

439258  
Attorney General

AUG 20 2021



**OFFICE OF THE BENNETT COUNTY STATE'S ATTORNEY**

State's Attorney Sarah E. Harris

P.O. Box 628, Martin, South Dakota 57551

Tel: (605) 685-6986 Fax: (605) 685-2013 e-mail: [sarah.harrisbcsa@goldenwest.net](mailto:sarah.harrisbcsa@goldenwest.net)

August 18, 2021

Open Meetings Commission  
c/o Office of the Attorney General  
1302 E. Highway 14, Ste 1  
Pierre, SD 57501-8501

RE: Open Meetings Violation Complaint

To whom it may concern:

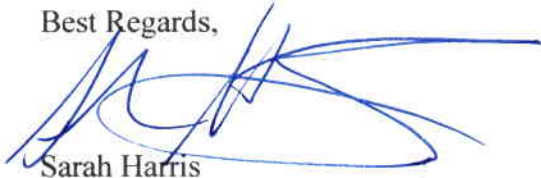
I received a complaint that alleges a violation of the open meeting laws. After completing my investigation, and pursuant to SDCL 1-25-6.1 (3) I am referring this matter to the South Dakota Open Meetings Commission for further action.

Attached is a copy of the July 7, 2021, Commissioner meeting Agenda. Nowhere on the agenda does it mention an Executive session with the Sheriff or does it mention a raise for the Transport Officer. I reviewed the audio recording of the July 7, 2021, meeting and at approximately 2:13:00 in the recording, the commissioners come out of executive session with the Sheriff and his Deputy and took action and made a motion to give Sheriff Transport Officer Bucholz a raise to \$14.25 per hour, increasing the hourly wage by 0.75 cents. (See attached audio from 7-7-21) Prior to going into executive session the commissioners told the newspaper that they could leave because no action would be taken when they come out of executive session.

I also reviewed the audio recording of the August 4, 2021, commissioner meeting and at approximately 55:50 in the recording, the Sheriff mentioned being in executive session with the commissioners on July 7<sup>th</sup> and that they discussed in executive session the raise for Stuart Bucholz the Sheriff's transport officer. The Sheriff stated that he asked for \$14.50 but in order to keep Stuart's annual 0.50 cent raise they compromised with the commissioners and agreed on \$14.25. (See attached audio from 8-4-21) This whole conversation would have taken place in executive session.

I am also including with this letter a copy of the Board of Bennett County Commissioners Minutes for Wednesday, July 7, 2021, and the letter of complaint.

Best Regards,

A handwritten signature in blue ink, appearing to be 'Sarah Harris', with a long horizontal flourish extending to the right.

Sarah Harris  
Bennett County State's Attorney

Enclosure

Cc: file

Bennett County Treasurer  
202 Main Street, PO Box 606  
Martin, SD 57551  
605-685-6092

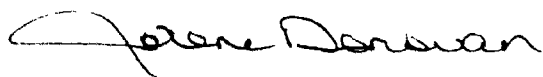
Bennett County State's Attorney  
Sarah Harris  
PO Box 628  
Martin, SD 57551

Dear Sarah,

I would like to file a formal complaint against the Bennett County Board of Commissioners. Jeff Slattery Chair, Rod Kirk Vice Chair, David Bakley, Cole Blu Donovan, and Judd Schomp for open meeting law violations. During the July 7, 2021 the board went into executive session with the County Sheriff Paul Williams. We were all told before the executive session started that nothing was going to be voted on or discussed after they came out of session so everyone including the representative from the Booster did not return to the meeting room. During the budget meeting on July 12, 2021 a new wage for an employee was mentioned, a raise that I was not aware of. On July 13, 2021 I asked Auditor Angie Hicks about the wage and was told that the Commissioners approved the \$.75/ hour raise at the last meeting.


There was nothing on the agenda regarding the raise. I believe this was discussed and voted on during the executive session. That and the fact that it was not on the agenda I believe the Commissioners did violate the open meeting laws the State of South Dakota has set before us.

Respectfully,



Jolene Donovan  
Bennett County Treasurer.



STATE OF SOUTH DAKOTA  
COUNTY OF BENNETT  
Subscribed and sworn before me this 20  
day of August, 2021  
  
Notary Public My Commission Expires  
August 24, 2024

## OFFICIAL

# BENNETT COUNTY BOARD OF COMMISSIONERS AGENDA

Courthouse  
202 Main Street, Martin, SD  
July 7<sup>th</sup>, 2021

### PLEDGE OF ALLEGIANCE

9:30 MEETING CALLED TO ORDER

SDACC PRESENTATION WITH KRISTIE JACOBSEN EXECUTIVE DIRECTOR & CLIFF REUER, SDLTAP

APPROVE JUNE 16<sup>TH</sup> MEETING MINUTES

10:00 ORDINANCE #1-2021 MEDICAL CANNABIS 2<sup>ND</sup> READING

#### HIGHWAY DEPARTMENT

CERTIFICATION TRAINING AUG 11<sup>TH</sup> IN PIERRE  
DISCUSS SURPLUSING YELLOW TRUCK  
PURCHASE WATER TANKER TRK & DITCH MOWER  
BOB CEPLCHA - CONCERNING ROAD WORK  
\$175,000 RESTRICTED MONEY TO ROAD & BRIDGE FUND

OLD HIGHWAY 18 - DENNIS GREGG

PUBLIC COMMENT

TRUE NORTH STEEL PULLED 2021 BID

LAW DEPARTMENT

POSSIBLE NEW HIRES FOR HWY DEPT: BO SHARP, FULL-TIME HWY LABOR; AND LARRY LIVERMONT SEASONAL HELP

HIRE: STELLA POOR BEAR, 10 HOURS IN REGISTER OF DEEDS & 30 HOURS IN TREASURER'S OFFICE

SHANE BOOMER, DEPUTY CORONER, EFFECTIVE 6/28/2021

SURVEILLANCE VIDEO ACCESS FOR JEFF SISCOE

2022 BUDGET DISCUSSION  
BC CONSERVATION DIST

RESOLUTION #9-2021 BENNETT COUNTY BURN BAN

CASH TRANSFER OF \$5,000 TO 911 FUND

NEW & OLD BUSINESS  
ROOF START DATE AUGUST 19<sup>TH</sup>

ADJOURN

**BOARD OF BENNETT COUNTY COMMISSIONERS  
MINUTES OF PROCEEDINGS**

**WEDNESDAY, JULY 7<sup>TH</sup>, 2021  
MARTIN, SOUTH DAKOTA**

The Bennett County Board of Commissioners met in regular session Wednesday, July 7<sup>th</sup>, 2021 in the Courtroom.

Commissioners Present: Judd Schomp, Rod Kirk, Jeff Slattery, and Dave Bakley.

Absent: Blu Donovan.

