

SOUTH DAKOTA OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN MEETINGS COMPLAINT 2024-10,
GREEN VALLEY SANITARY DISTRICT – PENNINGTON COUNTY

GREEN VALLEY SANITARY DISTRICT’S OBJECTIONS TO PROPOSED
FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECISION

Green Valley Sanitary District (GVSD) through its undersigned counsel objects to the following items in the presented Findings of Fact, Conclusions of Law & Decision as submitted by Steven B. Blair, attorney for the South Dakota Open Meetings Commission:

1. GVSD objects to Finding of Fact No. 4 for the reason that the record does not confirm that no formal vote occurred, only that the trustees do not recollect if a formal vote occurred, and submits the following alternative finding:

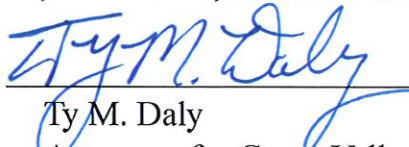
4. The loan was discussed at multiple meetings in the months before securing the loan. On June 9, 2021, the Board of Trustees held a regularly scheduled meeting. The minutes of that meeting indicate the Board of Trustees discussed potential interim financing for the sanitation project with Black Hills Federal Credit Union. No formal vote to secure a loan was documented in the minutes of this meeting.
2. GVSD objects to Finding of Fact No. 5, for the reason that the record does not confirm that no formal vote occurred, only that the trustees do not recollect if a formal vote occurred, and submits the following alternative finding:

5. On November 8, 2021, the Board of Trustees held a regularly scheduled meeting. The minutes of that meeting reflect further contemplation by the Board of Trustees of obtaining a short-term loan to help fund a sanitation project. No formal vote to secure a loan was documented in the minutes of this meeting.
3. GVSD objects to Finding of Fact No. 6, for the reason that the record does not confirm that no formal vote occurred, only that the trustees do not recollect if a formal vote occurred, and submits the following alternative finding:

6. The Board of Trustees also met in a special meeting on November 17, 2021, held primarily for the purpose of acquiring the \$200,000 loan from Black Hills Federal Credit Union. No formal vote regarding the loan was documented in the minutes of this meeting. The meeting minutes report discussion of the loan and that next steps regarding the loan would be pursued by the Board of Trustees.
4. GVSD objects to Finding of Fact No. 7, for the reason that the record does not confirm that no formal vote occurred, only that the trustees do not recollect if a formal vote occurred, and submits the following alternative finding:
7. On December 8, 2021, the Board of Trustees met, and the meeting minutes indicate that updated documentation was needed to secure the loan. No formal vote regarding the loan was documented in the minutes of this meeting.
5. GVSD objects to Finding of Fact No. 8, for the reason that the record does not confirm that no formal vote occurred, only that the trustees do not recollect if a formal vote occurred, and submits the following alternative finding:
8. At no time was an official resolution brought before the Board of Trustees for approval to take out the loan. And there are no minutes which document an formal vote of the Board of Trustees to enter into the loan.
6. GVSD objects to Finding of Fact No. 9 for the reason that is it not relevant to the matter at hand and requests that it be omitted.

Dated April 28, 2025.

LYNN, JACKSON, SHULTZ & LEBRUN PC

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