

FEB 28 2025

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

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

February 24, 2025

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 violations 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 complainant, Christle Beukens, has filed 3 complaints. The first, dated October 25, 2024, was unsworn and is attached to this letter as Exhibit A. The second, dated November 18, 2024, is attached as Exhibit B. The third complaint, dated December 19, 2024, is attached as Exhibit C. The three letters mostly allege the same failures to comply with the open meetings laws, but have different attachments.¹

¹ The complaints also allege that the city's Board of Trustees has failed to comply with state laws regarding: election of municipal officers; failure to keep ordinances in an ordinance book; failure to produce public records for inspection upon request; and a complaint about the procedures used in an annexation. These complaints are beyond the scope of the Commissions' jurisdiction; therefore, this Office is not referring them to you for action. Instead, this Office has reviewed these matters and determined that to the extent statutory requirements related to these matters may not have been followed, they are not appropriate for criminal prosecution. This Office is, by copy of this letter and its exhibits, referring these matters to the city's attorney for review and determination of whether appropriate procedures were followed; the effect of any failures to comply with required procedures; and appropriate action(s) needed.

- The complaints, taken together, allege the following violations of the open meetings laws:
 - 1) failure to post agendas in advance of public meetings on multiple occasions between February 2022 and September 2024;
 - 2) failure to provide for public comment during public meetings, and
 - 3) allegations that the Board routinely meets privately and discusses public business without following the requirements to hold an executive session.
- The Central City, South Dakota, is categorized as a municipality of the third class. See SDCL 9-2-1(3) (population less than 500 according to the 2020 U.S. Census).
- Central City is governed by a three-member Board of Trustees.
- Because this office does not employ an investigator and does not typically engage in investigatory functions, these matters were referred to the Lawrence County Sheriff's Office (LCSO) for investigation. The LCSO's findings were documented in a report, attached to this letter as Exhibit D. Based on the LCSO's findings, this Office determined that violations of the open meetings laws either did occur in the past; and/or the city's records are not kept in an organized manner, making it difficult for a layperson to easily review the city's records or for this Office or the LCSO to confirm or refute allegations of noncompliance made by the complainant.

The LCSO did, however, note that all city representatives interviewed expressed a desire to comply with the law, to make any necessary changes or corrections to its procedures, and intended to hire an attorney to assist the Board in fulfilling its obligations in compliance with state law. This Office has confirmed that Attorney Kellen Willert has been recently retained by the city to advise the Board and eliminate future violations or omissions in performing city business.

Issue 1

Date of Alleged Violation: multiple dates in 2022, 2023, and 2024

Statement of Material Facts: The citizen/complainant contends the Central City Board of Trustees violated state law by failing to post agendas for routine public meetings, special meetings, and meetings held for adopting a city budget.

Legal Issue Presented: Did the city's Board of Trustees violate the state's Open Meetings Laws by failing to post an agenda and/or notice of its meetings?

State's Attorney Legal Conclusion as to issue 1: South Dakota state law requires that "[e]ach political subdivision shall provide public notice, with [a] 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. . . ."

No city website exists, so that provision does not apply to Central City. It is also *possible* that certain meetings were exempt from the posting requirements. See SDCL § 1-25-1 (if a quorum of trustees for a municipality of the third class meet solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the notice provisions in SDCL Chapter 1).

However, based on the material submitted by the complainant and the LCSO report, it is clear that the Board failed to post agendas at city hall regarding new policy, non-ministerial functions, etc. for some time prior to the citizen/complainant bringing this lapse to the Board's attention. Based on the LCSO's investigation, this Office has no evidence that these failures were a result of nefarious intent rather than inattention to, or ignorance of, the requirement to post an agenda along with notice of a meeting. Further, the Board has taken steps to eliminate future violations by hiring Attorney Willert. Therefore, this Office, in exercising its prosecutorial discretion, does not intend to pursue criminal charges² against any of the Board members for these failures, but reserves the right to do so if presented with evidence of future violations.

Issue 2

Date(s) of Alleged Violation: various dates in 2022 through 2024

Statement of Material Facts: The citizen/complainant contends the Central City Board of Trustees failed to hear public comment at its meetings. The LCSO was unable to verify or refute the allegations due to lack of organized recordkeeping and failure of the city to include a specific provision for public comment on its meeting agendas.

Legal Issue Presented: Is public comment required at meetings held by the Central City Board of Trustees?

