

Attorney General

JUN - 3 2024

**LAWRENCE COUNTY  
STATE'S ATTORNEY'S OFFICE**

90 SHERMAN STREET  
DEADWOOD, SOUTH DAKOTA 57732  
TELEPHONE (605) 578-1707 FAX (605) 578-1468

May 30, 2024

RE: Open Meetings Laws Complaint

Open Meetings Commission

c/o Assistant Attorney General Steven Blair

1302 E Hwy 14, Suite 1

Pierre SD 57501-8501

Dear Asst. AG Blair and Open Meetings Commission Members:

Having received a complaint alleging a violation of the state's Open Meetings laws, the Lawrence County State's Attorney refers this matter pursuant to SDCL 1-25-6 to the Open Meetings Commission for further review.

- The sworn complaint alleges two violations, both allegedly committed by the City commission for the City of Lead, South Dakota.
- The City of Lead is categorized as a municipality of the second class. See SDCL 9-2-1(2) (population 2,982 according to the 2020 U.S. Census).
- The City of Lead is located in Lawrence County, South Dakota, and has an elected mayor and four (4) elected city commissioners.
- The City of Lead employs a City Administrator, who is appointed by the Mayor with the consent of a majority of the Lead City Commission. The City Administrator shall ensure the proper administration of all affairs of the city. See Lead, South Dakota Code of Ordinances, ¶32.11 (describing powers and authority of City Administrator).

## Issue 1

Date of Alleged Violation: January 2, 2024.

Statement of Material Facts: The citizen/complainant contends the City of Lead Commission violated state law when a “Motion for Support” for a community center was entertained and voted on by the commission during a regularly noticed meeting. The agenda for the 1/2/2024 meeting itemized “Community Center Update” on its agenda. The minutes from that meeting reflect the citizen/complainant “expressed concerns with correct procedures being followed” and his sworn complaint states he objected to a motion being made and acted upon when the agenda “advertised only on update (a discussion item).”

Legal Issue Presented: Did the city commission violate the Open Meetings Laws by entertaining a motion for support for the Community Center when the matter was identified on the agenda as “Community Center Update”?

State’s Attorney Legal Conclusion as to issue 1: “[T]he function of an agenda is to inform the members of the public in some detail as to the matters to be discussed at the meeting of [a] public body. ... the agenda may be limited to a bare identification or itemization of matters to be discussed[.]” Ann Taylor Schwing, *Open Meetings Laws* 3d, § 5.40 (2011). No provision of SDCL chapter 1-25 defines the level of specificity that must be used by a public body to identify agenda items.

In OM 2020-03, the Open Meetings Commission concluded “a proposed agenda must include a bare identification of the matters to be discussed by the public body. It would be unreasonable, with no further statutory guidance, to require public bodies to list on their agendas every conceivable action that may be taken on a certain subject.” This Office concludes the agenda description (“Community Center Update”) fairly identified the subject matter to be discussed, and no statute prohibited the commission

from bringing and approving a “Motion of Support” for the proposed community center after discussion of the subject.

## Issue 2

Date(s) of Alleged Violation: January 2024, precise dates unknown

Statement of Material Facts: The citizen/complainant contends the City of Lead Commission authorized—outside of a properly noticed meeting-- a city employee to travel to Pierre to lobby for appropriation of state funds for a proposed community center. The complaint contains an email between the citizen/complainant and a city commissioner, in which the commissioner stated he believed the commission authorized the trip by the city employee. The Commissioner states in the email to the complainant: “[b]ecause it was dropping between meetings we couldn’t do it at a meeting but they polled us via email.” The email implies there was a cost associated with the employee’s trip in the form of funds to “travel, stay, eat, and register as [the City’s] lobbyist.”

Legal Issue Presented: Was the email “poll” of the Commissioners a violation of the South Dakota Open Meeting Laws?

State’s Attorney Legal Conclusion as to issue 2: This Office is unable to conclude whether the City of Lead Commission violated SDCL 1-25-1 by approving expenditure of public funds outside of an official public meeting. In OMC 2017-04, the Open Meetings Commission reviewed a case in which the Canton City Manager polled city commissioners via email to approve funds for unanticipated costs to restore water to two customers unintentionally left without services during a water main project. The city commissioners approved the extra costs via individual emails to the city manager, who thereafter directed the city’s engineer to direct the city’s contractor to perform the extra work to correct the situation. The Open Meetings Commission found this procedure “bound the City to spend taxpayer funds and was official action of the City” of Canton,

and thus violated SDCL 1-25-1 by approving the expenditure of public funds outside of an official public meeting.”

In the present matter, this Office has no information regarding:

- The amount of the assumed/alleged expenditure of public funds for the employee’s lobbying trip;
- Whether any public funds presumably spent were previously budgeted and/or approved by the commission for such activity;
- Whether funds for the employee’s lobbying and travel were ratified thereafter in a properly noticed meeting; or
- Whether expenditure of such funds required action by the city commission rather than being within the authority of the City Administrator. See Lead, South Dakota Code of Ordinances, ¶ 32.11 (describing powers and authority of City Administrator); *cf.* OMC2014-04 (concluding insufficient evidence existed to establish that quorum of school board members took official action relating to suspension of school superintendent when Chair had sole responsibility for decision and board members “simply individually notified after the fact.”)

It appears from the city’s January 2, 2024, agenda (provided by the citizen/complainant) that the city’s regular commission agenda includes a section specifically approving payments to vendors; this agenda also, however included relatively minor payments to city employees (Dawn Allen: \$14; Austine Wilson: \$42, etc.). It is unknown to this Office if these payments represent reimbursements, for example, of travel or other expenses.

This Office respectfully requests the Open Meetings Commission review this matter.

Thank you,



Kristi Sims

Deputy State’s Attorney

Attachments:

Sworn complaint by citizen Gordon Phillips (w/attachments)

Lead City Commission Agenda, Regular Meeting January 2, 2024

Minutes(unsigned) for January 2, 2024, Regular Meeting

Emails between citizen/complainant to Rob Carr dated January 24-27, 2024

Lead, South Dakota Code of Ordinances, ¶ 32.11

# Complaint of Violations of Open Meeting Rules by the City of Lead

I, Gordon Phillips, a citizen of the City of Lead, do hereby allege that the City of Lead Commission appears to have violated State Codified Law standards for open meetings required of the city commission in conducting its business.

## Allegation One

At a regular City of Lead Commissioner's meeting held on January 2, 2024, the published agenda for the meeting listed an item as "Community Center Update." Though that was the way the item was labeled, in the end after a lengthy discussion primarily by community members, Mayor Ron Everett asked for a motion of support for the Community Center. A motion to that effect was made by Commissioner Carr and seconded by Commissioner Thomas. At this point I raised a Point of Order objection to the Commission that they were out of order because they were acting (passing a motion) when they advertised only an update (a discussion item). I asked specifically, "Could you please show me on the agenda, that you were going to make a motion on this subject?" I was directed to the item, "Community Center Update." Though the mayor said he would take my objection "under advisement," he continued unabated with the vote. He added comments to the effect that if it wasn't right they would take care of it at next meeting. The motion passed unanimously.

**Please see the following attached support items:**

"AGENDA LEAD CITY COMMISSION REGULAR MEETING for January 2, 2024"

Strange, but the minutes for that meeting failed to record the motion, my objection, and the vote as can be seen in the "Regular Meeting Minutes, January 2, 2024."

However, a video recording of the meeting is posted on Facebook.

<https://www.facebook.com/100064393641382/videos/330574753230183/> My objection to their action can be found at 52:13.

## Allegation Two

During a follow-up email discussion on the same topic of the Community Center with Commission Carr in response to my question as to whether the City Commission had authorized Lead city staff to travel to the State Legislature to register as lobbyists on behalf of the city and lobby in favor of state funding for the Center, Commission Carr replied,

Thanks for bringing this to my attention. I will make some inquiries on Monday. I do believe we authorized her to go in support of the bill. Because it was dropping between meetings we couldn't do it at a meeting but they polled us via email. I didn't know she registered as a lobbyist. I do know they had a lobbyist working for them. But I better not see a bill come across for that. But I do believe employees travel for something like this within the administration and mayor's authority. I inquire though. I really don't know much about how that stuff works. The inner workings at state anyway. Thanks for the lesson. – **Copy of full email attached.**

According to the commissioner's own admission, the city administration has on at least one occasion asked the commissioners to authorize action outside of the public's knowledge. I sense that there may be more occurrences of this behavior hidden from view preventing specific complaints to be made.

