

January 5, 2018

STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2017-03
MEETINGS COMPLAINT AGAINST)	
THE EDMUNDS COUNTY BOARD)	FINDINGS OF FACT,
OF COMMISSIONERS)	CONCLUSIONS OF LAW AND
)	DECISION

The above captioned matter was heard before the South Dakota Open Meetings Commission (Commission) on November 3, 2017. Complainant Chris Holmes, appeared in person. The Edmunds County Board of Commissioners did not appear personally or through counsel. 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 Edmunds County is a political subdivision of the State of South Dakota created by the Legislature and duly organized and operated according to applicable provisions of South Dakota Codified Law.

2. On July 14, 2017, Chris Holmes submitted an open meetings complaint regarding the Edmunds County Board of Commissioners.

3. On July 18, 2017, Edmunds County States Attorney Vaughn Beck, forwarded the complaint to the Commission pursuant to SDCL 1-25-6.1(3) for the Commission's review and action.

4. In the complaint, Mr. Holmes alleged that the Edmunds County Board of Commissioners violated SDCL 1-25-1.1 by not posting notice of a special meeting held on May 19, 2017.

5. SDCL 1-25-1.1 requires that all public bodies (except that state and its boards, commissions or departments) provide notice of their meetings by posting a proposed agenda that is "visible, readable, and accessible for at least and entire continuous twenty-four hours immediately preceding" the meeting.

6. During review of this matter by State's Attorney Beck, Bob Olson, chair of the Edmunds County Board of Commissioners, admitted that no agenda for the May 19, 2017, meeting was posted. The Edmunds County Board of Commissioners submitted no further response to the complaint.

22. 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 Edmunds County Board of Commissioners is a public body subject to the open meeting requirements of SDCL ch. 1-25. The Open Meeting Commission has jurisdiction over this matter pursuant to SDCL ch. 1-25.

2. Based upon the materials in the record, and the testimony presented at the hearing of this matter, the Commission concludes the Edmunds County Board of Commissioners did violate the South Dakota Open Meetings Laws when notice, including a proposed agenda, was not posted for a special meeting held on May 19, 2017 as required by SDCL 1-25-1.1.

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 Edmunds County Board of Commissioners in that the Board of Commissioners failed to post notice, including a proposed agenda, for a meeting of the public body as required by SDCL 1-25-1.1.

Decision entered by Commissioners **Krull**, (Chair), **Reedstrom**, **Rothschadl**, **Sovell**, & **Steele**.