

SOUTH DAKOTA OPEN MEETINGS COMMISSION

MINUTES OF MEETING

May 2, 2025

Members participating: Katelynn Hoffman, Turner County State's Attorney (Vice-Chair)(appeared by Teams); Austin Hoffman, McPherson County State's Attorney; Lance Russell, Fall River/Oglala Lakota County State's Attorney; Michael Smith, Clay County State's Attorney. Steve Blair and Jenna McFarlane, Office of the Attorney General, assisted the Commission. Emily Sovell, Sully County State's Attorney (Chair) was absent.

Due to Chair Sovell being absent, and Vice-Chair Hoffman appearing via Teams, Mr. Blair called the meeting to order at 2:00 p.m. Mountain Time. Mr. Hoffman moved to approve the proposed agenda; Mr. Russell seconded. A voice vote was held; the agenda was approved by unanimous vote.

A time was provided for public comment as required by SDCL 1-25-1; two members of the public provided comment to the Commission. Mr. Gerry Kaufman asked for an updated summary of decisions and no merits abstract. Mr. Kaufman also inquired when information regarding the training required by Senate Bill 74 (passed during the last legislative session) would be coming out from the Attorney General. Mr. Blair answered that there was not an expected deadline for those materials.

Mr. Stewart asked for clarification for the parties who were present would they be giving an opportunity to speak when discussion is being had on their complaints. Mr. Blair stated that was entirely up to the Commission members whether they wanted to take comment from any of the parties when they consider proposed findings or conclusions, and the question would be raised on each file as those files came before the Commission.

February 24, 2025 minutes.

Mr. Russell moved to approve the draft minutes of the February 24, 2025 meeting. Mr. Hoffman seconded. A voice vote was held; the minutes were approved by unanimous vote.

Mr. Blair moved into consideration of proposed Findings of Fact and Conclusions of Law. Mr. Blair noted that the signature blocks would be changed to Ms. Hoffman's signature. It was also noted that all grammar errors, or other scrivener errors, would be corrected before the Findings and Conclusion were finalized for signature.

Mr. Hoffman made a general motion applicable to all sets of Findings of Fact and Conclusions of Law to correct the spelling of the word “decision” and “council” in any caption where they were spelled incorrectly. Mr. Smith seconded the motion. A voice vote was held; Mr. Hoffman’s general motion was approved by unanimous vote.

In the Matter of Open Meeting Complaint 2021-02 Bennett County Board of Commissioners

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regard to this matter. Mr. Hoffman made a motion to approve the Findings of Fact and Conclusions of Law as drafted with the general changes previously approved. Mr. Smith seconded the motion. A voice vote was held; the Findings of Fact and Conclusions of law, as amended, were unanimously approved.

In the Matter of Open Meeting Complaint 2024-01 Martin City Council

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regard to this matter. Mr. Russell made a motion to approve the Findings of Fact and Conclusions of Law as drafted with the general changes previously approved. Mr. Hoffman seconded the motion. A voice vote was held; the Findings of Fact and Conclusions of law, as amended, were unanimously approved

In the Matter of Open Meeting Complaint 2024-02 Bennett County Board of County Commissioners

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regard to this matter. Mr. Russell made a motion to approve the Findings of Fact and Conclusions of Law as drafted with the general changes previously approved. Mr. Smith seconded the motion. A voice vote was held; the Findings of Fact and Conclusions of law, as amended, were unanimously approved.

In the Matter of Open Meeting Complaint 2024-03 Piedmont Board of Trustees

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regard to this matter. Mr. Hoffman made a motion to approve the Findings of Fact and Conclusions of Law as drafted with the changes previously approved, and that the language in the first paragraph be amended to read “the Commission takes official notice that the City of Piedmont...” Mr. Russell seconded the motion. A voice vote was held; the Findings of Fact and Conclusions of law, as amended, were unanimously approved.

In the Matter of Open Meeting Complaint 2024-04 Lincoln County Commission

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regard to this matter. Mr. Hoffman made a motion to approve the Findings of Fact and Conclusions of Law as drafted with the changes previously approved and that the spelling of “Lincoln” on page 3, paragraph 12 be corrected. Mr. Smith seconded the motion. A voice vote was held; the Findings of Fact and Conclusions of law, as amended, were unanimously approved.

