

STATE OF SOUTH DAKOTA  
OPEN MEETINGS COMMISSION

---

IN THE MATTER OF OPEN	)	OMC 2025-02
MEETINGS COMPLAINT AGAINST	)	
SADDLEBACK ROAD DISTRICT –	)	FINDINGS OF FACT, CONCLUSIONS
CUSTER COUNTY	)	OF LAW, AND DECISION
	)	

---

The above captioned matter was heard before the South Dakota Open Meetings Commission (hereafter “Commission”) on July 28, 2025.

Complainant, Dachia Arritola, did not appear personally or through counsel.

The Saddleback Road District appeared through Trustee/President

Robert Hummel, Trustee/Treasurer Dale Ruzicka, and Trustee/Secretary

Matthew Christensen, and without counsel. Prior to the hearing, the

Commission reviewed the written submissions of the parties as well as any

other exhibits, pleadings or papers 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 Saddleback Road District is a road district located in Custer County, South Dakota, and has been organized and has operated according to applicable provisions of South Dakota Codified Law ch. 31-12A.

2. The Commission further takes notice that the Saddleback Road District is a governmental subdivision of this state and a public body, corporate

OMC 2025-02  
Saddleback Road District  
Findings and Conclusions

and politic. Pursuant to applicable provisions of state law, a Board of Trustees governs the road district.

3. Over the years, the Saddleback Road District Board of Trustees held various meetings with various trustees serving on the board. However, given the substantial volume of materials submitted for review in the Commission's open meetings file, as well as the reported history of alleged violations and non-violations over the years, the Commission has elected to narrow its focus to the meeting in which the hiring legal counsel - specifically for representation of the road district in a small claims court matter filed by the complainant - was discussed.

4. The Saddleback Road District Board of Trustees held a special meeting on September 7, 2024. The intent was to discuss in a closed meeting the hiring of an attorney for the purposes of litigation which is permissible as an executive session.

5. The Saddleback Road District Board of Trustees did not post an agenda nor the required 24-hour notice for the September 7, 2024 meeting.

6. 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. For any special or rescheduled meeting, the information in the notice shall be

OMC 2025-02  
Saddleback Road District  
Findings and Conclusions

delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit.

(emphasis added).

7. Complainant Dachia Arritola submitted a notarized open meetings complaint to the Custer County State's Attorney on or about May 22, 2025. Ms. Arritola's complaint alleged the Saddleback Road District Board of Trustees violated the state open meetings laws over various years and has alleged various violations. The Commission elected to focus on one meeting and whether the board gave proper notice of a special meeting as required by SDCL 1-25-1.1.

8. On or about May 28, 2025, Custer County State's Attorney Tracy Kelley forwarded the notarized complaint to the Commission pursuant to SDCL 1-25-6(3).

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 Saddleback Road District Board of Trustees, as the governing body of the road district located in Custer County, South Dakota, is a public body subject to the open meetings requirements of SDCL ch. 1-25. The Open Meetings Commission has jurisdiction over this matter pursuant to SDCL ch. 1-25.

OMC 2025-02  
Saddleback Road District  
Findings and Conclusions

2. The notice requirements of SDCL 1-25-1.1 apply to special meetings of a public body, as circumstances permit, as equally as they do to regularly scheduled meetings of a public body. It is uncontested that the Saddleback Road District Board of Trustees failed to give proper notice of its September 7, 2024, special meeting.

3. The Commission concludes the Saddleback Road District Board of Trustees did violate the open meetings laws by failing to give proper notice of its September 7, 2024, special meeting as required by SDCL 1-25-1.1.

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

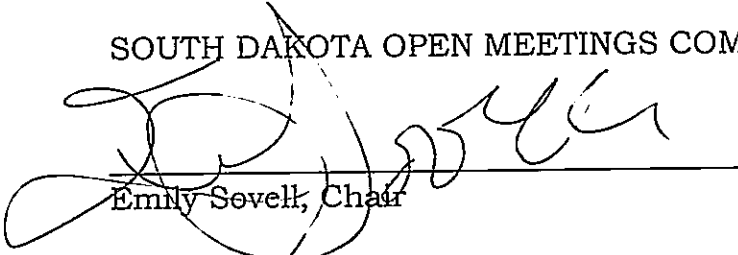
DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the South Dakota Open Meetings Commission hereby **REPRIMANDS** the Saddleback Road District Board of Trustees for violating SDCL 1-25-1.1 by failing to give proper notice of the Board's September 7, 2024, special meeting.

Decision entered by Commissioners **Sovell** (Chair), **A. Hoffman**, **K. Hoffman**, **Russell** and **Smith**.

Dated this 3 day of Nov. 2025.

SOUTH DAKOTA OPEN MEETINGS COMMISSION

  
\_\_\_\_\_  
Emily Sovell, Chair