*I declare and affirm under the penalties of perjury that this complaint has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.*

  
Date 5-8-2024

State of South Dakota  
County of Lawrence

On this the 8 day of May, 2024 before me, Kristal Schneider, the undersigned officer, personally appeared Gordon Phillips, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that -- he -- executed the same for the purposes and content contained

In witness whereof I hereunto set my hand and official seal

  
Lawrence County Auditor/Deputy  
My term expires 2/28/2027



**AGENDA**  
**LEAD CITY COMMISSION**  
**REGULAR MEETING**  
**LEAD CITY HALL**  
**801 W. MAIN STREET, LEAD,**  
**SD**



**January 2, 2024, 5:00 PM**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVE MINUTES**
- D. ITEMS FROM VISITORS**
- E. LIBRARY**
- F. PLANNING & ZONING/HIST. PRES./COMP PLAN**
- G. PUBLIC SAFETY**
  - 1. Trafficking Presentation after regular meeting on 02/05/24.
- H. BUILDING INSPECTIONS/HEALTH SAFETY**
  - 1. Community Center Update
  - 2. Cyanide Property
- I. PUBLIC WORKS**
  - 1. Job opening in Public Works Department.
- J. BILLS**
- K. HEARINGS**
  - 1. Lewies off sale beer license hearing.
- L. LEGAL AND FINANCE**
  - 1. Financial Report (2<sup>nd</sup> meeting of month)
  - 2. Second Reading Ordinance 1096-23 Supplemental Ordinance
- M. ITEMS FROM MAYOR & COMMISSIONERS**
  - 1. City Hall will be closed Monday, January 15<sup>th</sup> in observance of MLK Day
- N. MEETINGS/ANNOUNCEMENTS**
  - 1. Next Regular Meeting- Tuesday, January 16<sup>th</sup> @ 5:00 PM- Lead City Hall
  - 2. Planning & Zoning- January 23<sup>rd</sup> @ 5:00 PM- Lead City Hall
  - 3. Comprehensive Plan- February 15<sup>th</sup> @ 11:00 AM- Lead City Hall
  - 4. Historic Preservation- February 17<sup>th</sup> @ 4:00 PM- Lead City Hall
- O. EXECUTIVE SESSION**
  - 1. Potential Litigation/Legal issue (if needed)
  - 2. Personnel (if needed)
- P. ADJOURN**

This meeting will also be live streamed through **Facebook Live**, viewable through the City of Lead's Facebook page. The live stream will begin at approximately 4:58 PM on January 2nd, 2024. If further information or assistance is needed, please call Lead City Hall at 605-584-1401.

**LEAD CITY COMMISSION**  
**Regular Meeting**  
**January 2, 2024**

The Lead City Commission met on Tuesday, January 2, 2024, in City Hall, 801 West Main Street at 5:00 PM with the following members present: Mayor Ron Everett, and Commissioners Roger Thomas, Dustin Heupel, Kayla Klein and Robert Carr. Absent: None. Mayor Ron Everett called the Regular Meeting to order. The Pledge of Allegiance was recited.

**APPROVE MINUTES**

1. Minutes will be approved at the next meeting of January 16, 2024

**PUBLIC SAFELY**

1. Trafficking Presentation after regular meeting on 02/05/2024.

On February 5th, 2024, at approximately 5:30 p.m. Holly Strand will be presenting a lecture dealing with human trafficking, digital downfalls for kids and a question-and-answer session at Lead City Hall.

Forensic Examiner Hollie Strand works for the Pennington County Sheriff's Office and is assigned to the Internet Crimes Against Children Task Force. She has compiled an assortment of insightful safety suggestions for you to consider in helping your children negotiate the landmines of modern technology.

Please feel free to join us at City Hall or live stream on our Facebook page.

**BUILDING INSPECTIONS/HEALTH SAEFTY**

1. Community Center Update

Gordon Phillips was present and expressed concerns with correct procedures being followed in regard to the Lead Community Center.

Mayor Everett stated the Community Center is not a city project, however the city is in full support of the Lead Community Center.

Emma Garvin with the Lead Economic Development stated the Handley Center has formed the Lead Community Center Foundation which is a 501-C3 Net profit specifically for fundraising purposes for the construction of a new community center.

Emma stated their current plan as of now is a guide to get the ball rolling and Emma has met with several different groups and people. They have requested 10 million dollars for funding from the state and the foundation will work to raise the rest to make this project happen.

Emma invited the community to the open house at the Handley Center at 3:00PM and following the open house they will meet at the Roundhouse for more discussion.

2. Cyanide Property

Dennis Schumacher stated Bill Millard has requested a re-plat of a small piece of land off of this street to either sell to him or deed to him. In doing this there will always be a place to put snow. Schumacher suggested the city keep in control of this property and lease a small spot for a handicap area for a resident.

Mayor Everett suggested keeping it as city property.

**PUBLIC WORKS**

1. Job opening in the Streets Department, please stop into City Hall to fill out and drop off an application/resume or send application/resume to Jasonb@cityoflead.com. If you have any questions, please call City Hall at 605-584-1401.

**BILLS**

M/Carr, S/Klein- Carried to approve the Bills in the amount of \$240,216.00 (payables) \$171,838.25 and (wages) \$68,377.75.



<b>Vendor</b>	<b>Amount</b>
ALL NET CONNECTIONS	\$ 2,375.00
DAWN ALLEN	\$ 14.00
AMANN DENTAL	\$ 144.00
AUSTINE WILSON	\$ 42.00
BLACK HILLS SECURITY & SYSTEMS	\$ 89.85
BOMGAARS SUPPLY	\$ 582.89
DANIEL DOVE	\$ 42.00
DEADWOOD DENTAL	\$ 110.00
DIGITAL DESIGNS	\$ 1,100.00
EB COMMUNICATIONS, LLC	\$ 699.00
GREAT WESTERN TIRE INC	\$ 265.50
HANDLEY CENTER	\$ 10,416.66
HISTORIC HOMESTAKE OPERA HOUSE	\$ 2,083.33
INTERNATIONAL CODE COUNCIL INC	\$ 160.00
JACKSON BONG	\$ 42.00
JIM'S PRIVATE UTILITY LOCATING	\$ 253.50
JOHNS & KOSEL, PROF. LLC	\$ 300.00
JOSH BRIDENSTINE	\$ 42.00
LEAD CHAMBER OF COMMERCE	\$ 5,416.66
LYNNS	\$ 32.68
M.S. MAIL	\$ 522.50
GARY MCNALL	\$ 1,212.58
MONTANA DAKOTA UTILITIES	\$ 1,247.00
MUTH ELECTRIC INC.	\$ 671.42
NEHL DENTAL INC	\$ 597.00
ONSOLVE, LLC	\$ 6,229.45
PETE LIEN & SONS, INC.	\$ 799.25
S&C CLEANERS	\$ 861.00
SDML WORKERS COMP FUND	\$ 52,444.00
SITEONE LANDSCAPE SUPPLY, LLC	\$ 122.04
SOLAR SOUND CORP	\$ 204.82
SOUTH DAKOTA ASSOCIATION OF RURAL WATER SYSTEMS	\$ 815.00
SOUTH DAKOTA DEPT ENVIRONMENT	\$ 60.00
SOUTH DAKOTA SECRETARY OF STATE	\$ 30.00
DR. RED STONE, DDS	\$ 49.80
STURDEVANTS AUTO PARTS, INC.	\$ 1,364.49
SUMMIT FIRE PROTECTION	\$ 2,183.50
SUMMIT SIGNS & SUPPLY INC	\$ 346.50
THE HARTFORD	\$ 369.11
THE POLICE & SHERIFFS PRESS	\$ 125.86
USA BLUEBOOK	\$ 154.37
AT&T MOBILITY	\$ 280.28
AVERA HEALTH PLANS	\$ 36,735.48
FIRST NATIONAL BANK	\$ 39,185.63
MID-CONTINENT	\$ 1,016.10
<b>Total Amount</b>	<b>\$ 171,838.25</b>
<b>PAYROLL</b>	
Finance	\$ 9,165.41
Govt Buildings	\$ 6,446.58
Police	\$ 22,466.51
Snow	\$ 13,897.57
Health Inspections	\$ 4,959.02
Library	\$ 6,385.43
Water	\$ 2,797.62
Sewer	\$ 2,259.61
<b>Total Amount</b>	<b>\$ 68,377.75</b>

**LEGAL AND FINANCE**

1. Ordinance 1096-23 Supplemental Ordinance (Second Reading)- M/Klein, S/Carr-  
Carried to approve Ordinance 1096-23 Supplemental Ordinance (Second Reading).

**ITEMS FROM MAYOR & COMMISSIONERS**

1. City Hall Closed January 15, 2024—Observance of MLK Day.

**MEETING/ANNOUNCEMENTS**

1. Next Regular Meeting—Tuesday, January 16<sup>th</sup> @ 5:00 PM Lead City Hall
2. Planning & Zoning—January 23<sup>rd</sup> @ 5:00 PM Lead City Hall
3. Comprehensive Plan—February 15<sup>th</sup> @ 11:00 AM Lead City Hall
4. Historic Preservation—February 17<sup>th</sup> @ 5:00 PM Lead City Hall

**ADJOURN**

M/Heupel, S/Klein—Carried to adjourn Regular Meeting at 5:57PM.

CITY OF LEAD

ATTEST

\_\_\_\_\_  
Ron Everett, Mayor  
(SEAL)

\_\_\_\_\_  
John Wainman, City Administrator

## Re: More. Really?

rob carr <rcarr5usa@yahoo.com>

Sat 1/27/2024 8:21 PM

To: Gordon and Linda Phillips <gordon.phillips@outlook.com>

Thanks for bringing this to my attention. I will make some inquiries on Monday. I do believe we authorized her to go in support of the bill. Because it was dropping between meetings we couldn't do it at a meeting but they polled us via email. I didn't know she registered as a lobbyist. I do know they had a lobbyist working for them. But I better not see a bill come across for that. But I do believe employees travel for something like this within the administration and mayor's authority. I inquire though. I really don't know much about how that stuff works. The inner workings at state anyway. Thanks for the lesson.

On Wednesday, January 24, 2024 at 08:06:35 AM MST, Gordon and Linda Phillips <gordon.phillips@outlook.com> wrote:

Rob,

I read in the *Black Hills Pioneer* that Robin was headed to Pierre to lobby for the bill. Knowing that lobbying is strictly regulated at the legislature, I looked to see if she had registered. Yes, she did. Good for her. The only problem is that she registered as a lobbyist for the City of Lead not the Lead Community Center Foundation. There is a related form that must be filled out by her employer (i.e. the City of Lead) that states that she is authorized by the city to lobby of its behalf.

