

STATE OF SOUTH DAKOTA



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April 17, 2025

Ky Gossard
13114 S. Gulch Road
Piedmont, SD 57769

Jacob Stewart
Gunderson, Palmer, Nelson, & Ashmore
PO Box 8045
Rapid City, SD 57709

Re: In the Matter of Open Meeting Complaint 2024-03, Piedmont Board of Trustees –
Meade County

Dear Mr. Gossard & Mr. Stewart,

Enclosed please find proposed Findings of Fact and Conclusions of Law regarding the above referenced matter. You may submit objections to the proposed Findings and Conclusions, or you may propose alternate Findings and Conclusions, no later than the close of business on April 29th. Please submit any objections or proposed Findings or Conclusions to me via email (steven.blair@state.sd.us) or at the address indicated above. Any objections or proposed Findings or Conclusions will be considered at the time the Commission takes final action to adopt Findings and Conclusions in this matter.

The Commission will be holding a meeting on May 2, 2025, and will consider the findings and conclusions. A Notice of Hearing, and proposed agenda, regarding the May 2 meeting are also enclosed. As you can see from the agenda, consideration of the proposed findings and conclusions will begin at 2:00 p.m. mountain time or as soon thereafter as matters may be heard. You are not required to be present for consideration of proposed Findings and Conclusions.

April 17, 2025

Re: In the Matter of Open Meeting Complaint 2024-03, Piedmont Board of Trustees – Meade County

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

Sincerely,

A handwritten signature in blue ink, appearing to read "SRB", followed by a long horizontal flourish.

Steven R. Blair
Assistant Attorney General

SRB/jm
Enclosure

STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2024-03
MEETINGS COMPLAINT AGAINST)	
CITY OF PIEDMONT BOARD OF)	FINDINGS OF FACT,
TRUSTEES – MEADE COUNTY)	CONCLUSIONS OF LAW, &
)	DECSISION

The above captioned matter was heard before the South Dakota Open Meetings Commission (Commission) on November 18, 2024. Complainant, Ky Gossard, did not appear personally or through counsel. The City of Piedmont Board of Trustees appeared through counsel, Jacob Stewart. 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 City of Piedmont is a Second-Class municipality located in Meade County, South Dakota, and has been organized and operated according to applicable provisions of South Dakota Codified Law.

2. The Commission further takes notice that the City of Piedmont Board of Trustees is the public body elected pursuant to applicable provisions of state law to govern the City of Piedmont.

3. The City of Piedmont held a regularly scheduled meeting on June 20, 2023. The agenda for that meeting was physically posted at the Piedmont

City Hall on June 19, 2023. The agenda was not posted on the City's website at least 24 hours prior to the meeting.

4. The City of Piedmont operates and maintains a website for the City located at www.piedmontsd.com.

5. 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.

(emphasis added).

6. At the meeting on June 20, several citizens indicated that the agenda was not posted on the City's website. The Board of Trustee members acknowledged that the agenda had not been posted on the City website prior to the meeting. The Board members indicated that the Juneteenth holiday was responsible for failure to post on the website.

7. Ky Gossard submitted an open meetings complaint to the Meade County State's Attorney on June 27, 2023. Gossard's Complaint alleged the Board of Trustees violated the state open meetings laws by not posting the agenda for its June 20, 2023, meeting on the City website as required by SDCL 1-25-1.1.

8. On July 26, 2023, Meade County State's Attorney Michelle Bordewyk forwarded the complaint to the Commission pursuant to SDCL § 1-25-6(3).

9. In its written response to the complaint, the Board of Trustees admitted to not posting the agenda for the June 20, 2023, meeting on the City website as required by SDCL 1-25-1.1.

10. 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 City of Piedmont Board of Trustees, as the governing body of the City of Piedmont, South Dakota, is a public body subject to the open meetings requirements of SDCL ch. 1-25. The Open Meeting Commission has jurisdiction over this matter pursuant to SDCL ch. 1-25.

2. It is not disputed that the City of Piedmont maintains a website where meeting information and agendas are posted in the normal course of city business. It is also not disputed that the Board of Trustees failed to post notice of its June 20, 2023, meeting on the City's website.

3. The Commission concludes the City of Piedmont Board of Trustees did violate the open meetings laws by failing to post the agenda for its June 20, 2023, meeting on the City of Piedmont website as required by SDCL 1-25-1.1. The statute requires publication of a proposed agenda on a public body's

website – if one exists – for at least twenty-four hours prior to an official meeting.