Others Present: Angie Hicks, Auditor; Jaci Clifford, Register of Deeds; Jesse Ulmer, Highway Labor; Paul Williams, Sheriff; Jason Erwin, Sheriff's Chief Deputy; Jolene Donovan, Treasurer; Jeff Siscoe, Director of Equalization; Kris Jacobsen Executive Director of SDACC & SDACO; Cliff Reuer, SDLTAP; Taylor Risse, Booster; Sarah Harris, States Attorney; Bennett County Conservation District Representatives: Carl Novotny, Gloria Claussen, Jim Good, and Kenneth Bolzer.; Area Residents: Leroy Guptill, Bill Kocourek, Steve Livermont, Stevan Hauck, Wayne Sterkel, Dennis Gregg, Rolf Kraft, Brian Jager, Bo Sharp, and Bob Ceplecha.

Chairman Jeff Slattery called the meeting to order at 9:30 a.m.

Kris Jacobsen, Executive Director of SDACC & SDACO, introduced herself to the Board and explained what the South Dakota Association of County Commissioners and South Dakota Association of County Officials does for all the Counties in South Dakota. There was discussion held concerning the Commissioners handbook, County Convention and the ARP money for the U.S. Treasury.

Cliff Reuer, SDLTAP, informed the Board about South Dakota Local Transportation Assistance Program. Mr. Reuer also informed the Board that they come down and can help with training and other services at no cost to the County as it is covered by the STP money. The Board asked about grants for helping with the cost of building up roads? Mr. Reuer stated that Doug Kinniburgh or Paula Huizenga would be good contacts to help with grants. There was further discussion held concerning training and grants for highway departments.

Ms. Jacobsen provided more information concerning the HB1259 Rural Access Infrastructure for small structure inventory around the County. Angie Hicks, Auditor, stated Bennett County will receive roughly \$25,000. Ms. Jacobsen stated the funds can be used to hire someone to gather all the inventory for the County, or the County can do it themselves. The small structures are considered culverts with 16sq ft opening or bridges less than 20 ft long. There was further discussion held concerning HB1259. Mr. Reuer stated the County should get right on gathering this inventory information. Ms. Jacobsen stated that they have to GPS every unit and then enter it into a spreadsheet, and more guidelines will be provided by August 1<sup>st</sup>.

Sarah Harris, States Attorney, did the second reading of Ordinance #1-2021 Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses. Chairman Slattery called for any public comment, there being none Rod Kirk makes the motion to approve Ordinance #1-2021 Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses. Judd Schomp seconded.

All Voted Aye.

Motion Carried.

**BENNETT COUNTY ORDINANCE NO. 1-2021**

**A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES.**

**WHEREAS**, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

**WHEREAS**, Bennett County, SD (“County”), makes a preliminary finding that the County’s current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

**WHEREAS**, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health is required promulgate rules pursuant to chapter 1-26 no later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

**WHEREAS**, the County makes a preliminary finding that the County needs further study of the relationship of medical cannabis establishments to the County’s desire and need to protect the community. The public interest requires that the County study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments.

**WHEREAS**, the County makes a preliminary finding that it would be inappropriate for the County to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health’s promulgation of regulations governing the same;

**WHEREAS**, the County hereby exercises its authority under SDCL 11-2-10 and SDCL 7-18A-8, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the County;

**WHEREAS**, a temporary ordinance will ensure that more comprehensive regulations and ordinances for issuing licensing permits, can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

**WHEREAS**, the County finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations or ordinances emanating therefrom;

WHEREAS, the County finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the county government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY BENNETT COUNTY, SOUTH DAKOTA THAT:

*Section 1. Temporary Ordinance – Application for Local Permit/License*

A medical cannabis establishment desiring to operate in the County shall be required to apply for a permit and/or license from the County. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 30-20G-72. Any application received prior to such regulations being promulgated shall be denied.

*Section 2. Immediate Effect.*

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the county government and its existing public institutions pursuant to SDCL 11-2-10 and SDCL 7-18A-8.

Dated the  7<sup>th</sup>  day of  July , 2021 at Martin, South Dakota.

/S/   
 Jeff Slattery, Chairman  
 Board of Bennett County Commissioners

Attest:  /S/   
 Angie Hicks  
 Bennett County Auditor

First Reading:  June 16<sup>th</sup>, 2021   
 Second Reading:  July 7<sup>th</sup>, 2021   
 Date Adopted:  July 7<sup>th</sup>, 2021   
 Publication Date:  July 14<sup>th</sup>, 2021   
 Effective Date:  July 14<sup>th</sup>, 2021

Judd Schomp makes the motion to approve June 16, 2021 meeting minutes. Rod Kirk seconded.

All Voted Aye.  
 Motion Carried.

**Auditor's Account with Treasurer**

**To the Honorable Board of County Commissioners of Bennett County:**

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County as of June 30<sup>th</sup>, 2021.

Balance on hand – County	\$ 6,101,470.68
Cash Change Account	\$250.00
Restricted Funds	\$ 311,605.80
Savings Accounts	\$0.00
Cash, Checks, Credit Cards	\$ 9,834.28
Treasurer's Change Fund	- \$150.00
NSF Checks	\$0.00
 TOTAL	 \$ 6,423,010.76

Dated this 2<sup>nd</sup> day of July, 2021.

**Attest:**

\_\_\_\_\_/S\_\_\_\_\_  
Angela Hicks, Auditor

**Reports**

June - Register of Deeds: \$2,869.50

Chairman Slattery informed everyone of an incident that occurred yesterday between himself and Jesse Ulmer, Highway Labor. Chairman Slattery was informed of some maintenance needing done on a machine that Bob Ceplecha had borrowed so he and Mr. Ceplecha went out to the highway shop to get the machine maintained, and found that the emergency kill switch had been shut off. Mr. Ulmer came to the shop and he had a problem with Mr. Slattery being at the highway shop because he is not an employee, and Mr. Ulmer continued to state that Ms. Harris stated Mr. Slattery couldn't be out there for the same reason as he is not an employee. Mr. Slattery went to Ms. Harris' office and asked why he isn't allowed at the shop because he is an employee. Ms. Harris stated that she never said Mr. Slattery couldn't be out there. Chairman Slattery continued that he didn't end up getting the machine maintained because Mr. Ulmer had a problem with him being out there, so the incident occurred and nothing got accomplished and it would have been volunteer work for the County. Commissioner Kirk asked what is your reason Jesse? Mr. Ulmer stated its security, and you don't have a key for the Courthouse. Commissioner Bakley stated that is not the same as the Courthouse, it's the County Shop and we are in charge of it. Mr. Ulmer stated it's a security issue. Commissioner Kirk stated for who, you are an employee, not the highway superintendent. You were going to get something done for free, and now you have to do this, and I am requesting that you get this done today and be done by the end of the day. Mr. Ulmer stated that won't be possible because I don't have the right cutting edges. Chairman Slattery stated that all you have to do is cut one foot off the end and put it on there. Chairman Slattery continued that a couple months ago you and Steve came out and wanted to borrow a drill, and I said no problem and now you are throwing me under the bus for going out there trying to help, and threatening to call the Sheriff, why would you do that, what did I ever do to you? Mr. Ulmer stated its security. Bob Ceplecha, Area Resident,