### Questions

1. When did the City Commission authorize this?
2. Since your original verbal motion of support stated no city funds at this time, has that changed or who is paying for a city employee to travel, stay, eat, and register as its lobbyist?

Gordon

## § 32.11 CITY ADMINISTRATOR.

(A) *Creation of Office.* The Office of City Administrator is hereby created. The City Administrator shall be the Chief Administrative Officer of the city and shall be responsible to the Lead City Commission for the proper administration of all affairs of the city.

(B) *Appointment of City Administrator.* The City Administrator shall be appointed by the Mayor with the consent of a majority of the Lead City Commission for a term of one year or until his or her successor is duly appointed and qualified.

(C) *Powers and duties of City Administrator.* The City Administrator shall perform all duties listed herein and have all powers as provided by law and by resolution or motion of the Lead City Commission.

(1) The duties of the City Administrator are as follows:

(a) Recommend to the Mayor and governing body the appointment, and if necessary, for the good of the city, the removal of department heads. Upon the recommendation of the department head, and if necessary, for the good of the city, remove any other employee;

(b) Prepare the budget annually and submit it to the governing body together with a message describing the important features and be responsible for its administration after adoption;

(c) Prepare and submit to the governing body as of the end of the fiscal year, a complete report on the finances and administrative activities of the city for the preceding year;

(d) Keep the governing body advised of the financial condition and future needs of the city and make recommendations as may be deemed advisable;

(e) Recommend to the governing body a standard schedule of pay for each appointed office and position in the service of the city;

(f) Recommend to the governing body (from time to time), adoption of measures as may be deemed necessary or expedient for the health and improvement of administrative services;

(g) Consolidate or combine offices, positions, departments or units under his or her jurisdiction, with approval of the governing body. The City Administrator may be the head of one or more departments with approval of the governing body;

(h) Attend all meetings of the governing body unless excused therefrom and take part in the discussion of all matters coming before the governing body. The City Administrator shall be entitled to notice of all regular and special meetings of the governing body;

(i) Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget. No purchase shall be made, contract let or obligation of service incurred for any item which exceeds the current budget appropriation by the governing body. No contract in excess of the amount established by state law shall be let except by the governing body. The Administrator may issue rules governing purchasing procedures within the administrative organization, as the governing body shall approve;

(j) See that all laws and ordinances are duly enforced;

(k) Investigate the affairs of the city or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the city, and in regard to service maintained by the public utilities in the city, and see that all franchises, permits and privileges granted by the city are faithfully observed;

(l) May simultaneously hold any other appointed offices of the city to include, but not be limited to, the position of Municipal Finance Officer; and

(m) Perform other duties as may be required by the governing body, not inconsistent with the laws or ordinances of the municipality or state.

(2) Examples of work City Administrator will be required to perform:

(a) Attend meetings of the Lead City Commission and meetings between the Lead City Commission and other governmental officials, business and private citizens, act as an official representative of the city at public and organization meetings;

(b) Draft correspondence including letters, proclamations, prepare reports and research on special projects as directed;

(c) Maintain liaison relationships and coordinate with executive, legislative and administrative officials at the federal, state and local government levels and assist with review of departmental applications for federal and state aid;

(d) Direct and advise department heads concerning activities and plans for various departments. Transmit requests and recommendations from the Lead City Commission and the Mayor to the various department heads; and

(e) Other duties and functions as are necessary or incidental to the proper performance of the position of City Administrator.

(D) *Compensation.* The City Administrator shall receive compensation as the Lead City Commission shall fix.

(Ord. 961-04, passed 10-25-2004; Ord. 1033-15, passed 4-6-2015)



**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

July 31, 2024

Gordon Phillips  
306 Mine St  
Lead, SD 57754

Re: In the Matter of Open Meeting Complaint 2024-09, City of Lead Commission –  
Lawrence County

Dear Mr. Gordon,

This letter is to acknowledge receipt of an open meetings complaint filed by you against the City of Lead Commission. Lawrence Deputy State's Attorney Kristi Sims 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 City Commission for their response. I have asked the City Commission to file a response no later than August 30, 2024. I have also requested that the City Commission 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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "SRB".

Steven R. Blair  
Assistant Attorney General

SRB/jm

Enclosures

Cc w/o Encl: Ron Everett, Mayor – City of Lead Commission  
Kristi Sims – Lawrence County State's Attorney Office



**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

July 31, 2024

Ron Everett, Mayor  
City of Lead Commission  
335 Mountainview Drive  
Lead, SD 57754

Re: In the Matter of Open Meeting Complaint 2024-09, City of Lead Commission –  
Lawrence County

Dear Mayor Everett,

I assist the South Dakota Open Meetings Commission with their duties. Lawrence County Deputy State's Attorney Kristi Sims has forwarded to the Commission, pursuant to SDCL 1-25-6(3), a complaint concerning the City of Lead Commission. The complaint was signed by Gordon Phillips. Enclosed is a copy of all the materials I have received.

If the City Commission wishes to file a response to the complaint, please send it to the above address on or before August 30, 2024. Please also send copies of any response to Gordon Phillips, 306 Mine St, Lead, SD 57754, and to Lawrence County State's Attorney Kristi Sims.

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.

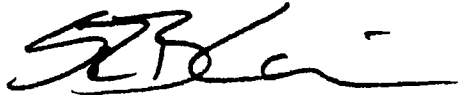
July 31, 2024

Re: In the Matter of Open Meeting Complaint 2024-09, City of Lead Commission – Lawrence 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 "SRB", with a long horizontal flourish extending to the right.

Steven R. Blair  
Assistant Attorney General

SRB/jm  
Enclosures

Cc w/o Encl:     Gordon Phillips  
                      Kristi Sims – Lawrence County State's Attorney Office



**Johns &  
Kosel** PLC  
Attorneys at Law

**Timothy R. Johns**  
tjohns@johnskosellaw.com

**Attorney General**

**AUG 16 2024**

**Joseph M. Kosel**  
jkosel@johnskosellaw.com

August 9, 2024

Mr. Steven R. Blair  
Assistant Attorney General  
State of South Dakota  
1302 East Highway 14, Suite 1  
Pierre, SD 57501-8501

Via U. S. Mail and E-Mail attachment

Re: In the Matter of Open Meeting Complaint 2024-09, City of Lead Commission-Lawrence County.

Dear Mr. Blair:

This office represents the City of Lead and in that capacity, I am in receipt of your letter to Mayor Ron Everett dated July 31, 2024, and its enclosures including Lawrence County Deputy States Attorney, Kristi Sims, letter to you dated May 30, 2024. By this letter the City hereby replies to the allegations in the Open Meeting Complaint of Mr. Gordon Phillips dated May 8, 2024. Mr. Gordon brings up two issues anent possible violations of South Dakota's Open Meetings Law by the City Commission. The first allegedly occurred during a Commission meeting on January 2, 2024. On that date the Commission received an update on efforts by the Lead Community Center Foundation to raise funds for the non-profit's building and recreational programing at its facility known as the Handley Center. Following the update there was a motion and a second to support the efforts. The complaint is that no action should occur since the agenda for the meeting only noticed an "Community Center Update". Without belaboring the point, the city agrees with the Deputy States Attorney's conclusion that "no statute prohibited the commission from bringing and approving a 'Motion of Support' for the proposed community center after discussion of the subject." The legal authorities cited by the Deputy States Attorney, including precedent of the Open Meetings Commission itself, OM 2020-03, stand for the legal proposition that "a proposed agenda must include a bare identification of the matters to be discussed by the public body" and that it is "unreasonable... to require public bodies to list on their agendas every conceivable action that may be taken on a certain subject." Here the general public was on notice that the status of the Community Center was going to be discussed and considered by the Commission including endorsement of fund-raising efforts.

The second complaint is based on an allegation that following the January 2<sup>nd</sup> meeting, the Commissioners approved city employees to attend a legislative session in Pierre to testify on

a bill for funding the Handley Center outside an official public meeting by an informal poll of the members. The fact is that salaried employees City Planner, Robin Lucero, and the Building Inspector, Dennis Schumacher, did attend the South Dakota Legislature to testify on a funding bill brought by District 31 Representative Mary Fitzgerald on behalf of Lead Community Center Foundation. They, as fund-raising committee members of the Lead Community Center Foundation, were to testify on behalf of the Foundation. And it was in that capacity they were authorized leave by the City Administrator, John Wainman, to take time off to appear.

While Ms. Lucero and Mr. Schumacher were authorized to attend the hearing by Mr. Wainman, they were never at any time authorized by the Commission or the City Administrator to testify as representatives of the city itself. Nor did the Commission or the City Administrator ever authorize Ms. Lucero and Mr. Schumacher any expenses to travel to and stay in Pierre, nor were they ever paid by the city for the same. Thus, the City of Lead Commission did not violate SDCL 1-24-1 by approving expenditure of public funds outside of an official public meeting.

Attached hereto and by this reference is made a part hereof is an Unsworn Domestic Declaration of City Administrator, John Wainman, that states all relevant facts appertaining to the commission meeting on January 2<sup>nd</sup> and the attendance of the city employees to the hearing in Pierre before the House Appropriations Committee on or about January 2, 2024. Please advise if you want any of the documents referenced in the Statement.

Thank you.

