

STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2024-03
MEETINGS COMPLAINT AGAINST)	
CITY OF PIEDMONT BOARD OF)	FINDINGS OF FACT,
TRUSTEES – MEADE COUNTY)	CONCLUSIONS OF LAW, &
		DECISION

The above captioned matter was heard before the South Dakota Open Meetings Commission (hereafter “Commission”) on November 18, 2024. Complainant, Ky Gossard, did not appear personally or through counsel. The City of Piedmont Board of Trustees appeared through counsel, Jacob Stewart. Prior to the hearing, the Commission reviewed the written submissions of the parties as well as any other exhibit, pleading or paper on file herein. Based upon the materials submitted, and the arguments of the parties, the Commission enters the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Commission takes official notice that the City of Piedmont is a Second-Class municipality located in Meade County, South Dakota, and has been organized and operated according to applicable provisions of South Dakota Codified Law.
2. The Commission further takes notice that the City of Piedmont Board of Trustees (hereafter “City”) is the public body elected pursuant to applicable provisions of state law to govern the City of Piedmont.
3. The City held a regularly scheduled meeting on June 20, 2023. The agenda for that meeting was physically posted at the Piedmont City Hall on

June 19, 2023. The agenda was not posted on the City's website at least 24 hours prior to the meeting.

4. The City of Piedmont operates and maintains a website for the City located at www.piedmontsd.com.

5. SDCL 1-25-1.1 requires in pertinent part that:

[e]ach political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exists.

(emphasis added).

6. At the meeting on June 20, several citizens indicated that the agenda was not posted on the City's website. The Board of Trustee members acknowledged that the agenda had not been posted on the City website prior to the meeting. The Board members indicated that the Juneteenth holiday was responsible for failure to post on the website.

7. Ky Gossard submitted an open meetings complaint to the Meade County State's Attorney on June 27, 2023. Gossard's Complaint alleged the Board of Trustees violated the state open meetings laws by not posting the agenda for its June 20, 2023, meeting on the City website as required by SDCL 1-25-1.1.

8. On July 26, 2023, Meade County State's Attorney Michelle Bordewyk forwarded the complaint to the Commission pursuant to SDCL § 1-25-6(3).

9. In its written response to the complaint, the Board of Trustees admitted to not posting the agenda for the June 20, 2023, meeting on the City website as required by SDCL 1-25-1.1.

10. Any Finding of Fact more appropriately labeled as a Conclusion of Law is hereby re-designated as such and incorporated below therein.

CONCLUSIONS OF LAW

1. The City of Piedmont Board of Trustees, as the governing body of the City of Piedmont, South Dakota, is a public body subject to the open meetings requirements of SDCL ch. 1-25. The Open Meeting Commission has jurisdiction over this matter pursuant to SDCL ch. 1-25.

2. It is not disputed that the City of Piedmont maintains a website where meeting information and agendas are posted in the normal course of city business. It is also not disputed that the Board of Trustees failed to post notice of its June 20, 2023, meeting on the City's website.

3. The Commission concludes the City of Piedmont Board of Trustees did violate the open meetings laws by failing to post the agenda for its June 20, 2023, meeting on the City of Piedmont website as required by SDCL 1-25-1.1. The statute requires publication of a proposed agenda on a public body's website – if one exists – for at least twenty-four hours prior to an official meeting.

4. The Commission notes that the complaint materials forwarded to the Commission include assertions by the President of the Piedmont Board of Trustees that it was improper for a Meade County Deputy Sheriff to investigate this matter. The Commission disagrees. State law establishes that open meetings violations are misdemeanors available for criminal prosecution. It is clearly appropriate for a law enforcement officer to investigate potential criminal activity, including misdemeanor open meeting violations.

5. Any Conclusion of Law more appropriately labeled as a Finding of Fact is hereby re-designated as such and incorporated above therein.


DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the South Dakota Open Meetings Commission hereby **REPRIMANDS** the City of Piedmont Board of Trustees for violating SDCL 1-25-1.1 by failing to post a copy of the proposed agenda for the City's June 20, 2023, meeting on the City's website.

Decision entered by Commissioners **A. Hoffman, K. Hoffman, Russell, & Smith**. Commissioner **Sovell** (Chair) was absent and took no part in consideration of the written decision.

Dated this 12th day of May, 2025.

SOUTH DAKOTA OPEN MEETINGS COMMISSION


Katelynn Hoffman, Vice-Chair