particular complaint under Article I.
- (3) To conduct investigations, inquiries, and hearings concerning any matter covered by Article I.
- (4) To conduct reviews and/or investigations based on requests or complaints concerning any matter covered by Article II.
- (5) Under Article I, the board shall advise any individual whose acts are the subject of a complaint to the board and consult with the individual early in the process.
- (6) Under Article I, to subpoena persons or documents and issue subpoenas to the fullest extent authorized by law.
- (7) Under Article I, to request the assistance of other appropriate agencies in conducting investigations.
- (8) To consult with municipal agencies, officials and employees on matters involving ethical conduct.
- (9) To recommend such legislative action as it may deem appropriate to effectuate the policy of Article I.
- (10) To carry out such educational programs as it deems necessary to effectuate the policy and purpose of Article I.
- (11) To promulgate any rules and regulations for the conduct of board of ethics activities, not inconsistent with the intent of Article I or the city charter, including procedural rules consistent with the

requirements of due process of law.

(12) To prescribe forms for the disclosure and registration of information as provided in Article I.

(13) To render advisory opinions at the board's discretion with respect to the provisions of Article I and Article II.

(14) To offer recommendations with respect to remedies for violations of Article I.

(Ord. No. 88-95, § 1, 6-19-95; Ord. No. 33-00, § 1, 4-10-00)

Sec. 12 1/2-19. Records.

(a) The board shall keep minutes of its proceedings, showing the vote of each member upon every question, and shall also keep records of its investigations and other official actions.

(b) The city clerk shall serve as administrative and secretarial staff to the board, shall take and preserve minutes of all meetings, including those deemed confidential, and shall produce all reports and written documents. The city clerk shall render an annual report on the costs of such activities which shall be included in the annual budget as a separate item.

(Ord. No. 88-95, § 1, 6-19-95)

Sec. 12 1/2-20. Staff.

The city attorney shall serve as legal counsel to the board of ethics.

(Ord. No. 88-95, § 1, 6-19-95)

Sec. 12 1/2-21. Penalty.

Violation of this article may be punished under the general penalty provisions of this code. In addition, upon the finding of a violation of this article by four members, the board of ethics may exercise any one or any combination of the following remedies:

(1) Reprimand the officer or employee, either privately or publicly, either orally or in writing.

(2) Order the suspension, demotion, termination of employment, or removal.

(3) Impose an administrative fine not to exceed \$500.

(4) Refer to the city attorney to prosecute for violation of city ordinance.

(5) Refer to the city attorney to seek civil remedies to enjoin any activity prohibited by this article.

(6) Defer taking any formal action by imposing a probationary period up to one year.

Any finding resulting in suspension, demotion, termination of employment, removal, or fine shall be considered cause under section 30-46 of this Code. Any person holding a position in the classified service of the city may appeal a decision of the board of ethics to the civil service board pursuant to

chapter 30 of this Code.

(Ord. No. 88-95, § 1, 6-19-95; Ord. No. 33-00, § 1, 4-10-00)

Sec. 12 1/2-22. Collective bargaining agreements.

Nothing in this chapter shall be enforced contrary to the provisions of any collective bargaining agreements between the city and its employees.

(Ord. No. 88-95, § 1, 6-19-95)

Sec. 12 1/2-23. Judicial review.

Pursuant to Article IX of the South Dakota Constitution, any action taken by the board of ethics pursuant to this article is subject to judicial review as provided by SDCL Ch. 1-26.

(Ord. No. 88-95, § 1, 6-19-95; Ord. No. 33-00, § 1, 4-10-00)

Secs. 12 1/2-24--12 1/2-39. Reserved.

**ARTICLE II.
CONFLICTS OF INTEREST AND STANDARDS OF CONDUCT OF CITY COUNCIL
MEMBERS**

Sec. 12 1/2-40. Declaration of policy.

All city council members shall act with integrity, impartiality, and dedication to the best interest of the city and the public trust which they hold.

The citizens have a right to expect that city council members will conduct themselves in a manner that will tend to preserve public confidence in and respect for the government they represent.

The public confidence and respect can best be promoted if city council members uniformly treat all citizens with courtesy, impartiality, fairness, and equality under the law and avoid both actual and potential conflicts between their private self-interest and the public trust.

The purpose of this article is to regulate conflicts of interest and standards of conduct for city council members by setting forth conduct which is incompatible with the best interest of the city, and by directing disclosure by city council members of private financial or other interests in matters affecting the city.

(Ord. No. 32-00, § 1, 4-10-00)

Sec. 12 1/2-41. Construction.

This article shall be liberally construed to protect the public interest in full disclosure of conflicts of interest and promoting ethical standards of conduct for city council members.

(Ord. No. 32-00, § 1, 4-10-00)

Sec. 12 1/2-42. Definitions in this article.