Sincerely yours,

JOHNS & KOSEL, Prof. LLC

  
Timothy R. Johns

TRJ.

Enclosure as stated

CC: Client via email only; Kristi Sims, Gordon Phillips

## Unsworn Statement of Facts Regarding Open Meetings Complaint

I, John Wainman, the City Administrator of the City of Lead, South Dakota, hereby state all facts known to me concerning the Open Meeting Complaint of Gordon Phillips as follows:


1. For the January 2, 2024, Lead City Commission meeting, the agenda reflected under section H. subsection 1 that there would be a Community Center Update. When this topic came up at the January 2, 2024, meeting, the mayor made a statement concerning the project. At the end of his statement, he stated that he would like to show support for the project in the form of a motion. No resolution was prepared, and no motion was made on any resolution regarding support of this project. Gordon Phillips stood and made his statements. After some discussion, Commissioner Carr made a motion to support the community center foundation in its' conceptual phase with no financial or managerial commitments at this time. The motion was seconded by Commissioner Thomas. Gordon Phillips made an objection based on point of order. All commissioners voted "aye" and the motion passed unanimously. This meeting was video recorded and can be seen on the City of Lead Facebook page.

2. The week following the meeting, I was asked by Dennis Schumacher and Robin Lucero if they could attend an appropriations hearing in Pierre to ask for funding. I sent out an email to the board of commissioners. I only remember receiving one response and it was from the mayor. I do not recall what the response was. As it was in my authority to do so, I gave Robin and Dennis permission to attend this hearing in Pierre but told them it would not be on city time or paid for in any way by the City of Lead. They were given 3 days off, by me, to attend the appropriations hearing. I was advised by them that their expenses would be covered by the Handley Center. At no time did the Lead City Commission authorize any part of Dennis or Robin's traveling to Pierre to represent the City of Lead nor did they approve any expenditure for this travel. I, per my authorization, approved the time off but did not authorize payment for any travel or authorize Dennis or Robin to represent the city at this hearing.

3. The week of the appropriations hearing came, and Dennis and Robin were gone for three days. Dennis' time sheet reflects no city hours for these 3 days. Robin's time sheet reflects 24 hours of "other leave" for this time. Technically, it was "other" leave as it was approved time off from city time to attend. No city vehicle was used to travel to Pierre for this meeting. No mileage was paid by the City of Lead to attend this hearing. The only amount paid out by the City of Lead was to Dennis for \$86.65 for fuel as they went to Oneida (north of Pierre) and picked up a vehicle that had been purchased for the street department and needed fuel to drive it back. It is the policy of the City of Lead that Department Heads are authorized to spend up to \$1000 and the City Administrator is authorized to spend up to \$2,000 without commission approval. I could have authorized the travel, fuel and lodging costs up to \$2,000 but chose not to even though it would have fallen under the travel budget line.

I, John Wainman, the City Administrator of the City of Lead, South Dakota, hereby declare under the penalty of perjury under the law of South Dakota Uniform Domestic Act found in Chapter 18-6 of the South Dakota Codified Laws that the foregoing is true and correct.

Dated this <sup>9<sup>TH</sup></sup> day of August 2024, at Lead, Lawrence County, South Dakota.

  
John Wainman

**Johns & Kosel**  
Prof  
LLC

Attorneys at Law

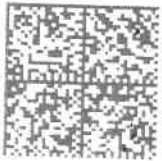
203 West Main Street  
Lead, SD. 57754

**Attorney General**

**AUG 16 2024**

Mr. Steven Blair  
Assistant Attorney General  
State of South Dakota  
1302 East Highway 14, Suite 1  
Pierre, SD 57501-8501

FIRST-CLASS



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02 7H  
0000312156

**\$ 000.69<sup>0</sup>**  
AUG 14 2024



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PITNEY BOWES



**Attorney General**

**AUG 29 2024**

Gordon D. Phillips  
306 Mine St.  
Lead, SD 57754

Mr. Steven Blair  
Assistant Attorney General  
State of South Dakota  
1302 East Highway 14, Suite 1  
Pierre, SD 57501-8501

August 26, 2024

Dear Assistant Attorney General Blair:

I am sending this supplemental information to you for the Open Meetings Commission in regard to the response provided by the City of Lead on August 9<sup>th</sup> to my second complaint filed on May 8<sup>th</sup>. I understand that it will be solely up to them to determine whether they will receive this filing.

When I read the City's response, I was confused by the declaration, "While Ms. Lucero and Mr. Schumacher were authorized to attend the hearing by Mr. Wainman, they were never at any time authorized by the Commission or the City Administrator to testify as representatives of the city itself." That statement in Attorney Johns' summary appears to be in direct conflict with the public record of the events.

I have enclosed a copy of the official minutes of the House Local Government Hearing for Thursday, January 25, 2024, wherein both Ms. Lucero and Mr. Schumacher are listed as from the City of Lead. That is corroborated by the audio recording of the hearing during which each of them in their introduction state their city positions. (You may listen to the hearing at this site <https://sdcpb.sd.gov/sdcpbpodcast/2024/mio12.mp3> with Dennis' introduction beginning around the time mark 39:45 and Robin's beginning around the 42:19 mark.)

Furthermore, Ms. Lucero and Mr. Schumacher filed lobby registrations with the Secretary of State Office. They both listed the City of Lead as their lobbying employer and that fact is attested to by Mayor Ron Everett, who signed the required employer authorization form for each of them. I have enclosed copies of their registration forms as found on the lobby registration website.

What this all means may be beyond the limited scope of the Open Meeting Commission, but I believe it could have some bearing in determining exactly what the City of Lead did in this matter.

Thank you for your consideration.

Sincerely,



Gordon D. Phillips  
Enclosures  
CC: City of Lead

Committee: House Local Government

Thursday, January 25, 2024 10:00 AM

Roll Call

Present: Rep. Ladner, Rep. Jamison, Rep. Overweg, Rep. Wittman, Rep. Aylward, Rep. Auch, Rep. Bahmuller, Rep. Lems, Rep. Peterson (Sue), Rep. Sjaarda, Rep. Callies, Rep. Fitzgerald, and Rep. Drury

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Representative Drury**

**MOTION: TO APPROVE THE MINUTES OF TUESDAY, JANUARY 23<sup>RD</sup>**

Moved by: Jamison  
Second by: Ladner  
Action: Prevailed by voice vote

**HB 1105 : revise the compensation for an improvement district board member.**

Presented by: Representative Chris Kassin

**MOTION: TO TABLE HB 1105**

Moved by: Ladner  
Second by: Fitzgerald  
Action: Prevailed by Majority Members Elect (11-0-2-0)

Voting Yes: Ladner, Jamison, Wittman, Aylward, Auch, Bahmuller, Lems, Sjaarda, Callies, Fitzgerald, and Drury

Excused: Overweg and Peterson (Sue)

**HB 1102 : provide an appropriation to construct a community center in the community of Whitewood.**

Presented by: Representative Mary Fitzgerald  
Proponents: Marvin Mutchler, Self, Whitewood  
Opponents: Duncan Koch, Bureau of Finance and Management

**MOTION: DEFER HB 1102 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Bahmuller  
Second by: Callies  
Action: Prevailed by Majority Members Elect (11-1-1-0)

Voting Yes: Ladner, Jamison, Overweg, Wittman, Aylward, Auch, Bahmuller, Lems, Sjaarda, Callies, and Drury

Voting No: Fitzgerald

Excused: Peterson (Sue)

**HB 1103 : provide an appropriation to construct a community center in the community of Lead.**

Presented by: Representative Mary Fitzgerald

Proponents: Emma Garvin, Deadwood Lead Economic Development Corporation, Deadwood  
Darla Boehm, Handley Center, Lead  
Dennis D Schumacher Jr, City of Lead, Lead  
Robin Lucero, City of Lead, Lead  
Senator Randy Deibert  
Jason Alan Glodt, South Dakota Science and Technology Authority, Lead  
Shelly Rose, Self, Lead  
Jasmine Mccauley, Self, Lead

Opponents: Duncan Koch, Bureau of Finance and Management

**MOTION: DEFER HB 1103 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Overweg

Second by: Bahmuller

Action: Prevailed by Majority Members Elect (9-4-0-0)

Voting Yes: Jamison, Overweg, Aylward, Auch, Bahmuller, Lems, Sjaarda, Callies, and Drury

Voting No: Ladner, Wittman, Peterson (Sue), and Fitzgerald

**HB 1124 : provide for the temporary filling of water development district board positions created as a result of population increases.**

Presented by: Representative Drew Peterson

Proponents: Jay Phillip Gilbertson, East Dakota Water Development District, Brookings  
Brad Preheim, Vermillion Basin Water Development District, Centerville

**MOTION: DO PASS HB 1124**

Moved by: Callies

Second by: Fitzgerald

Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Ladner, Jamison, Overweg, Wittman, Aylward, Auch, Bahmuller, Lems, Peterson (Sue), Sjaarda, Callies, Fitzgerald, and Drury

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1124 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**MOTION: ADJOURN**

Moved by: Callies

Second by: Bahmuller

Action: Prevailed by voice vote



James Sapp, Committee Secretary

---

/s/ BECKY J. DRURY  
Becky J. Drury, Chair



[Lobbyist Home](#) > [Lobbyist Information Search](#) > [Lobbyist Registration Detail](#)

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## Lobbyist Registration Detail

Return to the [Lobbyist Information Search](#).

