

**STATE OF SOUTH DAKOTA
SOUTH DAKOTA OPEN MEETINGS COMMISSION**

IN THE MATTER OF OPEN MEETINGS
COMPLAINT 2017-01, WATER MANAGEMENT
BOARD, HUGHES COUNTY

)
) MOTION FOR LEAVE TO
) FILE AND AMICI CURIAE
) BRIEF OF ASSOCIATED
) SCHOOL BOARDS OF
) SOUTH DAKOTA IN
) SUPPORT OF WATER
) MANAGEMENT BOARD

MOTION FOR LEAVE TO FILE AND AMICI CURIAE BRIEF OF
ASSOCIATED SCHOOL BOARDS OF SOUTH DAKOTA
IN SUPPORT OF WATER MANAGEMENT BOARD

The Associated School Boards of South Dakota (“ASBSD”) respectfully moves the Open Meetings Commission for leave to participate in the above-entitled matter as amici curiae herein for the purpose of filing the attached brief. In support of its motion, Amici state the following: The parties are receiving notice of Amici’s motion to file the attached brief as said motion and brief are being mailed on this date by first class mail, postage pre-paid, to the parties. All one hundred forty-nine (149) public school districts are members of ASBSD. ASBSD is a non-profit corporation providing assistance to the 149 South Dakota public school district boards of education. SDCL 1-25-2 significantly affects the ability of school boards to carry out their responsibility in governing their respective public school districts.

ASBSD respectfully urges the Open Meetings Commission to grant this motion and allow ASBSD provide additional information that may assist the Commission in determining that it is not a violation of SDCL 1-25-2 for the governing board of a political subdivision such as a school board or city commission, or a State Board such as the Water Management Board or South Dakota Board of Education, to conduct deliberations in executive session.

Dated this 29th day of November, 2017.

Respectfully submitted,



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QUESTION PRESENTED

Whether SDCL 1-25-2 prohibits State Boards and governing boards of political subdivisions
from deliberating in executive session?