stated yesterday you said it was a liability issue and today it's a security issue make up your mind, and you told us yesterday that Sarah said we couldn't be out there and we find out that was a lie again. Mr. Ulmer stated I asked if he was allowed there when no one was there and she said no. Ms. Harris stated she did not say that. Mr. Ulmer said yes you did, I recorded you. Ms. Harris stated okay, well I never said that. Commissioner Bakley stated that I make a motion we make Ed Johnson the temporary highway superintendent. Chairman Slattery stated let's hold off on that for a little while. Commissioner Schomp stated we have more to discuss. Commissioner Bakley stated okay. Commissioner Schomp stated we need a boss out there. Chairman Slattery stated yes, we do. When you have a volunteer to go out there to help and they get ran off, that can't happen. Commissioner Kirk stated that he and Dave Bakley were put in charge of the highway crew, and he requested the work to get done since it could've been done yesterday. Now it needs to be done today so that blade can be used. Commissioner Schomp stated the Commissioners cannot be in control of the highway department because there is no recourse if something doesn't get done, it comes back on the employee told to do it. Rod Kirk makes the motion to go into executive session at 10:20 a.m. concerning personnel with Angie and Sarah. Dave seconded.

Voting Aye: Rod Kirk, Jeff Slattery, and Dave Bakley.

Voting Nay: Judd Schomp.

Motion Carried.

Bo Sharp, Highway Labor Applicant, joined executive session at 10:30 a.m.

Chairman Slattery declared executive session closed at 10:55 a.m. Jeff Slattery makes the motion to hire Bo Sharp as Full-Time Highway Labor effective July 26, 2021 and salary to be determined at a later date. Rod Kirk seconded.

All Voted Aye.

Motion Carried.

The Board decided to table the certification training in Pierre for the next meeting on July 21, 2021.

Discussion was held concerning surplus the yellow truck (Peterbilt). The Board decided to be on the look-out for a Semi Truck, and a flatbed truck and put a water tank on it. Commissioner Kirk is checking with Jeff at Grossenburg Implement concerning a mower and he will be sending some information. Commissioner Schomp stated he checked with Wade at RDO and they have no mowers available.

Bob Ceplecha, Area Resident, informed the Board that they gave us about 300 ton more of millings, and there is about 650 ton left to haul, but that 300 ton has some bigger chunks in it, so it will need to be screened. There was further discussion concerning the millings to go on Old Highway 18. Mr. Ceplecha asked about continuing maintenance on Hisle Road? The Board stated that they would let them know when to go back out and maintain Hisle Road. Brian Jager, Area Resident, informed the Board that his concerns are the blowouts on Hisle Road, they are busting up trailers while hauling cattle. The cattle can potentially get hurt, and he has to insure the cattle. Mr. Ceplecha asked what material to use in the blowouts on Hisle Road? Chairman Slattery stated that they have used Judd's rock in different places to fix holes. Mr. Ceplecha stated that some residents are not happy with that material, on Miller Hill there are big rocks in the middle of the road. Commissioner Kirk stated that there needs to be gravel put over that base material. Commissioner Schomp stated that the big rocks didn't come out of his pit, but not sure

where they came from. Mr. Ceplecha stated that Bauman gravel would be good to put on Hisle Road. There was further discussion held concerning graveling and watering Hisle Road to get it fixed. Commissioner Bakley stated what about the rest of the blowouts throughout the County, he has had several complaints from residents by Eileen Kamerzell's and Huddleston's place. The Board stated once heavy hauling is done then they can go and repair the other blowouts. Mr. Ceplecha stated that Jonathan Bad Wound approached him about not being asked to haul for the County and when I put my bid in for hauling Jonathan, Prang, Hicks, and Weber all run under my bid. Ms. Harris stated that you have to contact all the ones that bid for hauling and if they can't haul then you can contact other haulers. Mr. Reuer stated that they would be treated as a sub-contractor and Mr. Ceplecha would have to pay those under his bid. Commissioner Kirk stated that we may have to re-bid the hauling since a lot of haulers missed the bid and didn't bid it out.

Auditor Hicks stated this \$175,000 was set aside years ago for a project, but it fell through, and therefore this money is still restricted. Auditor Hicks asked if the Board wants to leave it restricted or put it in the road & bridge fund? The Board was in agreement to leave it as restricted money for now.

Dennis Gregg, Area Resident, stated that filling the holes on Old Highway 18 has worked, but it isn't being done anymore, and we keep hearing about it being ground up and none of us residents want that to happen, and asked if it is going to happen? Commissioner Kirk stated that isn't going to happen. Chairman Slattery stated that it might be done to Hisle Road, because we need something done to that road that is going to last. Mr. Ceplecha stated they had been broke down, but will get back to repairing Old Highway 18.

Wayne Sterkel, Area Resident, presented the Board with a list of questions that he wants answered in writing by the Board concerning right of ways. Mr. Sterkel stated one of the questions is can a landowner close a section line with a fence? Commissioner Kirk stated we found out that a landowner can, as long as there is access to it, with a gate on each end. Mr. Sterkel continued that he would like these answers in writing because he has talked to Sarah Harris, and the Sheriff and nothing gets done with the gates, and maybe the Board would have a little more authority than he does. Mr. Sterkel's next question is if a landowner builds a fence on someone else's property without permission is that legal or is that trespassing? Mr. Sterkel continued is repairing a fence the same as building new? Mr. Sterkel stated that it was retracted in the Booster that it was not a new fence it was rebuilt, and who would own the fence? Commissioner Kirk stated that we have no jurisdiction here. Mr. Sterkel stated that I would like that in writing. Ms. Harris stated that this is what can happen, so the landowner can erect a fence across an unimproved section of the highway, and the landowner has to provide a gate at each end so the public still has access. Ms. Harris continued that if the request is filed, the jury may request the sheriff to notify the landowner, and the landowner shall comply with the provisions within 7 days of the notice. Mr. Sterkel stated this goes outside of the section line and is that legal? Commissioner Kirk stated that this is probably going to be civil. Mr. Sterkel stated that will cost \$5,000 to \$10,000 and I can't afford that, these posts got put in there and I talked with Nathan's wife, and an attorney stated that I could take those posts out and the next thing I know the Sheriff put yellow tape on the fence, and I can't touch it, and it's on my property. Sheriff Williams stated that he got a call from dispatch that a fence was going to be taken out and that firearms were going to be involved so therefore I put the yellow tape around the fence until I

could find out the entire issue. Sheriff Williams stated that he then talked to Mr. Sterkel and found out what the issue was and that Mr. Sterkel stated he wasn't going to take the fence out. Mr. Sterkel stated that he is taking care of this on behalf of his mom as he is her power of attorney. There was further discussion held concerning this issue and County right of ways.

Bill Kocourek, Area Resident, asked why County money would be wasted on putting a culvert in an approach that has never run a drop of water? Commissioner Kirk stated that was a misunderstanding we were told that it was needed there. It was stated that the Highway Dept needs to work with landowners. Jeff Siscoe, Emergency Manager, stated there is slope there and so I thought that there was a need for the culvert. Mr. Kocourek stated it actually runs to the West not the East. Steve Livermont stated that he thought that the culvert was buried so when he dug down about half way he went ahead and put the culvert in, and he agreed with Bill and stated it shouldn't have been done. Mr. Kocourek stated that he wanted to let the Board know that Steve York came out and bladed his road, and he did a great job with what he had to work with.