**2024 - Registration Number: 107808**

### Lobbyist

**Name:**

**Name:**

Robin Lucero

**Occupation:**

**Occupation:**

City Planner - City of Lead

**Status:**

**Status:**

Active

**Lobbyist Type:**

**Lobbyist Type:**

Private Lobbyist

**Employment Date:**

**Employment Date:**

5/1/2023

**Lobbyist Phone:**

**Lobbyist Phone:**

**Lobbyist Email:**

**Lobbyist Email:**

robinl@cityoflead.com

Residence Address:

**Residence Address:**

Lead, SD 57754  
USA

**Employer**

Name:

**Name:**

City of Lead

Agent Name:

**Agent Name:**

Ron Everett

Registration Date:

**Registration Date:**

1/18/2024

Authorization Date:

**Authorization Date:**

1/19/2024

Subject of Legislation:

**Subject of Legislation:**

Funding for community center in Lead, SD

Registration Status:

**Registration Status:**

Active

Employer Address:

**Employer Address:**

801 W Main Street  
Lead, SD 57754  
USA

**History**

Type	File Date	View All Documents Links (Scroll Down)	Detail
Lobbyist Expense Report	3/7/2024	<a href="#">B0075-4162</a>	
Employer Expense Report	3/7/2024	<a href="#">B0075-4165</a>	

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[\(605\) 773-3537](#)

Legislative Year: 2024

**LOBBYIST Expense Report Form**  
**Report Due by July 1<sup>st</sup>**

Lobbyist Name: Robin Lucero

**RECEIVED**

Employer Name: City of Lead

**MAR 07 2024**

SD Secretary of State

Instructions:

- Report all costs incurred in connection with promoting, opposing, or influencing legislation in any manner during this session of the South Dakota Legislature (SDCL 2-12-11).
- **Lobbyists and employers are required to report on different forms (SDCL 2-12-11).**
- If no costs were incurred, check the box next to "No Expenses to Report".
- **DO NOT include personal lobbyist expenses, such as salary, registration fee, own meals, travel, lodging, phone calls or other necessary personal needs (SDCL 2-12-11).**
- **Note:** There are **LIMITATIONS** on gifts (SDCL 2-12-16).

**No Expenses to Report**

Ending Date of Expense	Was it a gift? Enter Yes or No	Description	Amount

(If more space is needed, please use addition page.)

The expense report above has been examined by me and is a true, correct and detailed account of all expenses paid or incurred for the purpose of influencing legislation in any manner as provided in SDCL 2-12.

Signature: Robin Lucero

Date: 3/6/24

If you are submitting a paper form, you may email the form to [Lobbyist@state.sd.us](mailto:Lobbyist@state.sd.us) or mail it to South Dakota Secretary of State, 500 E. Capitol Ave., Suite 204, Pierre, SD 57501. For questions contact 605.773.3537.



[Lobbyist Home](#) > [Lobbyist Information Search](#) > [Lobbyist Registration Detail](#)

[Logout](#)

## Lobbyist Registration Detail

Return to the [Lobbyist Information Search](#).

**2024 - Registration Number: 107805**

### Lobbyist

<b>Name:</b>	Dennis D Schumacher Jr	<b>Name:</b>	
<b>Occupation:</b>	City of Lead Building Inspector	<b>Occupation:</b>	
<b>Status:</b>	Active	<b>Status:</b>	
<b>Lobbyist Type:</b>	Private Lobbyist	<b>Lobbyist Type:</b>	
<b>Employment Date:</b>	1/17/2024	<b>Employment Date:</b>	
<b>Lobbyist Phone:</b>		<b>Lobbyist Phone:</b>	
<b>Lobbyist Email:</b>	denniss@cityoflead.com	<b>Lobbyist Email:</b>	

Residence Address:

**Residence Address:**

Lead, SD 57754  
USA

**Employer**

Name:

**Name:**

City of Lead

Agent Name:

**Agent Name:**

Ron D Everett

Registration Date:

**Registration Date:**

1/17/2024

Authorization Date:

**Authorization Date:**

1/19/2024

Subject of Legislation:

**Subject of Legislation:**

Funding for Community Center

Registration Status:

**Registration Status:**

Active

Employer Address:

**Employer Address:**

801 W Main Street  
Lead, SD 57754  
USA

**History**

Type	File Date	View All Documents Links (Scroll Down)	Detail
Lobbyist Expense Report	3/7/2024	<a href="#">B0075-4161</a>	
Employer Expense Report	3/7/2024	<a href="#">B0075-4164</a>	

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[\(605\) 773-3537](#)



Legislative Year: 2024

**LOBBYIST Expense Report Form**  
**Report Due by July 1<sup>st</sup>**

Lobbyist Name: Dennis Schumacher

**RECEIVED**

Employer Name: CITY OF LEAD

MAR 07 2024  
SD Secretary of State

Instructions:

- Report all costs incurred in connection with promoting, opposing, or influencing legislation in any manner during this session of the South Dakota Legislature (SDCL 2-12-11).
- **Lobbyists and employers are required to report on different forms (SDCL 2-12-11).**
- If no costs were incurred, check the box next to "No Expenses to Report".
- **DO NOT include personal lobbyist expenses, such as salary, registration fee, own meals, travel, lodging, phone calls or other necessary personal needs (SDCL 2-12-11).**
- **Note:** There are **LIMITATIONS** on gifts (SDCL 2-12-16).

No Expenses to Report

Ending Date of Expense	Was it a gift? Enter Yes or No	Description	Amount

(If more space is needed, please use addition page.)

The expense report above has been examined by me and is a true, correct and detailed account of all expenses paid or incurred for the purpose of influencing legislation in any manner as provided in SDCL 2-12.

Signature: Dennis Schumacher

Date: 3-6-24

If you are submitting a paper form, you may email the form to [Lobbyist@state.sd.us](mailto:Lobbyist@state.sd.us) or mail it to South Dakota Secretary of State, 500 E. Capitol Ave., Suite 204, Pierre, SD 57501. For questions contact 605.773.3537.

Attorney General

SEP - 9 2024

**Johns &  
Kosel** Prof.  
L.L.C.  
Attorneys at Law

**Timothy R. Johns**  
tjohns@johnskosellaw.com

**Joseph M. Kosel**  
jkosel@johnskosellaw.com

September 2, 2024

Mr. Steven R. Blair  
Assistant Attorney General  
State of South Dakota  
1302 East Highway 14, Suite 1  
Pierre, SD 57501-8501

Via U. S. Mail and E-Mail attachment

Re: In the Matter of Open Meeting Complaint 2024-09, City of Lead Commission-Lawrence County.

Dear Mr. Blair:

I am in receipt of Mr. Gordon D. Phillips' letter to you of August 26, 2024, and the various documents enclosed therewith. To clarify my letter of August 9, 2024, and the record it must be noted that while Ms. Robin Lucero and Mr. Dennis Schumacher are employees of the City of Lead, they are also members of a fund-raising committee of the Lead Community Center Foundation.

The City of Lead does not operate or own a community recreational center. The only community center in Lead is owned and operated by the Northern Hills Family Recreation Center Corporation, a South Dakota Non-Profit Corporation, doing business as the Handley Center, whose operations the City of Lead each year helps fund. The Handley Center has been having structural problems with the building such that it will to be razed and rebuilt. For that reason, the Lead Community Center Foundation was founded to come up with ideas on how to keep it going. One idea that was brought to District 31 State Representative Mary Fitzgerald was to seek funding from the State of South Dakota. Representative Fitzgerald then submitted 2024 House Bill 1103, a copy of which is enclosed herein. House Bill 1103 was a request for \$10,000,000 from the general funds for the purpose of a grant to the City of Lead, as a pass through, to fund the construction of a new community center. For that reason, Robin Lucero and Dennis Schumacher were granted time off to go to Pierre by the City Administrator to testify on behalf of the bill as it was for the benefit of the community and was an idea previously supported by the Commission. However, to reiterate my statement in my letter of August 9, 2024, neither Ms. Lucero nor Mr. Schumacher were, at any time, ever authorized by the Lead City Commission, the Mayor, or the City Administrator to receive public funds for a trip to Pierre to testify of behalf of House Bill 1103, including their travel expenses which were paid for by the

Foundation. Therefore, the City of Lead Commission did not violate SDCL 1-24-1 by approving expenditure of public funds outside of an official public meeting.

Thanking you, I am,

Sincerely yours,

JOHNS & KOSEL, Prof. LLC



Timothy R. Johns

TRJ.

Enclosure as stated.

CC: Client via email only; Kristi Sims, Gordon Phillips.

24.349.13 99th Legislative Session 1103



## 2024 South Dakota Legislature

# House Bill 1103

Introduced by: **Representative** Fitzgerald

**An Act to provide an appropriation to construct a community center in the community of Lead.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

**Section 1.** There is hereby appropriated from the general fund the sum of \$10,000,000 to the state treasurer, for purpose of providing a grant to the City of Lead to fund the construction of a new community center.

**Section 2.** The state treasurer shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

**Section 3.** Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2027, shall revert in accordance with the procedures prescribed in chapter 4-8.