In the Matter of Open Meeting Complaint 2024-05 North Sioux City City Council

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regard to this matter. Mr. Hoffman made a motion to approve the Findings of Fact and Conclusions of Law as drafted with the changes previously approved and that the language on page 3, paragraph 9, “the City also explained that it ~~is~~ has undertaken steps to ensure” be corrected. Mr. Russell seconded the motion. A voice vote was held; the Findings of Fact and Conclusions of law, as amended, were unanimously approved.

In the Matter of Open Meeting Complaint 2024-06 Carlyle Township

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regard to this matter. Mr. Smith made a motion to approve the Findings of Fact and Conclusions of Law as drafted with the changes previously approved. The motion was seconded by Mr. Hoffman. A voice vote was held; the Findings of Fact and Conclusions of law, as amended, were unanimously approved.

In the Matter of Open Meeting Complaint 2024-07 Pennington County Board of Commissioners

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regard to this matter. Mr. Russell made a motion to approve the Findings of Fact and Conclusions of Law as drafted with the changes previously approved and to amend the language on page 4, paragraph 11 to read “formal action ~~as~~ was taken,” and to add the year after each of the dates. Mr. Hoffman seconded the motion. A voice vote was held; the Findings of Fact and Conclusions of law, as amended, were unanimously approved.

In the Matter of Open Meeting Complaint 2024-08 Sturgis City Council

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regard to this matter. Mr. Hoffman made a motion to approve the Findings of Fact and Conclusions of Law as drafted with the changes previously approved. Mr. Smith seconded the motion. A voice vote was held;

the Findings of Fact and Conclusions of law, as amended, were unanimously approved.

In the Matter of Open Meeting Complaint 2024-09 City of Lead Commission

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regard to this matter. Mr. Russell made a motion to approve the Findings of Fact and Conclusions of Law as drafted with the changes previously approved. Mr. Smith seconded the motion. A voice vote was held; the Findings of Fact and Conclusions of law, as amended, were unanimously approved.

In the Matter of Open Meeting Complaint 2024-10 Green Valley Sanitary District

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regard to this matter. Mr. Hoffman made a motion to accept the objections submitted by Complainant, Mr. Myers, for filing but to not amend the proposed Findings and Conclusions consistent with those objections. Mr. Smith seconded the motion. A voice vote was held; the Findings of Fact and Conclusions of law, as amended, were unanimously approved.

Mr. Blair recommended adopting Green Valley Sanitary District's proposed amendments to the Findings of Fact and Conclusions of law. Mr. Smith moved to adopt the proposed changes to the findings from Green Valley Sanitary District. Mr. Hoffman seconded the motion. A voice vote was held; the Findings of Fact and Conclusions of law, as amended, were unanimously approved.

Mr. Hoffman moved to adopt the Findings of Fact and Conclusions of Law as drafted with the changes previously approved and with the amendments requested by the Green Valley Sanitary District. Mr. Smith seconded the motion. A voice vote was held; the Findings of Fact and Conclusions of law, as amended, were unanimously approved.

In the Matter of Open Meeting Complaint 2024-11 Charles Mix County Commission

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regard to this matter. Mr. Hoffman made a motion to approve the Findings of Fact and Conclusions of Law as drafted with the changes previously approved and to remove the extra period after the citation to SDCL 1-25-1.1 on page 3, paragraph 2. The motion was seconded by Mr. Smith. A voice vote was held; the Findings of Fact and Conclusions of law, as amended, were unanimously approved.

In the Matter of Open Meeting Complaint 2024-12 Tripp City Council

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regard to this matter. Mr. Hoffman made a motion to approve the Findings of Fact and Conclusions of Law as drafted with the changes previously approved and to amend the language found on page 1 paragraph 1 to read the “Commission takes official that the City of Tripp.” Mr. Russell seconded the motion. A voice vote was held; the Findings of Fact and Conclusions of law, as amended, were unanimously approved.

Discussion regarding 2026 Legislative Session

A discussion was held on draft legislation for the 2026 Legislative Session.

Scheduling.

A discussion was held on scheduling the Commission’s next meeting.

Adjournment

A motion to adjourn was made by Mr. Russell seconded by Mr. Hoffman, at approximately 4:21 p.m. Roll call was made with all Commissioners voting aye, and the Commission adjourned.

Approved on this ____ day of _____, 2025.

SOUTH DAKOTA OPEN MEETINGS COMMISSION

Katelynn Hoffman, Vice-Chair