Stevan Hauck, Area Resident, informed the Board of an issue on 211<sup>th</sup> Avenue that the dust is so bad on that road and they almost got ran over by some trucks, but the road base itself has disintegrated and needs the first half mile to be graveled. Mr. Reuer stated that it would be a good idea to put out a policy on culverts and care & maintenance of the roads. Commissioner Kirk stated that Heather Harris needs a speed limit sign by her house as the traffic is going way to fast, and her kids run back and forth on that road. Jason Erwin, Chief Deputy, stated they are patrolling the area, but there are a lot of roads to patrol as well and they are doing their best. Commissioner Kirk stated to get some signs ordered to put up out there.

Auditor Hicks stated that True North Steel stated that they pulled their bid for 2021 since they couldn't honor their prices as bid in January since the prices on everything has gone up. Auditor Hicks stated that Beadle County is going to rebid it and then will let us know how that goes the end of this month.

Sheriff Williams presented the Board with the June report. Sheriff Williams would also like to have a meeting with a couple of the Commissioners, Hospital Board, OST Public Safety Chief, and States Attorney Sarah Harris concerning mental holds. Sheriff Williams continued stating that there has been an increase in the mental holds and most of them are from other counties. Sheriff Williams would also like to get a contract with South Plains Behavioral Health in Winner and he feels that would help with some of the cost for mental evaluations when they are intoxicated. The Board thinks that the contract would be a good idea so Sheriff Williams is going to work on that contract.

The Board decided to table the hiring of Larry Livermont, and Bo Sharps salary until the next meeting on July 21, 2021.

Auditor Hicks informed the Board that Stella Poor Bear is working 30 hours in the Treasurer's Office and 10 hours a week in the Register of Deeds Office.

Judd Schomp makes the motion to approve Shane Boomer as a deputy Coroner effective June 28, 2021. Rod Kirk seconded.

All Voted Aye.

Motion Carried.

Jeff Siscoe, Emergency Manager, stated that if he is given a subpoena for the surveillance video footage that he still has to get written permission with two signatures from the

Commissioners to obtain the footage, and he would like to know if with the subpoena he could just get the footage requested without the Commissioners permission? The Board would like him to just let them know when some footage was requested by subpoena and keep a list of when it was requested. Mr. Siscoe stated that he already keeps a log of all footage requested. Rod Kirk makes the motion to give Jeff Siscoe permission to release video surveillance when presented with a subpoena without requiring two Commissioners signatures. Jeff Slattery seconded.

All Voted Aye.

Motion Carried.

Kenneth Bolzer, Bennett County Conservation District Representative, informed the Board that they are requesting \$9,000 for the 2022 budget from the Commissioners. Mr. Bolzer explained that they need to repair a drill that they loan out to local people, and Patty Beck hasn't had a raise since 2018 and they would like to give her a raise. There was further discussion held concerning the drill loaned out and the Conservation program needs.

Commissioner Kirk asked what the burn ban is all about? Auditor Hicks stated that I was asked to put it on the agenda, and that the last time it was done was in 2015 and it was a temporary burn ban and then lifted later down the road. Commissioner Kirk stated that regardless if there is a burn ban or not people start a fire, they will still be held liable. Mr. Siscoe informed the Board of some information on the burn ban. The Board asks that people just use common sense when burning and it is dry climate.

Auditor Hicks informed the Board of the need to do a \$5,000 cash transfer from the general fund to the 911 fund as this fund doesn't support itself. Rod Kirk makes the motion to do a cash transfer of \$5,000 from the general fund to the 911 fund. Dave Bakley seconded.

All Voted Aye.

Motion Carried.

Auditor Hicks informed the Board that the roof repair won't start until August 19<sup>th</sup> since materials have been pushed out.

Commissioner Kirk stated that on the next meeting there needs to be a resolution for Drought Disaster. Auditor Hicks will get the resolution drawn up for the next meeting.

Sarah Harris, States Attorney, asked about the fence issue, and maybe have the Sheriff go talk to Nathan Novak? The Board stated that Sheriff Williams go talk with Nathan Novak and inform him that he has to put in two gates (one at each end) for public access. There was further discussion held concerning the fence issue.

Auditor Hicks stated the Board needs to set a date for the budgets meeting? The Board decided to set a special meeting for Monday July 12, 2021 at 3:00 p.m.

Bob Coplecha, informed the Board on an incident and stated that he couldn't go into May's Pit so then Jesse went out and raised hell with his boys saying that they couldn't fix the road, and they screwed up the roads and we can't get into any gravel pits, and he wants it nipped in the butt because he doesn't know where that comes from aside from May's he can go in to any gravel pit. Commissioner Schomp stated that Jesse reported that Mr. Coplecha was going to fix the blowout on Hisle Road. Mr. Coplecha stated no we were hauling into Billy Mansfield's and the blowout was already there, and he just wanted that cleared up.

Dave Bakley makes the motion to go into executive session concerning personnel with Sheriff Williams and Jason Erwin, Chief Deputy at 12:10 p.m. Rod Kirk seconded.

All Voted Aye.  
Motion Carried.

Chairman Slattery declared executive session closed at 12:40 p.m. Rod Kirk makes the motion to raise Stuart Bucholz to \$14.25 hourly effective next pay period. Dave Bakley seconded.

All Voted Aye.  
Motion Carried.

There being no further business to come before the Board, Judd Schomp makes the motion to adjourn. Rod Kirk seconded.

All Voted Aye.  
Motion Carried.

### **BOARD OF BENNETT COUNTY COMMISSION**

\_\_\_\_\_/S\_\_\_\_\_  
Jeff Slattery, Chairman

**ATTEST:**

\_\_\_\_\_/S\_\_\_\_\_  
Angela Hicks, Auditor

The next regular meeting will be Wednesday, July 21<sup>st</sup>, 2021 at 9:30 a.m. in the Courthouse. Published once at the total approximate cost of \_\_\_\_\_.



**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501  
Phone (605) 773-3215  
Fax (605) 773-4106  
TTY (605) 773-6585  
<http://atg.sd.gov/>

**JASON R. RAVNSBORG**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

August 26, 2021

Jolene Donovan  
Bennett County Treasurer  
202 Main Street  
PO Box 606  
Martin, SD 57551

Re: In the Matter of Open Meeting Complaint 2021-02, Bennett County Board of  
Commissioners – Bennett County

Dear Ms. Donovan,

This letter is to acknowledge receipt of an open meetings complaint filed by you against the Bennett County Board of Commissioners. Bennett County State's Attorney Sarah E. Harris forwarded the complaint to the Open Meetings Commission for its review. Enclosed is a copy of all the materials I have received. A copy of the complaint materials has also been submitted to the Bennett County Board of Commissioners for their response. I have asked the Board of Commissioners to file a response no later than September 30, 2021. I have also requested that the Board of Commissioners mail you a copy of any response they file.