**Section 4.** This Act is effective June 30, 2024.

Underscores indicate new language

Overstrikes indicate deleted language



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 21, 2024

Gordon Phillips  
306 Mine St  
Lead, SD 57754

Timothy R. Johns  
Johns & Kosel, Prof. LLC  
203 W Main Street  
Lead, SD 57754

Re: In the Matter of Open Meeting Complaint 2024-09, City of Lead Commission –  
Lawrence County

Dear Mr. Phillips & Mr. Johns,

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 25, 2024 meeting. As you can see from the agenda, presentations regarding complaints will begin at 9:00 p.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

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IN THE MATTER OF OPEN	)	OMC 2024-09
MEETINGS COMPLAINT AGAINST	)	
CITY OF LEAD COMMISSION –	)	NOTICE OF HEARING
LAWRENCE COUNTY	)	

---

TO: Gordon Phillips, 306 Mine Street, Lead, South Dakota 57754; and Timothy R Johns, Johns & Kosel, Prof. LLC, 203 W Main Street, Lead, South Dakota 57754:

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 25, 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 21st 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 25, 2024  
9:00 a.m. Central Time

1. Approval of the Agenda
2. Public Comment period as per SDCL 1-25-1
3. Consideration of Pending Complaints

*A. In the Matter of Open Meeting Complaint 2024-06 Carlyle Township*

Oral Presentations:

Complainants Terry and Todd Koerner -15 minutes (a portion of this time may be reserved for rebuttal)

Carlyle Township -15 minutes

*B. In the Matter of Open Meeting Complaint 2024-07 Pennington County Board of Commissioners*

Oral Presentations:

Complainants Deb Hadcock and Travis Lasseter -15 minutes (a portion of this time may be reserved for rebuttal)

Pennington County Board of Commissioners -15 minutes

*C. In the Matter of Open Meeting Complaint 2024-08 Sturgis City Council*

Oral Presentations:

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

Sturgis City Council -15 minutes

*D. In the Matter of Open Meeting Complaint 2024-09 City Of Lead Commission*

Oral Presentations:

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

City of Lead Commission -15 minutes



**[LUNCH BREAK 12:00-1:00 P.M CENTRAL TIME]**

*E. In the Matter of Open Meeting Complaint 2024-10 Green Valley Sanitary District*

Oral Presentations:

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

Green Valley Sanitary District -15 minutes

*F. In the Matter of Open Meeting Complaint 2024-11 Charles Mix County Commission*

Oral Presentations:

Complainants Jeff and Jolene Stewart -15 minutes (a portion of this time may be reserved for rebuttal)

Charles Mix County Commission -15 minutes

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

Oral Presentations:

Complainants Cody Fischer -15 minutes (a portion of this time may be reserved for rebuttal)

Tripp City Council -15 minutes

8. Discussion regarding future meeting.

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 2024-09
MEETINGS COMPLAINT AGAINST	)	
CITY OF LEAD COMMISSION –	)	CERTIFICATE OF SERVICE
LAWRENCE 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 Gordon Phillips, 306 Mine Street, Lead, South Dakota 57754; and Timothy R Johns, Johns & Kosel, Prof. LLC, 203 W Main Street, Lead, South Dakota 57754, on this 21st 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

Phone (605) 773-3215

Fax (605) 773-4106

<http://atg.sd.gov>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**BRENT K. KEMPEMA**  
CHIEF DEPUTY

November 4, 2024

Gordon Phillips  
306 Mine St  
Lead, SD 57754

Timothy R. Johns  
Johns & Kosel, Prof. LLC  
203 W Main Street  
Lead, SD 57754

Re: In the Matter of Open Meeting Complaint 2024-09, City of Lead Commission –  
Lawrence County

Dear Mr. Phillips & Mr. Johns,

Enclosed please find a courtesy copy of the revised proposed agenda for the Commission's November 25, 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 "S. Blair".

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 25, 2024  
9:00 a.m. Central Time

1. Approval of the Agenda
2. Public Comment period as per SDCL 1-25-1
3. Consideration of Pending Complaints

*A. In the Matter of Open Meeting Complaint 2024-06 Carlyle Township*

Oral Presentations:

Complainants Terry and Todd Koerner -15 minutes (a portion of this time may be reserved for rebuttal)

Carlyle Township -15 minutes

*B. In the Matter of Open Meeting Complaint 2024-07 Pennington County Board of Commissioners*

Oral Presentations:

Complainants Deb Hadcock and Travis Lasseter -15 minutes (a portion of this time may be reserved for rebuttal)

Pennington County Board of Commissioners -15 minutes

*C. In the Matter of Open Meeting Complaint 2024-08 Sturgis City Council*

Oral Presentations:

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

Sturgis City Council -15 minutes

*D. In the Matter of Open Meeting Complaint 2024-09 City Of Lead Commission*

Oral Presentations:

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

City of Lead Commission -15 minutes

**[LUNCH BREAK 12:00-1:00 P.M CENTRAL TIME]**

*E. In the Matter of Open Meeting Complaint 2024-10 Green Valley Sanitary District*

Oral Presentations:

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

Green Valley Sanitary District -15 minutes

*F. In the Matter of Open Meeting Complaint 2024-11 Charles Mix County Commission*

Oral Presentations:

Complainants Jeff and Jolene Stewart -15 minutes (a portion of this time may be reserved for rebuttal)

Charles Mix County Commission -15 minutes

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

Oral Presentations:

Complainants Cody Fischer -15 minutes (a portion of this time may be reserved for rebuttal)

Tripp City Council -15 minutes

8. Discussion regarding future meeting.

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: 237 127 537 841**

**Passcode: YmqUmF**

Or to join by **telephone** dial:

**(605) 679-7263** with Phone conference ID: **212 419 247#**

**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.**

Attorney General

NOV 15 2024

# Johns & Kosel<sup>Prof. L.L.C.</sup>

Timothy R. Johns  
tjohns@johnskosellaw.com

Attorneys at Law

Joseph M. Kosel  
jkosel@johnskosellaw.com

November 12, 2024

Mr. Steven R. Blair  
Assistant Attorney General  
State of South Dakota  
1302 East Highway 14, Suite 1  
Pierre, SD 57501-8501

Via U. S. Mail

Re: In the Matter of Open Meeting Complaint 2024-09, City of Lead Commission-Lawrence County.

Dear Mr. Blair:

This letter is to supplement the evidentiary record in this matter with the following documents in the order of their respective dates:

1. Agenda for Lead City Commission for January 2, 2024 reflecting "1. Community Center Update" under "Item H. Building Inspections/Health Safety"- one page.
2. Minutes for Lead City Commission meeting held January 2, 2024 reflecting "1. Community Center Update" under "Building Inspections/Health Safety"- one page.
3. **New:** Letter dated 1/11/2024 from Mayor Ron Everett and Commissioners to South Dakota Legislators, Subject: Support for Funding of New Community Center in Lead-one page.
4. **New:** Agenda for Lead City Commission for January 16, 2024 reflecting "1. Letter of Support" under "Item M. Items from Mayor & Commissioners"-one page.
5. **New:** Minutes for Lead City Commission meeting held January 16, 2024 reflecting passage of a motion approving the "signature on the Letter of Support from Mayor Ron Everett and Commissioners" identified as "Letter of Support" under "Items from Mayor & Commissioners Mayor & Commissioners"-page two of two pages.
6. 2024 South Dakota Legislature House Bill 1103 and attached Bill tracking reflecting the bill was first read in the House on January 18, 2024 and noticed for a bill hearing on January 25, 2024 before the House Local Government Committee-two pages.

7. **New:** Employer Authorization Form, signed by Mayor, Ron Everett, dated January 18, 2024, authorizing Dennis Schumacher and Robin Lucero to register with South Dakota Secretary of State as lobbyists for the City of Lead.
8. **New:** Payroll records for the week ending February 3, 2024, reflecting that Robin Lucero and Dennis Schumacher were not paid their regular salaries to appear on January 25<sup>th</sup> in Pierre to testify before the House Local Government Committee-two pages.
9. **New:** City of Lead Resolution # 12024-03, A RESOLUTION CERTIFYING THE CITY'S SUPPORT FOR THE LEAD COMMUNITY CENTER PROJECT", dated May 6, 2024, signed by Ron Everett, Mayor, and attested by John Wainman, City Administrator-one page.

The documents identified as "**New:**" have not previously been directly identified by date and/or subject matter. Please advise if you have any questions or concerns.

Thanking you, I am,

Sincerely yours,

JOHNS & KOSEL, Prof. LLC



Timothy R. Johns

TRJ.  
Enclosures as stated.  
CC: Client via email only; Kristi Sims, Gordon Phillips.

**AGENDA**  
**LEAD CITY COMMISSION**  
**REGULAR MEETING**  
**LEAD CITY HALL**  
**801 W. MAIN STREET, LEAD,**  
**SD**  
**January 2, 2024, 5:00 PM**



- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVE MINUTES**
- D. ITEMS FROM VISITORS**
- E. LIBRARY**
- F. PLANNING & ZONING/HIST. PRES./COMP PLAN**
- G. PUBLIC SAFETY**
  - 1. Trafficking Presentation after regular meeting on 02/05/24.
- H. BUILDING INSPECTIONS/HEALTH SAFETY**
  - 1. Community Center Update
  - 2. Cyanide Property
- I. PUBLIC WORKS**
  - 1. Job opening in Public Works Department.
- J. BILLS**
- K. HEARINGS**
  - 1. Lewies off sale beer license hearing.
- L. LEGAL AND FINANCE**
  - 1. Financial Report (2<sup>nd</sup> meeting of month)
  - 2. Second Reading Ordinance 1096-23 Supplemental Ordinance
- M. ITEMS FROM MAYOR & COMMISSIONERS**
  - 1. City Hall will be closed Monday, January 15<sup>th</sup> in observance of MLK Day
- N. MEETINGS/ANNOUNCEMENTS**
  - 1. Next Regular Meeting- Tuesday, January 16<sup>th</sup> @ 5:00 PM- Lead City Hall
  - 2. Planning & Zoning- January 23<sup>rd</sup> @ 5:00 PM- Lead City Hall
  - 3. Comprehensive Plan- February 15<sup>th</sup> @ 11:00 AM- Lead City Hall
  - 4. Historic Preservation- February 17<sup>th</sup> @ 4:00 PM- Lead City Hall
- O. EXECUTIVE SESSION**
  - 1. Potential Litigation/Legal issue (if needed)
  - 2. Personnel (if needed)
- P. ADJOURN**

This meeting will also be live streamed through **Facebook Live**, viewable through the City of Lead's Facebook page. The live stream will begin at approximately 4:58 PM on January 2nd, 2024. If further information or assistance is needed, please call Lead City Hall at 605-584-1401.