[The following words, terms and phrases, when used in this article, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Benefit means anything reasonably regarded as economic gain or economic advance, including benefit to any other person in whose welfare the beneficiary is interested, but does not include a contribution or expenditure made and reported in accordance with law.

Business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized by law through which business is conducted.

Confidential information means privileged statements or communications, whether expressed or implied, oral or written, between the city council member, city employees, and their attorneys; work product of the city attorney, or other attorneys representing the city, its council member, officers and employees; and city records, documents, and other information not subject to public disclosure or dissemination by law.

Employee means any person employed by the city, including persons employed part-time basis.

Financial interest means an expectation of receiving a pecuniary benefit. A financial interest of an official includes any financial interest of a member of that person's immediate family. A person has a financial interest in an organization in which that person has an ownership interest, or is a director, officer or employee. An official has a financial interest in a decision if a financial interest of that person will vary with the outcome of the decision. A financial interest does not include the following:

- (1) A personal or financial interest which is not of the magnitude that would exert an influence on an average, reasonable person.
- (2) A personal or financial interest of a type which is generally possessed by the public or a large class of persons to which that official belongs.
- (3) An action or influence which would have an insignificant or conjectural effect on the matter in question.

Official or officer, when referenced in this article, means the mayor or any other member of the city council.

Immediate family means any person related to a city council member within the first degree of consanguinity and includes a spouse, parent, child, grandparent, grandchild, or an individual claimed by that individual or their spouse as a dependent for federal income tax purposes.

(Ord. No. 32-00, § 1, 4-10-00)

Sec. 12 1/2-43. Conflicts of interest--City council members.

City officials shall not:

- (1) Participate or vote in matters in which they have a direct or indirect financial interest in any contract

with the city.

(2) Participate or vote in matters in which they may be directly or indirectly financially interested in the sale of land to the city, or in which they may have rights or interests in the sale of any materials, supplies, or services to the city.

(3) Participate or vote in any other matters in which they may have a direct or indirect financial interest, or in which an immediate family member has a direct or indirect financial interest.

(4) Except when acting in an official capacity, appear on behalf of any private person before any city agency. An official may appear at any place on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. Officials shall not receive compensation for such appearances, unless specifically authorized by action of the city council. However, this section shall not apply to any official who has fully informed the city agency of his or her private interest in a matter and he or she does not participate in any decision related thereto.

(5) 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, in the performance of their official duties, or was intended as a reward for any official action.

a. Legitimate political contributions are not gifts under the provisions of this article.

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

(6) Participate or vote in matters having a financial interest in any property within 300 feet of property involved in a zoning matter before the city council.

(7) Participate or vote in matters that come before the city council directly or indirectly involving the interest of a present business client or customer of any official or the interest of a person or entity who has been a business client or customer of any official within the prior 12 months. A business client or customer is any person or entity for which the official is employed or if in the past 12 months payment has been received by the official from such person or entity in the amount of \$5,000.00 or greater and that fact is or should be known by the official.

(Ord. No. 32-00, § 1, 4-10-00)

Sec. 12 1/2-44. Standards of conduct--City council members.

City officials shall not take action to:

(1) Disclose confidential information.

(2) Directly or indirectly, use any confidential information which was gained because of their official position or employment for their own personal gain or benefit or for the benefit of others. Disclose or reveal any information or the contents of any discussion, which took place in executive session under the provisions of the state open meetings law.

(3) Disclose or reveal any information, or the contents of any discussion, considered during an executive session or closed meeting conducted pursuant to the state open meetings law, held by the city council, any city agency, board, commission, committee, or department, except as may be authorized by a majority vote of that body.

(4) Grant any special consideration, treatment, or advantage to any citizen, individual, business organization, or group beyond that which is normally available to every other citizen, individual, business organization, or group.

(5) Use their elected position to secure special advantages, privileges or exemptions for themselves or others.

(6) Engage in any conduct which may be directly prejudicial to the government of the city or which reflects discredit or dishonor on the government of the city, which conduct causes the city substantial monetary damage or the commission of a criminal act.

(7) Use city supplies, equipment, or facilities for any purpose other than the conduct of official city business, unless otherwise provided for by law, ordinance, or city policy.

(8) Knowingly perform or refuse to perform any act to deliberately prevent the execution of the city ordinances, rules or regulations, or the achievement of official city programs.

(Ord. No. 32-00, § 1, 4-10-00)

Sec. 12 1/2-45. Conflicts of interest--Former council members.

Past council members shall not appear before the city council or any board, commission, or committee of the city and represent any interest on any matter which was pending on file and unresolved with the city during their service, for a period of one year after the date of termination of such relationship with the city.

(Ord. No. 32-00, § 1, 4-10-00)

Sec. 12 1/2-46. Disclosure of interest.