The Open Meetings Commission meets periodically and has not scheduled its next meeting. I will notify you of the date, time and location of the next Commission meeting.

August 26, 2021

Re: In the Matter of Open Meeting Complaint 2021-02, Bennett County Board of Commissioners –  
Bennett County

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If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Blair". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steven R. Blair  
Assistant Attorney General

SRB/jm

Enclosures

Cc w/o Encl: Jeff Slattery, Chair – Bennett County Board of Commissioners  
Sarah E. Harris – Bennett County State's Attorney



**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501  
Phone (605) 773-3215  
Fax (605) 773-4106  
TTY (605) 773-6585  
<http://atg.sd.gov/>

**JASON R. RAVNSBORG**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

August 26, 2021

Jeff Slattery, Chair  
Bennett County Board of Commissioners  
202 Main Street  
Martin, SD 57551

Re: In the Matter of Open Meeting Complaint 2021-02, Bennett County Board of Commissioners – Bennett County

Dear Chair Slattery,

I assist the South Dakota Open Meetings Commission with their duties. Bennett County State's Attorney Sarah Harris has forwarded to the Commission, pursuant to SDCL 1-25-6(3), a complaint concerning the Bennett County Board of Commissioners. The complaint was signed by Jolene Donovan. Enclosed is a copy of all the materials I have received.

If the Bennett County Board of Commissioners wishes to file a response to the complaint, please send it to the above address on or before September 30, 2021. Please also send copies of any response to Jolene Donovan, Bennett County Treasurer, 202 Main Street, PO Box 606, Martin, South Dakota and to Bennett County State's Attorney Sarah Harris.

After I have received your response, all materials will be sent to the members of the Commission for their review. The Commission meets periodically and has not yet scheduled its next meeting. You will be given further notice of the meeting date, location, and time once the meeting has been scheduled.




August 26, 2021

Re: In the Matter of Open Meeting Complaint 2021-02, Bennett County Board of Commissioners –  
Bennett County

Page 2

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "SRB", with a long horizontal flourish extending to the right.

Steven R. Blair  
Assistant Attorney General

SRB/jm  
Enclosures

Cc w/o Encl: Jolene Donovan  
Sarah E. Harris – Bennett County State's Attorney

STATE OF SOUTH DAKOTA



**OFFICE OF ATTORNEY GENERAL**

P.O. Box 70  
Rapid City, South Dakota 57702  
Phone (605) 394-2258  
Fax (605) 394-5476  
<http://atg.sd.gov>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**BRENT K. KEMPEMA**  
CHIEF DEPUTY

May 3, 2024

Jolene Donovan  
Treasurer, Bennett County  
P.O. Box 606  
202 Main Street  
Martin, SD 57551

Re: In re Open Meeting Complaint Concerning Bennett County Commission

Dear Treasurer Donovan:

You submitted an open meetings complaint in 2021 concerning the Bennett County Commission. The processing of open meetings complaints was placed on hold for a period of time. Recently, Attorney General Jackley made appointments to the Open Meetings Commission, and complaints are being reviewed for further action. I am writing to inquire whether you would like to proceed with your complaint against the Bennett County Commission, and proceed with review by the Open Meetings Commission? If you would like to proceed with your complaint please respond to this letter or email me at [steven.blair@state.sd.us](mailto:steven.blair@state.sd.us). If you wish to proceed with your complaint, it will be necessary to submit a notarized complaint. Please respond by May 24, 2024.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "SBL", with a horizontal line extending to the right.

Steven R. Blair  
Deputy Attorney General

Enclosures

## McFarlane, Jenna

---

**From:** Blair, Steven  
**Sent:** Wednesday, May 15, 2024 11:23 AM  
**To:** McFarlane, Jenna  
**Subject:** FW: [EXT] Open Meeting Complaint  
**Attachments:** Open Meeting Complaint.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Jenna,

Ms. Donovan does wish to proceed with her OM complaint. She's attached a notarized complaint form. I believe we need a response from the County on this still? Can you please draft a letter indicating that the complaint is still pending, and asking the County to respond. I'd give them whatever amount of time we gave for responses in the most recent batch of complaints.

Thanks!

**Steve Blair – Deputy Attorney General**

**From:** bctreas@gwtc.net <bctreas@gwtc.net>  
**Sent:** Wednesday, May 8, 2024 10:51 AM  
**To:** Blair, Steven <Steven.Blair@state.sd.us>  
**Subject:** [EXT] Open Meeting Complaint

Deputy Attorney General  
Steven Blair,

Attached is a notarized copy of my open meeting complaint against the Bennett County Commissioner's and yes I would like to proceed with the complaint.

I also have some other questions and am wondering if you had time to help me answer them or if there is someone else I can ask.

Thank you for your time.  
Respectfully,

*Jolene Donovan  
Bennett County Treasurer  
PO Box 606, 202 Main Street  
Martin SD 57551  
605-685-6092 Phone  
605-685-6311 Fax*



**OFFICE OF ATTORNEY GENERAL**

P.O. Box 70  
Rapid City, South Dakota 57702  
Phone (605) 394-2258  
Fax (605) 394-5476  
<http://atg.sd.gov>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**BRENT K. KEMPEMA**  
CHIEF DEPUTY

May 3, 2024

Jolene Donovan  
Treasurer, Bennett County  
P.O. Box 606  
202 Main Street  
Martin, SD 57551

Re: In re Open Meeting Complaint Concerning Bennett County Commission

Dear Treasurer Donovan:

You submitted an open meetings complaint in 2021 concerning the Bennett County Commission. The processing of open meetings complaints was placed on hold for a period of time. Recently, Attorney General Jackley made appointments to the Open Meetings Commission, and complaints are being reviewed for further action. I am writing to inquire whether you would like to proceed with your complaint against the Bennett County Commission, and proceed with review by the Open Meetings Commission? If you would like to proceed with your complaint please respond to this letter or email me at [steven.blair@state.sd.us](mailto:steven.blair@state.sd.us). If you wish to proceed with your complaint, it will be necessary to submit a notarized complaint. Please respond by May 24, 2024.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "SBL", with a horizontal line extending to the right.

Steven R. Blair  
Deputy Attorney General

Enclosures

Bennett County Treasurer  
202 Main Street, PO Box 606  
Martin, SD 57551  
605-685-6092

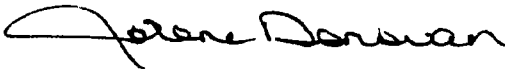
Bennett County State's Attorney  
Sarah Harris  
PO Box 628  
Martin, SD 57551

Dear Sarah,

I would like to file a formal complaint against the Bennett County Board of Commissioners. Jeff Slattery Chair, Rod Kirk Vice Chair, David Bakley, Cole Blu Donovan, and Judd Schomp for open meeting law violations. During the July 7, 2021 the board went into executive session with the County Sheriff Paul Williams. We were all told before the executive session started that nothing was going to be voted on or discussed after they came out of session so everyone including the representative from the Booster did not return to the meeting room. During the budget meeting on July 12, 2021 a new wage for an employee was mentioned, a raise that I was not aware of. On July 13, 2021 I asked Auditor Angie Hicks about the wage and was told that the Commissioners approved the \$.75/ hour raise at the last meeting.