**LEAD CITY COMMISSION**  
**Regular Meeting**  
**January 2, 2024**

The Lead City Commission met on Tuesday, January 2, 2024, in City Hall, 801 West Main Street at 5:00 PM with the following members present: Mayor Ron Everett, and Commissioners Roger Thomas, Dustin Heupel, Kayla Klein and Robert Carr. Absent: None. Mayor Ron Everett called the Regular Meeting to order. The Pledge of Allegiance was recited.

**APPROVE MINUTES**

1. Minutes will be approved at the next meeting of January 16, 2024

**PUBLIC SAFELY**

1. Trafficking Presentation after regular meeting on 02/05/2024.

On February 5th, 2024, at approximately 5:30 p.m. Holly Strand will be presenting a lecture dealing with human trafficking, digital downfalls for kids and a question-and-answer session at Lead City Hall.

Forensic Examiner Hollie Strand works for the Pennington County Sheriff's Office and is assigned to the Internet Crimes Against Children Task Force. She has compiled an assortment of insightful safety suggestions for you to consider in helping your children negotiate the landmines of modern technology.

Please feel free to join us at City Hall or live stream on our Facebook page.

**BUILDING INSPECTIONS/HEALTH SAEFTY**

1. Community Center Update

Gordon Phillips was present and expressed concerns with correct procedures being followed in regard to the Lead Community Center.

Mayor Everett stated the Community Center is not a city project, however the city is in full support of the Lead Community Center.

Emma Garvin with the Lead Economic Development stated the Handley Center has formed the Lead Community Center Foundation which is a 501-C3 Net profit specifically for fundraising purposes for the construction of a new community center.

Emma stated their current plan as of now is a guide to get the ball rolling and Emma has met with several different groups and people. They have requested 10 million dollars for funding from the state and the foundation will work to raise the rest to make this project happen.

Emma invited the community to the open house at the Handley Center at 3:00PM and following the open house they will meet at the Roundhouse for more discussion.

2. Cyanide Property

Dennis Schumacher stated Bill Millard has requested a re-plat of a small piece of land off of this street to either sell to him or deed to him. In doing this there will always be a place to put snow. Schumacher suggested the city keep in control of this property and lease a small spot for a handicap area for a resident.

Mayor Everett suggested keeping it as city property.

**PUBLIC WORKS**

1. Job opening in the Streets Department, please stop into City Hall to fill out and drop off an application/resume or send application/resume to Jasonb@cityoflead.com. If you have any questions, please call City Hall at 605-584-1401.

**BILLS**

M/Carr, S/Klein- Carried to approve the Bills in the amount of \$240,216.00 (payables) \$171,838.25 and (wages) \$68,377.75.





City of Lead  
801 W. Main Street  
Lead, South Dakota 57754

1/11/2024

Subject: Support for Funding of New Community Center in Lead

Dear South Dakota Legislators,

I am writing on behalf of the City of Lead and the Lead City Commission to express our enthusiastic support for the funding of a new community center in our town. This endeavor holds immense potential for fostering the well-being of our community and strengthening the fabric of our city.

The proposed community center will serve as a hub for youth programming and senior gathering and provide a safe space for our younger residents. Additionally, it will play a pivotal role in promoting health and wellness among our citizens, addressing the vital need for accessible recreational facilities and wellness services. Importantly, the community center will offer critical services to our working families, creating a supportive environment that contributes to the overall resilience of our community.

By consolidating various services under one roof, the community center becomes a unique incentive for those considering a move to Lead. This centralized approach not only enhances convenience for our residents but also positions Lead as an attractive location for potential homebuyers. We believe this aspect will contribute significantly to the growth of our community and the community center will also serve as a valuable recruitment tool for local businesses.

The new community center project has garnered substantial local support, reflecting the collective desire for this project to come to fruition. Considering this, we kindly request your support and consideration for state funding to further catalyze the establishment of this vital community asset.

The thriving economy in South Dakota is significantly bolstered by tourism, particularly the Black Hills region. Homestake Mining Company significantly contributed to the state general fund and our local mining companies still contribute to the state general fund through the mining severance tax. Our area has significantly financially supported the state throughout the years and we are asking for support in return.

Thank you for your attention to this matter, and we look forward to the positive impact that the new community center will bring to Lead with your support.

Sincerely,

Ron Everett

Mayor, and commissioners, City of Lead



**AGENDA**  
**LEAD CITY COMMISSION**  
**REGULAR MEETING**  
**LEAD CITY HALL**  
**801 W. MAIN STREET, LEAD,**  
**SD**  
**January 16, 2024, 5:00 PM**



**A. ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVE MINUTES**

1. Approve the minutes of the 12/27/23 Special Meeting
2. Approve the minutes of the 01/02/24 meeting.

**D. ITEMS FROM VISITORS**

**E. LIBRARY**

**F. PLANNING & ZONING/HIST. PRES./COMP PLAN**

**G. PUBLIC SAFETY**

1. Trafficking Presentation 02/05/24 after meeting.

**H. BUILDING INSPECTIONS/HEALTH SAFETY**

1. 2023 Year End Building Permit Report

**I. PUBLIC WORKS**

1. Job opening in Public Works Department.
2. MOU with Sanford Lab regarding water repairs, etc.

**J. BILLS**

**K. HEARINGS**

**L. LEGAL AND FINANCE**

1. Financial Report (2<sup>nd</sup> meeting of month)
2. Resolution 2024-01 Salary

**M. ITEMS FROM MAYOR & COMMISSIONERS**

1. Letter of Support

**N. MEETINGS/ANNOUNCEMENTS**

1. Next Regular Meeting- Monday, February 5<sup>th</sup> @ 5:00 PM- Lead City Hall
2. Planning & Zoning- January 23<sup>rd</sup> @ 5:00 PM- Lead City Hall
3. Comprehensive Plan- February 15<sup>th</sup> @ 11:00 AM- Lead City Hall
4. Historic Preservation- February 17<sup>th</sup> @ 4:00 PM- Lead City Hall

**O. EXECUTIVE SESSION**

1. Potential Litigation/Legal issue. Property issue for discussion.
2. Personnel (if needed)

**P. ADJOURN**

This meeting will also be live streamed through **Facebook Live**, viewable through the City of Lead's Facebook page. The live stream will begin at approximately 4:58 PM on January 16th, 2024. If further information or assistance is needed, please call Lead City Hall at 605-584-1401.





**LEAD CITY COMMISSION**  
**Regular Meeting**  
**January 16, 2024**

The Lead City Commission met on Tuesday, January 16, 2024, in City Hall, 801 West Main Street at 5:00 PM with the following members present: Mayor Ron Everett, and Commissioners Roger Thomas, Dustin Heupel, and Robert Carr. Absent: Commissioner Kayla Klein. Mayor Ron Everett called the Regular Meeting to order. The Pledge of Allegiance was recited.

**APPROVE MINUTES**

1. Minutes of the December 27, 2023, Special Meeting are approved as read.
2. Minutes of the January 2, 2024, Regular Meeting are approved as read.

**LIBRARY**

1. 2023 Year End Library Report

2023 Statistics	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	TOTAL
Koha Total Circ	1,387	1,418	1,492	1,243	1,101	1,664	1,671	1,759	1,115	1,126	1,159	942	16,077
ADULT FICTION	411	407	403	346	353	403	459	428	320	302	248	327	4,407
ADULT NON	122	138	123	67	73	99	100	86	65	65	80	62	1,080
YA FICTION	43	29	43	31	51	80	43	71	10	19	47	32	499
JUNIOR FICTION	90	98	94	103	68	238	215	246	108	71	71	53	1,455
JUNIOR NON	47	59	80	83	57	117	182	150	35	55	90	37	992
EASY FICTION	255	299	219	219	179	302	288	342	170	192	224	105	2,794
AUDIO	16	18	49	28	31	27	12	9	19	18	17	11	255
VIDEO	389	359	469	347	284	390	361	419	381	390	359	314	4,462
EAUDIO/VIDEO	283	237	272	278	259	280	340	320	272	234	416	237	3,428
EBOOKS	178	165	171	148	177	128	171	143	152	203	162	162	1,960
MAGAZINES	4	3	5	10	5	9	9	6	8	17	6	5	87
ILL BORROWED	81	63	69	61	62	28	15	31	48	32	47	42	579
ILL LOANED	59	105	132	69	113	14	82	173	70	108	105	55	1,085
Total Circulation	1,978	1,980	2,129	1,790	1,712	2,115	2,277	2,424	1,658	1,706	1,872	1,442	23,083
Total patrons	1,764	1,711	1,697	1,708	1,715	1,729	1,737	1,748	1,754	1,765	1,770	1,775	
Items Cataloged	21,222	21,307	20,894	20,910	21,025	21,180	21,246	21,322	21,307	21,164	21,267	21,140	
Ref. Questions	221	221	285	224	256	246	211	302	216	210	211	168	2,771
Adult Activities	5	5	2	5	7	5	1	1	1	1	1	1	35
Adult Attendance	9	9	10	13	6	5	6	12	5	4	5	2	86
JR Activities	11	12	10	13	5	9	12	5	5	7	7	6	102
JR Attendance	117	133	80	77	307	289	246	139	94	334	104	98	2,018
YA Activities	0	0	0	1	0	3	3	3	1	2	2	2	17
YA Attendance	0	0	0	3	0	12	37	15	3	12	11	13	106
Attendance	1,107	1,105	1,425	1,118	1,278	1,229	1,053	1,511	1,079	1,050	1,056	838	13,849
Microreader	0	0	1	5	1	0	0	1	0	0	0	0	8
Wireless	76	74	89	70	86	93	102	94	78	74	72	71	979
Computer Adult	90	82	90	82	76	94	98	83	108	71	59	35	968
Computer Junior	15	17	27	19	25	48	48	25	2	9	7	6	248
Website Visits	378	302	334	252	319	379	339	318	336	318	317	255	3,847
Non-Card Users	96	88	148	113	169	192	180	163	153	137	129	120	1,688

