

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

March 10, 2016

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Thursday, March 10, 2016 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Steve Laurenti, Jerry Wright, Ron Weifenbach, Brad Estes, Darla Drew, John B. Roberts, Ritchie Nordstrom and Amanda Scott and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Charity Doyle and Chad Lewis.

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, and Administrative Coordinator Heidi Weaver-Norris.

Mayor summarized the nature of the Special Council Meeting. He stated there was an alleged violation of the City's Code of Conduct for Elected Officials which is Resolution 2012-70 which became effective September 2012. The resolution states the Council is called the facts and renders a decision. The accused (in this case Jerry Wright) can choose the venue for the complaint process which is an executive session or public meeting. The Mayor stated it was his understanding that Mr. Wright chose to hear the complaint at this public meeting. The complaint centers on the appropriateness of a contact with to Black Hills Works management initiated by Councilman Jerry Wright on June 17, 2015. Complainant Ron Sasso filed a written report December 22, 2015 and requested action in the matter. The complaint alleges the Jerry Wright violated the code of conduct in a variety of ways including testimony given in an unrelated lawsuit, as well as initiated contact with Black Hills Works, The complainant believes/believed that his dismissal from Black Hills Works was due to Mr. Wright's contact with his employer. A private investigator, Mark Pecora, was hired to conduct fact finding in this matter. The investigative report has been made available to all city council members. Mr. Wright has obtained private council who is here with him tonight. According to the resolution regarding the code of conduct, the Council's duty tonight is to be fully informed, to discuss if the violation of the code of conduct has occurred, to seek resolution without further action or seek resolution by applying any other sanction available to them under the law, which would include public reprimand, public censure, or dismissal. The resolution states that official action can be taken with a concurrence by 2/3 of the elected alderman, which requires seven of the ten members to impose a sanction. Mayor stated that two council members are missing tonight. Wright had informed the Mayor he was not voting in the matter. Mayor stated they would start with a few opening statements and he would read the item into the agenda. Ron Sasso addressed the Council and said he has read the report and agrees with most of the report. He stated he was involved with the revision of the Code of Conduct in 2012. He thinks it's very important the complainant is allowed to address the accused and vice versa. Sasso said the issue of his complaint started with a column he wrote protected under the first amendment. He stated he complimented Wright at one point in the article. Sasso said Wright took offense to the column and approached his employer. He said the investigate report says one thing, Alderman Wright says something else. He said when each councilperson takes an oath of office, you swear to uphold and protect the Constitution of the United States, which includes the first amendment. He stated his complaint said that Mr. Wright approached his employer and applied a level of pressure, and at that time Mr. Wright was the Council President. He believes Mr. Wright crossed a line and invaded his freedom of speech. His complaint also spoke of Mr. Wright committing

