

STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2024-06
MEETINGS COMPLAINT AGAINST)	
CARLYLE TOWNSHIP – BEADLE)	FINDINGS OF FACT,
COUNTY)	CONCLUSIONS OF LAW, &
)	DECISION

The above captioned matter was heard before the South Dakota Open Meetings Commission (hereafter “Commission”) on November 25, 2024. Complainants, Todd & Terry Koerner, appeared personally. The Carlyle Township Board of Supervisors appeared through Township Supervisor Adam Ochsner. 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 Carlyle Township is located in Beadle 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 Carlyle Township Board of Supervisors (hereafter “Township”) is the public body elected pursuant to applicable provisions of state law to govern Carlyle Township.
3. 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.

4. The Township's procedure for compliance with the requirements of SDCL 1-25-1.1 is to post the agenda for its meetings on the front door of the residence that serves as its principal office.

5. The Township met on October 24, 2023, but no agenda was posted at its principal office twenty-four hours in advance of the meeting as required by SDCL 1-25-1.1.

6. Todd & Terry Koerner submitted an open meetings violation to the Beadle County State's Attorney's Office on February 28, 2024. The Koerner's alleged that the Township failed to comply with the posting requirements of SDCL 1-15-1.1.

7. On February 22, 2024, Beadle County State's Attorney Mike Moore forwarded the complaint to the Commission pursuant to SDCL § 1-25-6(3).

8. Before the Commission, the Township admitted that the agenda for the October 24, 2023, meeting was not posted as required by SDCL 1-25-1.1. The Township indicated that the Township Secretary failed to post the agenda, and that the Township was not aware of this failure until several months after the meeting.

9. 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 Carlyle Township Board of Supervisors, as the governing body of Carlyle Township, Beadle County, 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 Township failed to physically post the agenda of its October 24, 2023, meeting as required by SDCL 1-25-1.1. The Commission concludes that the Carlyle Township Board of Supervisors did violate the open meetings laws by failing to properly post physical notice of the Township's October 24, 2023, meeting.

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

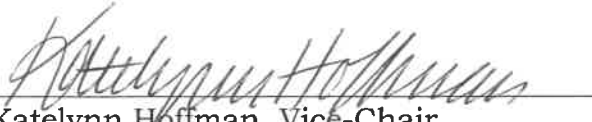
DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the South Dakota Open Meetings Commission hereby **REPRIMANDS** the Carlyle Township Board of Supervisors for violating SDCL 1-25-1.1 by failing to physically post a copy of the proposed agenda for the City's October 23, 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