There was nothing on the agenda regarding the raise. I believe this was discussed and voted on during the executive session. That and the fact that it was not on the agenda I believe the Commissioners did violate the open meeting laws the State of South Dakota has set before us.

Respectfully,



Jolene Donovan  
Bennett County Treasurer.



STATE OF SOUTH DAKOTA  
COUNTY OF BENNETT  
Subscribed and sworn before me this 20  
day of August, 2021  
My Commission Expires  
August 24, 2024  
  
Notary Public My Commission Expires



**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501

Phone (605) 773-3215

Fax (605) 773-4106

<http://atg.sd.gov>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**BRENT K. KEMPEMA**  
CHIEF DEPUTY

May 17, 2024

Dave Bakley, Chair  
Bennett County Board of Commissioners  
202 Main Street  
Martin, SD 57551

Re: In the Matter of Open Meeting Complaint 2021-02, Bennett County Board of  
Commissioners – Bennett County

Dear Chair Bakley,

This letter is to inform you that the complaint filed by Jolene Donovan against the Bennett County Board of Commissioners is currently still pending. Enclosed is a copy of all the materials I have received.

If the Bennett County Board of Commissioners wishes to file a response to the complaint, please send it to the above address on or before June 30, 2024. Please also send copies of any response to Jolene Donovan, Bennett County Treasurer, 202 Main Street, PO Box 606, Martin, South Dakota and to Bennett County State's Attorney Sarah Harris.

After I have received your response, all materials will be sent to the members of the Commission for their review. The Commission meets periodically and has not yet scheduled its next meeting. You will be given further notice of the meeting date, location, and time once the meeting has been scheduled.

March 17, 2024

Re: In the Matter of Open Meeting Complaint 2021-02, Bennett County Board of Commissioners – Bennett  
County

Page 2

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Blair", written in a cursive style.

Steven R. Blair  
Assistant Attorney General

SRB/jm

Enclosures

Cc: Jolene Donovan  
Sarah E. Harris – Bennett County State's Attorney

STATE OF SOUTH DAKOTA



**OFFICE OF ATTORNEY GENERAL**

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Pierre, South Dakota 57501-8501  
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<http://atg.sd.gov>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**BRENT K. KEMPEMA**  
CHIEF DEPUTY

September 4, 2024

Dave Bakley, Chair  
Bennett County Board of Commissioners  
202 Main Street  
Martin, SD 57551

Re: In the Matter of Open Meeting Complaint 2021-02, Bennett County Board of Commissioners – Bennett County

Dear Chair Bakley,

This letter is to remind you that the complaint filed by Jolene Donovan against the Bennett County Board of Commissioners remains pending before the Open Meetings Commission.

As of the date of this letter, the Commission has received no response to the complaint from the Board of Commissioners. If the Board of Commissioners intends to respond to the Complaint, you have until **September 20, 2024** to do so. When responding, please send copies of any response to Jolene Donovan, Bennett County Treasurer, 202 Main Street, PO Box 606, Martin, South Dakota, and to Bennett County State's Attorney Sarah Harris.

The Commission meets periodically and has not yet scheduled its next meeting. You will be given further notice of the meeting date, location, and time once the meeting has been scheduled.



September 4, 2024

Re: In the Matter of Open Meeting Complaint 2021-02, Bennett County Board of Commissioners – Bennett  
County

Page 2

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "SRB", with a horizontal line extending to the right.

Steven R. Blair  
Assistant Attorney General

SRB/jm

Cc: Jolene Donovan  
Sarah E. Harris – Bennett County State's Attorney

Attorney General

SEP 20 2024

BENNETT COUNTY  
AUDITOR'S OFFICE  
PHONE: 605-685-6931

FACSIMILE TRANSMITTAL SHEET

TO: Steven R. Blair	FROM: Mary Goss, Auditor's Office
COMPANY: Bennett Co Courthouse	DATE: 9/20/2024
FAX NUMBER: 605-773-4106	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: 605-773-3215	SENDER'S REFERENCE NUMBER:
YOUR REFERENCE NUMBER:	

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

Attention: Steven R. Blair



**BENNETT COUNTY**  
**OFFICE OF**  
**COUNTY COMMISSIONERS**

September 20, 2024

(via electronic communication)

Open Meetings Commission  
c/o Office of the Attorney General  
1302 E. Highway 14, Ste 1  
Pierre, SD 57501-8501

RE: Open Meetings Violation Complaint

Dear Mr. Blair,

It was brought to the County Commissioners attention after the July 7, 2021, commission meeting that we took action on a matter that was not listed on the Agenda for July 7, 2021, meeting. The Commission had taken action by making and approving a motion to give a Sheriff Transport Officer a raise to \$14.25 per hour, increasing the hourly wage by 0.75 cents. The Commission then decided to put the item of the transport officer (Stuart Bucholz) raise wage effective 7/18/2021 to \$14.25 hourly on the Agenda for the July 21, 2021, meeting so that it could be properly approved. Attached is a copy of the July 21, 2021 agenda.

The Commissioner's feel that they corrected the earlier mistake and are asking the Open Meeting Commission to find that this matter has been resolved.

Thank you,

Dave Bakley, Chair  
Bennett County Board of Commissioners

A handwritten signature in black ink that reads "Dave Bakley".

Cc: Jolene Donovan, Bennett County Treasurer  
Sarah E. Harris, Bennett County State's Attorney

**OFFICIAL**

**BENNETT COUNTY BOARD OF COMMISSIONERS AGENDA**

Courthouse  
202 Main Street, Martin, SD  
July 21<sup>st</sup>, 2021

PLEDGE OF ALLEGIANCE

9:30 MEETING CALLED TO ORDER

APPROVE JULY 7<sup>TH</sup> & 12<sup>TH</sup> MEETING MINUTES

HIGHWAY DEPARTMENT

CERTIFICATION TRAINING AUG 11<sup>TH</sup> IN PIERRE  
BILL LIVERMONT – TRUCKING  
GRAVEL FOR TUTHILL RD  
SPEED LIMIT SIGNS  
GRAVEL HAULING PRICE  
AGREEMENT WITH STATE DOT FOR RURAL INFRASTRUCTURE FUNDS

PUBLIC COMMENT

NEW HIRES FOR HWY DEPT:

BO SHARP, FULL-TIME HWY LABOR, EFFECTIVE 7/26/2021 SALARY TBD; AND  
LARRY LIVERMONT SEASONAL HELP; BOB CEPLECHA, SEASONAL HWY LABOR,  
EFFECTIVE 7/6/2021, SALARY TBD; TODD PORCH, SEASONAL HWY LABOR,  
EFFECTIVE 7/8/2021, SALARY TBD

STUART BUCHOLZ RAISE WAGE EFFECTIVE 7/18/2021 TO \$14.25 HOURLY

LEGION BASEBALL TEAM

2022 BUDGET DISCUSSION  
BC CONSERVATION DIST

DROUGHT RESOLUTION DISCUSSION

CLAIMS

RECORD DESTRUCTION – AUDITOR

NEW & OLD BUSINESS  
COMMUNITY ACTION BUILDING DOORS

ADJOURN



**BENNETT COUNTY  
OFFICE OF  
COUNTY COMMISSIONERS**

Attorney General  
SEP 20 2024

September 20, 2024

(via electronic communication)

Open Meetings Commission  
c/o Office of the Attorney General  
1302 E. Highway 14, Ste 1  
Pierre, SD 57501-8501

RE: Open Meetings Violation Complaint

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The Commissioner's feel that they corrected the earlier mistake and are asking the Open Meeting Commission to find that this matter has been resolved.

