

STATE OF SOUTH DAKOTA



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April 17, 2025

Cody Fischer
PO Box 236
Tripp, SD 57376

Mike C Fink
Fink Law Office, P.C.
225 N Main Avenue
Bridgewater, SD 57319-0444

Re: In the Matter of Open Meeting Complaint 2024-12, Tripp City Council –
Hutchinson County

Dear Mr. Fischer & Mr. Fink,

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 2024-12, Tripp City Council – Hutchinson 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 horizontal line.

Steven R. Blair

Assistant Attorney General

SRB/jm

Enclosure

STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2024-12
MEETINGS COMPLAINT AGAINST)	
TRIPP CITY COUNCIL –)	FINDINGS OF FACT,
HUTCHINSON COUNTY)	CONCLUSIONS OF LAW, &
)	DECSISION

The above captioned matter was heard before the South Dakota Open Meetings Commission (Commission) on November 25, 2024. Complainant, Cody Fischer, did not appear personally or through Counsel. The Tripp City Council appeared through counsel, Mike Fink. 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 Tripp is a Second-Class municipality located in Hutchinson 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 Tripp City Council is the public body elected pursuant to applicable provisions of state law to govern the City of Tripp.

OMC 2024-12
Tripp City Council
Findings and Conclusions

3. The Tripp City Council held a special meeting on August 1, 2024. The agenda for the meeting indicates the meeting was called for a personnel matter discussed in executive session. The minutes of the meeting confirm the City Council met in executive session, and upon reentering general session accepted the resignation of the Chief of Police. The City Council then reentered executive session to discuss city employee applications. The City Council then adjourned with no further action.

4. The Tripp City Council gave no public notice of the August 1, 2024, special meeting.

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. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit.

(emphasis added).

6. Cody Fischer submitted an open meetings complaint to the Hutchinson County State's Attorney on August 14, 2024. Mr. Fischer's Complaint alleged the City Council violated the state open meetings laws by failing to give proper notice of a special meeting as required by SDCL 1-25-1.1.

7. On August 16, 2024, Hutchinson County State's Attorney Glenn Roth forwarded the complaint to the Commission pursuant to SDCL § 1-25-6(3).

8. In its written response to the complaint, the Tripp City Council admitted that it failed to properly give notice of the special meeting held on August 1, 2024. The City Council relayed that the Mayor was under the mistaken impression that the notice requirements of SDCL 1-25-1.1 did not apply to special meetings.

9. 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 Tripp City Council, as the governing body of the City of Tripp, 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. The notice requirements of SDCL 1-25-1.1 apply to special meetings of a public body, as circumstances permit, as equally as they do to regularly scheduled meetings of a public body. It is uncontested that the Tripp City Council failed to give proper notice of its August 1, 2024, special meeting.

3. The Commission concludes the Tripp City Council did violate the open meetings laws by failing to give proper notice of its August 1, 2024, special meeting as required by SDCL 1-25-1.1.

OMC 2024-12
Tripp City Council
Findings and Conclusions

4. 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 Tripp City Council for violating SDCL 1-25-1.1 by failing to give proper notice of the City's August 1, 2024, special meeting.

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 2024-12
MEETINGS COMPLAINT AGAINST)	
TRIPP CITY COUNCIL –)	NOTICE OF HEARING
HUTCHINSON COUNTY)	
)	

TO: Cody Fischer, PO Box 236, Tripp, South Dakota, 57376; and Mike C Fink,
Fink Law Office, P.C., Po Box 444, Bridgewater, South Dakota 57319-0444:

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 2024-12
MEETINGS COMPLAINT AGAINST)	
TRIPP CITY COUNCIL –)	CERTIFICATE OF SERVICE
HUTCHINSON 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 Cody Fischer, PO Box 236, Tripp, South Dakota, 57376; and Mike C Fink, Fink Law Office, P.C., Po Box 444, Bridgewater, South Dakota 57319-0444, 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.