

SOUTH DAKOTA OPEN MEETINGS COMMISSION

MINUTES OF MEETING

NOVEMBER 3, 2017

Members participating: Kevin Krull, Meade County State's Attorney (Chair); Emily Sovell, Sully County State's Attorney; John Steele, Aurora County State's Attorney; Mark Reedstrom, Grant County State's Attorney; and Lisa Rothschadl, Bon Homme County State's Attorney. Steve Blair and Jenna McFarlane, Office of the Attorney General, assisted the Commission.

Chair Krull called the meeting to order at 1:30 p.m. Mr. Steele moved to approve the proposed agenda; Ms. Sovell seconded. A roll call vote was held with Mr. Steele, Ms. Sovell, Mr. Reedstrom, Ms. Rothschadl and Mr. Krull all voting aye.

The following is a summary (not verbatim) of the matters discussed.

August 31, 2017 minutes.

Ms. Rothschadl moved to approve the draft minutes of the August 31, 2017 meeting. Mr. Reedstrom seconded. A roll call vote was held with Mr. Steele, Ms. Sovell, Mr. Reedstrom, Ms. Rothschadl and Mr. Krull all voting aye.

In the Matter of Open Meeting Complaint 17-01, South Dakota Water Management Board.

Mr. George Ferebee appeared as the Complainant. Attorney Mr. Matt Naasz appeared on behalf of the South Dakota Water Management Board.

Before starting the re-hearing of this matter Mr. Ferebee indicated he had a procedural issue that he wanted to put on record. Mr. Ferebee stated that he had not received the Hughes County State's Attorney Office cover letter dated May 2, 2017, referring the complaint to the Commission, nor the February 16, 2017, Pierre Police Department report attached to the cover letter until a week ago when he had requested it. Mr. Ferebee stated he would have liked to have responded to the letter and report.

Mr. Steele inquired if Mr. Ferebee was asking for more time to respond. Mr. Ferebee stated he would like time to respond and asked for a continuation. Mr. Krull inquired if Mr. Naasz would like to be heard on the continuation. Mr. Naasz objected to any continuance.

Mr. Steele made a motion to postpone further consideration of the complaint until the next meeting. Ms. Rothschadl seconded. Roll call was made and Ms. Rothschadl, Mr. Steele, Ms. Sovell, Mr. Reedstrom, and Mr. Krull, voted aye.

In the Matter of Open Meeting Complaint 17-03, Edmunds County Board of Commissioners.

Mr. Chris Holmes appeared as the Complainant. No one appeared on behalf of the Edmunds County Board of Commissioners.

Mr. Blair indicated that State's Attorney Vaughn Beck's cover letter referring the complaint to the Commission, as well as a later email, both stated that the Edmunds County Board of Commissioners had admitted that the alleged violation occurred. Mr. Holmes' complaint arose from a May 19, 2017, meeting in which the Edmunds County Board of Commissioners held a special meeting without posting an agenda. Mr. Holmes also addressed other instances of alleged violations by the Edmunds County Board of Commissioners that were not before the Commission for its review.

Mr. Reedstrom made a motion finding that SDCL 1-25-1.1 was violated because the Edmunds County Board of Commissioners held a special meeting on May 19, 2017, and no agenda was posted. Mr. Steele seconded. Roll call was made and Ms. Rothschadl, Mr. Steele, Ms. Sovell, Mr. Reedstrom, and Mr. Krull, voted aye.

In the Matter of Open Meeting Complaint 16-02, Kulm Township Board of Commissioners.

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regards to this matter. Ms. Rothschadl made a motion to approve the Findings of Fact and Conclusions of Law as drafted which was seconded by Mr. Reedstrom. Ms. Rothschadl, Mr. Steele, Mr. Reedstrom, and Mr. Krull all voted aye. Ms. Sovell abstained.

In the Matter of Open Meeting Complaint 17-02, Oldham City Council.

The Commission considered proposed Findings of Fact and Conclusions of Law drafted in regards to this matter. Mr. Reedstrom made a motion to approve the Findings of Fact and Conclusions of Law as drafted which was seconded by Mr. Steele. Ms. Rothschadl, Mr. Steele, Mr. Reedstrom, and Mr. Krull all voted aye. Ms. Sovell abstained.

Election of OMC Chairman.

Mr. Steele nominated Mr. Krull. Mr. Reedstrom seconded. A roll call was conducted and with Ms. Rothschadl, Mr. Steele, Mr. Reedstrom, and Ms. Sovell all voting aye. Chair Krull will serve a second term starting January 1, 2018.


Scheduling.

After discussion the OMC agreed to hear the complaint against the South Dakota Water Management Board telephonically in the near future.

Adjournment.

A motion to adjourn was made by Ms. Sovell, seconded by Ms. Rothschadl, at approximately 2:19 p.m. Ms. Rothschadl, Mr. Steele, Ms. Sovell, Mr. Reedstrom, and Chair Krull all voted aye and the Commission adjourned.

Approved on 1/17, 2018.



Kevin Krull, Chair

On behalf of the Open Meeting Commission