Thank you,

Dave Bakley, Chair  
Bennett County Board of Commissioners

Handwritten signature of Dave Bakley in black ink.

Cc: Jolene Donovan, Bennett County Treasurer  
Sarah E. Harris, Bennett County State's Attorney

**OFFICIAL**

**BENNETT COUNTY BOARD OF COMMISSIONERS AGENDA**

Courthouse  
202 Main Street, Martin, SD  
July 21<sup>st</sup>, 2021

PLEDGE OF ALLEGIANCE

9:30 MEETING CALLED TO ORDER

APPROVE JULY 7<sup>TH</sup> & 12<sup>TH</sup> MEETING MINUTES

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- BILL LIVERMONT - TRUCKING
- GRAVEL FOR TUTHILL RD
- SPEED LIMIT SIGNS
- GRAVEL HAULING PRICE
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**PUBLIC COMMENT**

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- EFFECTIVE 7/6/2021, SALARY TBD; TODD PORCH, SEASONAL HWY LABOR,
- EFFECTIVE 7/8/2021, SALARY TBD

STUART BUCHOLZ RAISE WAGE EFFECTIVE 7/18/2021 TO \$14.25 HOURLY

**LEGION BASEBALL TEAM**

2022 BUDGET DISCUSSION  
BC CONSERVATION DIST

DROUGHT RESOLUTION DISCUSSION

CLAIMS

RECORD DESTRUCTION - AUDITOR

NEW & OLD BUSINESS  
COMMUNITY ACTION BUILDING DOORS

## McFarlane, Jenna

---

**From:** Blair, Steven  
**Sent:** Monday, September 23, 2024 9:39 AM  
**To:** Mary Goss  
**Cc:** McFarlane, Jenna  
**Subject:** RE: [EXT] Bennett co meeting complaint

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ms. Goss,

Thank you for sending Bennett County's response to the 2021 complaint pending before the Open Meetings Commission. Also pending before the OMC is a 2023 complaint concerning the February 1, 2023 meeting of the Bennett County Commission. Does the Bennett County Commission wish to file a response to that complaint as well?

Thanks!

**Steve Blair – Deputy Attorney General**

**From:** Mary Goss <bcauditor@gwtc.net>  
**Sent:** Friday, September 20, 2024 3:13 PM  
**To:** Blair, Steven <Steven.Blair@state.sd.us>  
**Subject:** [EXT] Bennett co meeting complaint

Mary Goss  
Bennett County Auditor  
PO Box 460  
Martin, SD 57551  
605-685-6931  
Fax: 605-685-6311  
[bcauditor@gwtc.net](mailto:bcauditor@gwtc.net)



**BENNETT COUNTY  
OFFICE OF  
COUNTY COMMISSIONERS**

September 20, 2024

(via electronic communication)

Open Meetings Commission  
c/o Office of the Attorney General  
1302 E. Highway 14, Ste 1  
Pierre, SD 57501-8501

RE: Open Meetings Violation Complaint

Dear Mr. Blair,

It was brought to the County Commissioners attention after the July 7, 2021. commission meeting that we took action on a matter that was not listed on the Agenda for July 7, 2021. meeting. The Commission had taken action by making and approving a motion to give a Sheriff Transport Officer a raise to \$14.25 per hour, increasing the hourly wage by 0.75 cents. The Commission then decided to put the item of the transport officer (Stuart Bucholz) raise wage effective 7/18/2021 to \$14.25 hourly on the Agenda for the July 21, 2021, meeting so that it could be properly approved. Attached is a copy of the July 21, 2021 agenda.

The Commissioner's feel that they corrected the earlier mistake and are asking the Open Meeting Commission to find that this matter has been resolved.

Thank you,

Dave Bakley, Chair  
Bennett County Board of Commissioners

A handwritten signature in black ink that reads "Dave Bakley".

Cc: Jolene Donovan, Bennett County Treasurer  
Sarah E. Harris, Bennett County State's Attorney



**OFFICIAL**  
**BENNETT COUNTY BOARD OF COMMISSIONERS AGENDA**

Courthouse  
202 Main Street, Martin, SD  
July 21<sup>st</sup>, 2021

PLEDGE OF ALLEGIANCE

9:30 MEETING CALLED TO ORDER

APPROVE JULY 7<sup>TH</sup> & 12<sup>TH</sup> MEETING MINUTES

HIGHWAY DEPARTMENT

CERTIFICATION TRAINING AUG 11<sup>TH</sup> IN PIERRE

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SPEED LIMIT SIGNS

GRAVEL HAULING PRICE

AGREEMENT WITH STATE DOT FOR RURAL INFRASTRUCTURE FUNDS

PUBLIC COMMENT

NEW HIRES FOR HWY DEPT:

BO SHARP, FULL-TIME HWY LABOR, EFFECTIVE 7/26/2021 SALARY TBD; AND  
LARRY LIVERMONT SEASONAL HELP; BOB CEPLECHA, SEASONAL HWY LABOR,  
EFFECTIVE 7/6/2021, SALARY TBD; TODD PORCH, SEASONAL HWY LABOR,  
EFFECTIVE 7/8/2021, SALARY TBD

STUART BUCHOLZ RAISE WAGE EFFECTIVE 7/18/2021 TO \$14.25 HOURLY

LEGION BASEBALL TEAM

2022 BUDGET DISCUSSION  
BC CONSERVATION DIST

DROUGHT RESOLUTION DISCUSSION

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STATE OF SOUTH DAKOTA



**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501

Phone (605) 773-3215

Fax (605) 773-4106

<http://atg.sd.gov>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**BRENT K. KEMPEMA**  
CHIEF DEPUTY

October 18, 2024

Jolene Donovan  
Bennett County Treasurer  
202 Main Street  
PO Box 606  
Martin, SD 57551

Dave Bakley, Chair  
Bennett County Board of Commissioners  
202 Main Street  
Martin, SD 57551

Re: In the Matter of Open Meeting Complaint 2021-02, Bennett County Board of Commissioners – Bennett County

Dear Ms. Donovan & Mr. Bakley,

Enclosed please find a Notice of Hearing regarding the above referenced open meetings complaint. Also enclosed, please find a courtesy copy of the proposed agenda for the Commission's November 18, 2024 meeting. As you can see from the agenda, presentations regarding complaints will begin at 9:00 a.m. central time, or as soon thereafter as matters may be heard.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Blair".