City council members who have a financial interest in any matter pending before the city, shall disclose such interest to other members of the city council, and shall refrain from further discussion of the matter; shall not be physically present when the subject is discussed in an executive session; and shall not vote on or participate further therein in any manner.

(Ord. No. 32-00, § 1, 4-10-00)

Sec. 12 1/2-47. Advisory opinions.

Any city council member may request an advisory opinion from the board of ethics, provided that such request is made prior to the filing of a complaint as outlined in section 12 1/2-48.

(Ord. No. 32-00, § 1, 4-10-00)

Sec. 12 1/2-48. Complaint procedure.

(a) An allegation or complaint that a city council member has violated the conflicts of interest or standards of conduct outlined in this article shall be made in writing, sworn to before a notary public, and filed with the office of the city attorney. Such complaints shall describe in detail the act or acts complained of and the specific section(s) of this article alleged to have been violated. A general complaint or allegation lacking in detail will not be considered sufficient to invoke the investigation procedures set forth herein. Anonymous complaints shall not be considered. All allegations or complaints shall be referred to the board of ethics who shall review the complaint in the light of the conflicts of interest as set forth in this article. A copy of the complaint shall be given to the accused council member(s).

(b) The board of ethics shall have all the powers of investigation as are afforded the city council by the charter. The board of ethics performing the review shall report to the city council in writing not more than 30 days after the day of assignment unless an extension is granted by a majority of the eligible council members. If the board of ethics determines that the facts as alleged do not establish probable cause that there has been a violation of the conflicts of interest or standards of conduct, a report shall be given to the city council, and the matter shall be considered concluded. If, however, the board of ethics determines by a majority vote that the facts as alleged establish probable cause of a violation by a city council member, the report shall be given to the city council. In addition, if the board of ethics determines that an undisclosed criminal violation may exist, it shall promptly refer the matter to the appropriate law enforcement agency.

(c) All complaints shall remain confidential until the council determines they shall be made public. The council shall maintain confidence until the accused consents to release or requests a public hearing, whichever occurs first.

(d) Upon receiving a report from the board of ethics that there is probable cause to believe that a violation of the conflicts of interest or standards of conduct by a city council member may exist, the city council shall schedule a hearing to be held within 15 business days of receipt of that report. If the member charged with a violation demands a public hearing, notice shall be given as required by the Charter. All other hearings shall be held in executive session.

(e) All hearings of the city council under this article shall be conducted as follows:

(1) The city council shall have all the powers of investigation including subpoena power as are given to it by reason of the City Charter.

(2) An accused city council member may elect to be represented by outside legal counsel of his or her own choosing and at their own expense. The accused council member has the right to a full and complete hearing with the opportunity to call witnesses and present evidence.

(3) The board of ethics chairperson or his/her designee shall present the evidence and examine witnesses in support of the board's report with the board bearing the burden of proof on behalf of the city.

(4) The city attorney shall act as legal advisor to the other council members in attendance at the hearing and the mayor.

(5) All proceedings shall be taken verbatim by a court reporter.

(6) The city council shall receive evidence from the council member alleged to have violated this article, and from the person accusing such official or employee, or any other person as the council deems

necessary.

(7) The city council may request, and if necessary, subpoena witnesses, books, records, or any documents which relate to the allegations or complaint.

(8) The city council, upon completion of a hearing, shall render a decision in the form of a resolution and, in addition, the council shall thereafter have prepared findings of fact, conclusions of law and a final order, to be filed within 20 days with both the city clerk and the accused city council member either determining no violation occurred, or if supported by clear and convincing evidence the order shall set forth the remedy as provided by section 12 1/2-49 to be complied with in order that voluntary compliance may be had and final determination obtained. In the event that voluntary compliance is not obtainable, action consistent with the city charter, may be taken.

(9) All decisions and orders rendered by the council shall be made public except decisions and orders of private reprimand.

(Ord. No. 32-00, § 1, 4-10-00)

Sec. 12 1/2-49. Violations.

(a) Violation of this article may be remedied by the city council by any one or any combination of the following punishments:

(1) Private reprimand.

(2) Public reprimand.

(3) Administrative fine not to exceed \$500.00.

(4) Removal from office only for the causes set forth in section 2.06(c) and 7.02(a) of the City Charter.

(b) In addition to the penalties listed above, the city council may refer the matter to the city attorney:

(1) To prosecute for violation of city ordinance.

(2) To seek civil remedies to enjoin any activity prohibited by this article.

(Ord. No. 32-00, § 1, 4-10-00)

Sec. 12 1/2-50. Judicial review.

Pursuant to Article IX of the South Dakota Constitution, any final order filed by the city council pursuant to this article is subject to judicial review as provided by SDCL Ch. 1-26.

(Ord. No. 32-00, § 1, 4-10-00)

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