perjury and lying under oath. Sasso said his life is radically different since this occurrence. He said he and Jerry got along ok but would sometimes politically disagree on things. He strongly feels Mr. Wright violated the code of conduct. Sasso said his full-time employer had nothing to do with his part-time job, and Black Hills Works shouldn't have been approached. The Council needs to protect the first amendment rights and allow people to speak freely. Alderman Wright addressed the Council about the complaint against him. He said Mr. Sasso's article during the last campaign accused him of running a corrupt landfill. He denies the accusations regarding the landfill and admitted his visit to Black Hills Works was not the best decision. He stated he has apologized to everyone involved in the case for his rash decision. His actions caused many accusations and a threatened lawsuit against him and the City. He wanted it to be clear that he never asked for anyone to be punished or fired. Wright said the investigation states he didn't commit perjury or look for Mr. Sasso to be fired. Talbot Wiczorek, Wright's attorney, addressed the Council he stated they were all there basically through a coincidence that occurred where Mr. Sasso was being considered to be let go before Mr. Wright's visit to Black Hills Works. He stated that Mr. Wright is comfortable with the investigation being released to the public. He said his client was accused of corruption and there is nothing like that in the report. He doesn't believe there has been a violation of the code of conduct. He asked to recognize the investigation and no discipline are given. The Mayor read the item into the agenda. Motion by Estes, second by Drew that by Council vote they (1) reprimand Alderman Jerry Wright for his actions as it relates to his communication with Black Hills Workshop relating to Ron Sasso (2) That Mr. Wright not do this again (3) That no further action be taken and (4) That the investigative report be released for public review. Estes said it was wrong for Wright to go to Mr. Sasso's employer. He thinks Jerry is a "take charge" type of person and that he is professional. Estes does not feel this should just be dismissed with no action. He said the report stated that Jerry did say that someone needs to get Sasso under control. He believes Jerry is remorseful but needs to be reprimanded. Scott stated that Sasso believed there was harm done by Jerry's visit to his employer. She said the report said Mr. Sasso's termination was not related to Jerry's visit. The report also said there was action already in place regarding Mr. Sasso's termination. She said the report indicated that Mr. Wright was very calm and expressed his concerns about Mr. Sasso to Black Hills Works. She does view his actions as a mistake. She indicated that she goes directly to the Rapid City Journal when something is wrote about her that she feels is unfair. She indicated that Jerry takes charge and sometimes it's not the best course of action. She appreciates his apologies and hopes he takes time before reacting in the future. Weifenbach stated he was disappointed this happened. He stated that all councilpersons are public figures. He said we have a responsibility to our constituents and citizens of Rapid City to serve them the best possible way you can. He said when you make a mistake, you own up to it and try to correct it the best way possible. He indicated when Mr. Wright's term comes up, the citizens will either vote him out of leave him in. Laurenti stated he was disappointed that all council members weren't present. He said it's important they hold one of their own accountable. He is disappointed that Estes just wants to reprimand and nothing else. Laurenti referenced the report and the employer was troubled by the line of questioning in regard to something needs to be done about Mr. Sasso. Laurenti said this wasn't about the outcome of Mr. Sasso being fired; it's the fact that Wright decided to take action and go to his employer in the first place. He said it's sad Council is doing less than the previous censure situation. He feels they are setting an extremely bad example. He thinks Mr. Wright should be a censure. He indicated a reprimand is a slap on the wrist. He said he won't vote for the motion. In response to a question from Drew, Mr. Wright indicated he did not go to Black Hills Works to get Mr. Sasso fired. Wright felt Mr. Sasso's editorial was vicious, misleading and incorrect. He said the editorial accused him of managing a corrupt landfill. Wright stated he managed a business for 12 years. He spent 27 years in the Army. He was called out of retirement at the age of 59 years old. He said a person doesn't last if you are a liar or a cheat. He indicated he worked 23

years with the City and his integrity is everything. When asked why he didn't just talk to Mr. Sasso, Wright said he didn't think it was going to do any good. Drew supports the motion. She indicated that this is the way the system works. She feels it was wrong for Mr. Wright to go to Mr. Sasso's employer and she recognizes that Mr. Wright knows that too. She doesn't believe Mr. Wright's action lead to Mr. Sasso's release from Black Hills Works. Nordstrom indicated he would support the motion. He said he and Jerry are on the same level on how the City works. He said that Jerry is a good friend and feels he is truly sorry. But as a good friend, it's his duty to admonish Jerry for his actions. He said their oath as councilpersons goes a little bit farther, and that is that they will faithfully and impartially perform our duties. And this is where he thinks Mr. Wright failed in his part of the oath. He doesn't believe this rises to the level of censure. In referencing the report, Nordstrom said the investigator stated a lot of comments were untrue and alleged. He feels that a reprimand is enough. Nordstrom said that Wright admitted his action were inappropriate. Nordstrom thinks there have been a lot of accusation and speculation done on behalf of the opposition. He supports the motion and is happy the report will be released to the public for their review. Roberts is glad the public will have access to the report. He said it's appalling that someone in their position would go after someone's livelihood. He indicated that he's seen both the good and bad sides of Jerry Wright. He said this was a bad decision and he is getting slapped on the wrist. He believes Jerry would be the first to throw censure out there for someone else. He hopes the public reads the report. Weifenbach said censure is more appropriate. He said the citizens will be ultimate judges. Scott said everyone says Wright made a serious mistake. Wright admitted his mistake. She said some people think a reprimand is mild, but she thinks a reprimand is serious. She believes everyone will learn something from the reprimand. She agrees with Roberts and their desire that the report be released to the public. Motion passed.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Estes, second by Drew and carried to adjourn the meeting at 7:30 p.m.

ATTEST:

Finance Officer
(SEAL)

CITY OF RAPID CITY

Mayor