Steven R. Blair  
Assistant Attorney General

SRB/jm  
Enclosure

STATE OF SOUTH DAKOTA  
OPEN MEETINGS COMMISSION

---

IN THE MATTER OF OPEN	)	OMC 2015-03
MEETINGS COMPLAINT AGAINST	)	
BENNETT COUNTY BOARD OF	)	NOTICE OF HEARING
COMMISSIONERS – BENNETT	)	
COUNTY	)	

---

TO: Jolene Donovan, Bennett County Treasurer, 202 Main Street, PO Box 606, Martin, South Dakota 57551; and Dave Bakley, Chair, Bennett County Board of Commissioners, 202 Main Street, Martin, South Dakota 57551:

Please take notice that a hearing regarding the above referenced open meetings complaint will be held before the South Dakota Open Meetings Commission, at the Matthews Training Center – Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota, on Monday, November 18, 2024. Oral presentations regarding pending complaints will commence at 9:00 a.m. central time, or as soon thereafter as matters may be heard, and proceed in the order noted in the attached agenda.

Dated this 18th day of October, 2024.



---

Steven R. Blair  
Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501  
Telephone: (605) 773-3215

SOUTH DAKOTA OPEN MEETINGS COMMISSION

**AGENDA**

Matthews Training Center – Foss Building  
523 E. Capitol Avenue  
Pierre, South Dakota 57501

November 18, 2024  
9:00 a.m. Central Time

1. Approval of the Agenda
2. Public Comment period as per SDCL 1-25-1
3. Commissioner Introductions
4. Election of Officers
5. Discussion of Procedures
6. Consideration of Pending Complaints

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

Oral Presentations:

Complainant Jolene Donovan -15 minutes (a portion of this time may be reserved for rebuttal)

Bennett County Board of Commissioners -15 minutes

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

Oral Presentations:

Complainant Robert Fogg, Jr. -15 minutes (a portion of this time may be reserved for rebuttal)

Martin City Council -15 minutes

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

Oral Presentations:

Complainant Robert Fogg, Jr. -15 minutes (a portion of this time may be reserved for rebuttal)

Bennett County Board of County Commissioners -15 minutes

**[LUNCH BREAK 11:45-1:00 P.M CENTRAL TIME]**

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

Oral Presentations:

Complainant Ky Gossard -15 minutes (a portion of this time may be reserved for rebuttal)

Piedmont Board of Trustees -15 minutes

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

Oral Presentations:

Complainant Wendi Hogan -15 minutes (a portion of this time may be reserved for rebuttal)

Lincoln County Commission -15 minutes

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

Oral Presentations:

Complainant Walter D Johnson -15 minutes (a portion of this time may be reserved for rebuttal)

North Sioux City City Council -15 minutes

All items are scheduled for 09:00 a.m. Central Time. Scheduled items may be delayed or moved to a later agenda item at the discretion of the OMC.

**Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Attorney General's Office, 605-773-3215, at least 48 hours before the meeting if you have a disability for which special arrangements must be made.**

STATE OF SOUTH DAKOTA  
OPEN MEETINGS COMMISSION

---

IN THE MATTER OF OPEN	)	OMC 2021-02
MEETINGS COMPLAINT AGAINST	)	
BENNETT COUNTY BOARD OF	)	CERTIFICATE OF SERVICE
COMMISSIONERS – BENNETT	)	
COUNTY	)	

---

The undersigned hereby certifies that a true and correct copy of the Notice of Hearing and proposed Agenda in the above-captioned matter, were served by United States mail, first class, postage prepaid upon Jolene Donovan, Bennett County Treasurer, 202 Main Street, PO Box 606, Martin, South Dakota 57551; and Dave Bakley, Chair, Bennett County Board of Commissioners, 202 Main Street, Martin, South Dakota 57551, on this 18th day of October 2024.



---

Steven R. Blair  
Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501  
Telephone: (605) 773-3215

STATE OF SOUTH DAKOTA



**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501

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Fax (605) 773-4106

<http://atg.sd.gov>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**BRENT K. KEMPEMA**  
CHIEF DEPUTY

November 4, 2024

Jolene Donovan  
Bennett County Treasurer  
202 Main Street  
PO Box 606  
Martin, SD 57551

Dave Bakley, Chair  
Bennett County Board of Commissioners  
202 Main Street  
Martin, SD 57551

Re: In the Matter of Open Meeting Complaint 2021-02, Bennett County Board of Commissioners – Bennett County

Dear Ms. Donovan & Mr. Bakley,

Enclosed please find a courtesy copy of the revised proposed agenda for the Commission's November 18, 2024 meeting. A Microsoft Teams link has been arranged that will allow the parties to appear remotely if they desire. Please let me know, as soon as possible, if you intend to appear remotely or in person. Also, please provide your email address and phone number so that you can be reached if technical difficulties arise. I can be reached at [steven.blair@state.sd.us](mailto:steven.blair@state.sd.us). As previously indicated, presentations regarding complaints will begin at 9:00 a.m. central time or as soon thereafter as matters may be heard.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "SRB", with a horizontal line extending to the right.

Steven R. Blair  
Assistant Attorney General

SRB/jm  
Enclosure

SOUTH DAKOTA OPEN MEETINGS COMMISSION

**AGENDA**

Matthews Training Center – Foss Building  
523 E. Capitol Avenue  
Pierre, South Dakota 57501

November 18, 2024  
9:00 a.m. Central Time

1. Approval of the Agenda
2. Public Comment period as per SDCL 1-25-1
3. Commissioner Introductions
4. Election of Officers
5. Discussion of Procedures
6. Consideration of Pending Complaints

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

Oral Presentations:

Complainant Jolene Donovan -15 minutes (a portion of this time may be reserved for rebuttal)

Bennett County Board of Commissioners -15 minutes

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

Oral Presentations:

Complainant Robert Fogg, Jr. -15 minutes (a portion of this time may be reserved for rebuttal)

Martin City Council -15 minutes

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

Oral Presentations:

Complainant Robert Fogg, Jr. -15 minutes (a portion of this time may be reserved for rebuttal)

Bennett County Board of County Commissioners -15 minutes

**[LUNCH BREAK 11:45-1:00 P.M CENTRAL TIME]**



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

Oral Presentations:

Complainant Ky Gossard -15 minutes (a portion of this time may be reserved for rebuttal)

Piedmont Board of Trustees -15 minutes

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

Oral Presentations:

Complainant Wendi Hogan -15 minutes (a portion of this time may be reserved for rebuttal)

Lincoln County Commission -15 minutes

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

Oral Presentations:

Complainant Walter D Johnson -15 minutes (a portion of this time may be reserved for rebuttal)

North Sioux City City Council -15 minutes

All items are scheduled for 09:00 a.m. Central Time. Scheduled items may be delayed or moved to a later agenda item at the discretion of the OMC.

If you wish to join this meeting by **Microsoft Teams** please join meeting at:

**Meeting ID: 216 768 495 655**

**Passcode: NM5iqf**

Or to join by **telephone** dial:

**(605) 679-7263** with Phone conference ID: **757 983 029#**

**Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Attorney General's Office, 605-773-3215, at least 48 hours before the meeting if you have a disability for which special arrangements must be made.**