4. The Commission notes that the complaint materials forwarded to the Commission include assertions by the President of the Piedmont Board of Trustees that it was improper for a Meade County Deputy Sheriff to investigate this matter. The Commission disagrees. State law establishes that open meetings violations are misdemeanors available for criminal prosecution. It is clearly appropriate for a law enforcement officer to investigate potential criminal activity, including misdemeanor open meeting violations.

5. 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 City of Piedmont Board of Trustees for violating SDCL 1-25-1.1 by failing to post a copy of the proposed agenda for the City's June 20, 2023, meeting on the City's website.

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

Dated this _____ day of May, 2025.

SOUTH DAKOTA OPEN MEETINGS COMMISSION

Emily Sovell, Chair

STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2024-03
MEETINGS COMPLAINT AGAINST)	
PIEDMONT BOARD OF TRUSTEES)	NOTICE OF HEARING
– MEADE COUNTY)	

TO: Ky Gossard, 13114 S Gulch Road, Piedmont, South Dakota 57769; and
Piedmont Board of Trustees attorney, Jacob Stewart, Gunderson, Palmer,
Nelson, Ashmore, LLP, PO Box 8045, Rapid City, South Dakota 57709:

Please take notice that the final action to adopt the Findings of Fact,
Conclusions of Law and Decision regarding the above referenced open meetings
complaint will be held before the South Dakota Open Meetings Commission, at The
Lodge at Deadwood, Cody Room, 100 Pine Crest Drive, Deadwood, South Dakota, on
Friday, May 2, 2025. You are not required to be present, however, if you would like
to be present the hearing will commence at 2:00 P.M. mountain time and proceed in
the order noted in the attached agenda.

Dated this 17th day of April 2025.



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

STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2024-03
MEETINGS COMPLAINT AGAINST)	
PIEDMONT BOARD OF TRUSTEES)	CERTIFICATE OF SERVICE
– MEADE COUNTY)	
)	

The undersigned hereby certifies that a true and correct copy of the proposed Findings of Fact, Conclusions of Law, & Decision and Notice of Hearing in the above-captioned matter, were served by United States mail, first class, postage prepaid upon Ky Gossard, 13114 S Gulch Road, Piedmont, South Dakota 57769; and Piedmont Board of Trustees attorney, Jacob Stewart, Gunderson, Palmer, Nelson, Ashmore, LLP, PO Box 8045, Rapid City, South Dakota 57709, on this 17th day of April, 2025.



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

THE LODGE AT DEADWOOD
CODY ROOM
100 PINE CREST DR.
DEADWOOD, SOUTH DAKOTA

May 2, 2025
2:00 p.m. Mountain Time

1. Approval of the Agenda
2. Public Comment period as per SDCL 1-25-1
3. Approval of the Minutes of February 24, 2025, meetings
4. Consideration of Findings of Fact and Conclusions of Law
 - A. In the Matter of Open Meeting Complaint 2021-02 Bennett County Board of Commissioners
 - B. In the Matter of Open Meeting Complaint 2024-01 Martin City Council
 - C. In the Matter of Open Meeting Complaint 2024-02 Bennett County Board of County Commissioners
 - D. In the Matter of Open Meeting Complaint 2024-03 Piedmont Board of Trustees
 - E. In the Matter of Open Meeting Complaint 2024-04 Lincoln County Commission
 - F. In the Matter of Open Meeting Complaint 2024-05 North Sioux City City Council
 - G. In the Matter of Open Meeting Complaint 2024-06 Carlyle Township
 - H. In the Matter of Open Meeting Complaint 2024-07 Pennington County Board of Commissioners
 - I. In the Matter of Open Meeting Complaint 2024-08 Sturgis City Council
 - J. In the Matter of Open Meeting Complaint 2024-09 City of Lead Commission
 - K. In the Matter of Open Meeting Complaint 2024-10 Green Valley Sanitary District
 - L. In the Matter of Open Meeting Complaint 2024-11 Charles Mix County Commission

M. In the Matter of Open Meeting Complaint 2024-12 Tripp City Council

5. Discussion regarding 2026 Legislative Session
6. Discussion regarding future meeting.

All items are scheduled for 2:00 p.m. Mountain 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.