**PUBLIC SAFELY**

1. Trafficking Presentation after regular meeting on 02/05/2024.

On February 5th, 2024, at approximately 5:30 p.m. Holly Strand will be presenting a lecture dealing with human trafficking, digital downfalls for kids and a question-and-answer session at Lead City Hall.

Forensic Examiner Hollie Strand works for the Pennington County Sheriff's Office and is assigned to the Internet Crimes Against Children Task Force. She has compiled an assortment of insightful safety suggestions for you to consider in helping your children negotiate the landmines of modern



**AND, BE IT FURTHER RESOLVED** that salaried employees shall not receive compensation for time in excess of 40 hours per week.

**AND, BE IT FURTHER RESOLVED** any employee obtaining Utility Department Certification shall receive twenty-five cents (\$0.25) per hour, or salary equivalent, per level of certification up to a maximum of 4 certifications.

**AND, BE IT FURTHER RESOLVED** all salaries and wages, plus overtime and longevity, will be paid according to the Lead Employee's Handbook.

Dated this 16<sup>th</sup> day of January, 2024

Those voting aye: Mayor Ron Everett and Commissioners Dustin Heupel, Robert Carr, and Roger Thomas.

Those voting nay: None

Motion carried.

**CITY OF LEAD:**

**ATTEST:**

\_\_\_\_\_  
Ron Everett, Mayor

\_\_\_\_\_  
Billie Jo Inhofer,

Finance Officer (SEAL)

**ITEMS FROM MAYOR & COMMISSIONERS**

1. City of Lead Commissioner Election

Two Openings—Commissioners Thomas and Klein  
Petitions Available January 26, 2024  
Petitions Submitted by February 23, 2024, 5:00 PM  
Election Date: April 9, 2024

1. Letter of Support- M/Thomas, S/Heupel- Carried to approve signature on the letter of support from the Mayor and Commissioners for the new Community Center.

**MEETING/ANNOUNCEMENTS**

1. Next Regular Meeting—Monday, February 5<sup>th</sup> @ 5:00 PM Lead City Hall
2. Planning & Zoning—January 23<sup>rd</sup> @ 5:00 PM Lead City Hall
3. Comprehensive Plan—February 15<sup>th</sup> @ 11:00 AM Lead City Hall
4. Historic Preservation—February 17<sup>th</sup> @ 5:00 PM Lead City Hall

**ADJOURN**

M/Heupel, S/Thomas—Carried to adjourn Regular Meeting at 5:16PM.

**CITY OF LEAD**

**ATTEST**

\_\_\_\_\_  
Ron Everett, Mayor  
(SEAL)

\_\_\_\_\_  
John Wainman, City Administrator



24.349.13 99th Legislative Session 1103



## 2024 South Dakota Legislature **House Bill 1103**

Introduced by: **Representative Fitzgerald**

**An Act to provide an appropriation to construct a community center in the community of Lead.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

**Section 1.** There is hereby appropriated from the general fund the sum of \$10,000,000 to the state treasurer, for purpose of providing a grant to the City of Lead to fund the construction of a new community center.

**Section 2.** The state treasurer shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

**Section 3.** Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2027, shall revert in accordance with the procedures prescribed in chapter 4-8.

**Section 4.** This Act is effective June 30, 2024.

Underscores indicate new language

Overstrikes indicate deleted language



# House Bill 1103

[BACK TO FULL LIST](#)

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**Title:** provide an appropriation to construct a community center in the community of Lead.

**Sponsors:** Representative Fitzgerald (prime) and Senator Deibert (prime)

**Subjects:** Appropriation, Grants, Municipal Government, Procurement of Public Improvements

Want to add this bill to one of your tracking lists? Logon to MyLRC

Date	Action	Audio	Location
01/18/2024	First read in House and referred to House Local Government H.J. 84	N/A	
01/25/2024	Scheduled for hearing		30:49
01/25/2024	House Local Government Deferred to the 41st legislative day, Passed, YEAS 9, NAYS 4.		30:49

## Bill Text Versions

Date	HTML Format	PDF Format
01/17/2024	Introduced	Introduced

## Amendments

Requested By	Status	In Context	Instructions
No data available			

## Previous Amendments



2024

Enter Year Reporting

### Employer Authorization Form

SDCL 2-12-4 requires "Each lobbyist or employer shall file with the secretary of state, within ten days after the date of registration, a written or electronic authorization for a person to act as a lobbyist for an employer."

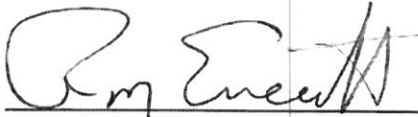
To avoid interruption in the authorization of this lobbyist to act on your behalf, please ensure your employer authorization is timely received by the Secretary of State.

Pursuant to SDCL 2-12-4, this is to certify that:

Lobbyist Name(s): Dennis Schumacher Robin Lucero

Is/Are authorized to register as a lobbyist for the above noted session of the South Dakota Legislature and to act on behalf of:

Employer Name: City of Lead

Signature of Authorizing Agent: 

Printed Name of Authorizing Agent: Ron Everett Mayor

Date of Signature: 1-18-2024

Please forward the completed form to:

South Dakota Secretary of State  
500 E. Capitol Ave., Suite 204  
Pierre, SD 57501

Or a scanned copy of the completed form can be emailed to:

[Lobbyist@state.sd.us](mailto:Lobbyist@state.sd.us)





CITY OF LEAD--TIMESHEET

EMPLOYEE NAME								PAYROLL PERIOD								JOB CLASS	
DENNIS SCHUMACHER								From		1/21/2024						WAGE RATE	
								To		2/3/2024							
WEEK 1								WEEK 2									
DAY	Sun	Mon	Tue	Wed	Thr	Fri	Sat	Sun	Mon	Tue	Wed	Thr	Fri	Sat	ACCOUNTING DATA		
DATE															Total Hours	Dept	Description
WORK HOURS		8				8			8	8	8	8	8		56		
VACATION																	
HOLIDAY																	
PERSONAL LEAVE																	
LEAVE																	
SICK																	
PAGER																	
OVERTIME			1.5						1.5		2		3				
RATE CHANGE																	
TOTAL HOURS		8	1.5			8			9.5	8	10	8	11		56		
	FORWARD		EARNED		AVAILABLE		USED		BALANCE								
VACATION HOURS																	
PERSONAL HOURS																	
SICK LEAVE HOURS																	
I Certify the Hours of Pay and Leave are True and Correct														All Time is Approved as Listed			
EMPLOYEE	DENNIS SCHUMACHER												SUPERVISOR OR				
SIGNATURE	<i>Dennis Schumacher</i>												TIMEKEEPER				



Laserfiche



**CITY OF LEAD RESOLUTION # 2024-03**

The City Commission of the City of Lead, a municipal corporation, meeting in regular session on May 6, 2024, pursuant to SDCL 9-19, a motion was made by Heupel, seconded by Klein, that the following resolution be adopted:

**A RESOLUTION CERTIFYING THE CITY'S SUPPORT FOR THE LEAD COMMUNITY CENTER PROJECT**

WHEREAS, a community center facility has been a staple in the City of Lead since 1914, and

WHEREAS, the current community center building is dilapidated beyond repair and a new facility is necessary, and

WHEREAS, the proposed community center will provide crucial community services, and

WHEREAS, a new community center will foster the well-being of our community and strengthen the fabric of our city, and

WHEREAS, the services to be provided in the proposed community center were identified through the 2023 Lead Comprehensive Plan Community Survey, and

WHEREAS, a new community center will contribute significantly to the growth and support of our community, and

WHEREAS, a new community center will increase childcare and youth programming opportunities for the families and businesses of Lead, and

WHEREAS, a new community center will serve as a valuable recruitment tool for local businesses, and

WHEREAS, this community center will serve as an emergency shelter location for the City of Lead,

NOW, THEREFORE, BE RESOLVED, that the City of Lead certifies its support for the Lead Community Center Foundation's project to construct a new facility.

Those voting Aye: Mayor Everett and Commissioners Kayla Klein, Roger Thomas, Robert Carr, and Dustin Heupel.

Those voting Nay: None

Motion Approved.

Dated this 6<sup>th</sup> day of May, 2024

CITY OF LEAD

Ron Everett, Mayor



ATTEST

John Wainman, Admin.