State's Attorney Legal Conclusion as to issue 2: SDCL § 1-25-1 provides that a public body "shall reserve at every official meeting a period for public comment," limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment, but not so limited as to provide for no public comment. Public comment is not required at official meetings held solely for the purpose of meeting in executive session, an inauguration, swearing in of newly elected officials, or

² Violations of these provisions are second-degree misdemeanors.

presentation of an annual report to the governing body, regardless of whether the activity takes place at the time and place usually reserved for an official meeting

According to the LCSO report, one trustee stated that minutes of the city's meetings are published in the Black Hills Pioneer. If so, it is unknown if these minutes reflect whether public comment was heard. Best practices would seem to dictate that a separate section for public comment should be reserved at every official meeting, reflected on the city's posted agendas, and documented within the minutes for that meeting.

This Office respectfully requests the Open Meetings Commission review this matter

Thank you,



Kristi Sims

Deputy State's Attorney

Attachments:

Unsworn complaint (October 2024) by citizen Christle Beukens (w/attachments)

Sworn complaint (November 2024) by citizen Christle Beukens (w/attachments)

Sworn complaint (December 2024) by citizen Christle Beukens (w/attachments)

Report by Lawrence County Sheriff's Office case LCP24-00483

Cc:

Christle Beukens

Kellen B. Willert, Attorney at Law

Bruce Outka County Attorney, Lawrence County, SD

LCSO Dep. Jacob Capp

Ex. A

To: Brenda Harvey, Lawrence County State's Attorney
Bruce Outka, Lawrence County Deputy State's Attorney
90 Sherman St
Deadwood, SD 57732

From: Christle Beuckens

Dated: October 25, 2024

Re: Central City Board of Trustees violations/complaint

Dear Brenda & Bruce,

I am a resident of Central City. I live at 6 Central Main St, Central City, with my husband Greg. I purchased this home in 1996 and have lived here since. Central City is a 3rd class municipality ran by a 3-person board of trustees. This board consists of Donovan Renner, President, Rocky Mattson, and Robyn Novotny. The Finance Officer is Karolee Schnabel, new to this position since this summer. She has held this position or a board member position many years ago. Monthly meetings are held at the little city hall in Central City. I've attended the monthly meetings sporadically throughout the 28 years I've lived in CC. Over the years, I've seen a slow decline of using correct procedures for meetings, voting in the meetings, creating ordinances and resolutions, etc from the board of trustees. I've reached my tolerance threshold for the blatant disregard of codified law and I would like to file a formal complaint against the Central City board of trustees.

Here are my main concerns/complaints:

- My main concern is the violations of open meeting law. (SDCS 1-25-1.1. Notice of meeting of political subdivision.) When I heard in late 2022 there was going to be a short-term ordinance for CC, I started to attend meetings again regularly. For the 1st half of 2023, all of 2022 and the last part of 2021, the board of trustees ran meetings without public notice. In a monthly meeting, summer of 2023, when I called their attention to the fact that they were in violation of open meeting laws by not hanging an agenda & giving the public notice of the meeting, the then Finance Officer, Shelly Bennett, leaned over and in a whisper-shout said, "That is not true. They've changed the meeting rules and we do not have to do this anymore". Blatantly disregarding codified laws made me furious. I decided to start researching. I found Russ Olson, Auditor General at the Dept of Legislative Audit and started asking him questions through email. He has helped me by guiding me to different codified laws without giving me any legal advice.

Deciding that I wanted to handle this in a quiet, neighborly non-threatening way, I wrote a letter and hand delivered to each board member. Unfortunately, they took offense and affront at my quiet attempt to get them to start following appropriate procedures and codified laws. I've included the letter I delivered to them in September 2023.

After the letter, they started hanging an agenda until this past October. They set a special meeting for the second reading of the 2025 budget. The meeting was Monday, Sept 23, 2024 @ 5pm, however, no agenda or meeting notice was hung, nor advertised. There was one other guest in attendance, Marlin Frank, who I had informed about the meeting so he could attend. At the meeting, when they went to vote on approving the budget, I informed them that they were in violation of the open meeting law again. At this point, the president, Donovan Renner, stood up & shouted for the other guest and myself to 'get out of this building'. For the next budget meeting they hung a meeting notice on the next Sunday (see enclosed notice of the budget meeting) but still no agenda or even a copy of the Ordinance. They chose to do this at an abnormal meeting time of noon on a Monday and while in compliance, still no agenda or copy of the ordinance being voted on was hung with the notice. It is very apparent they do not want visitors in attendance at meetings, especially when talking about the budget. When a visitor shows up to any meeting, they are asked 'why are you here?'

- They do not vote on a yearly basis to elect the president of the board. After Marc Straub left the board, Donovan Renner, said Marc 'appointed' him president of the board, so therefore, they do not have to elect a president every year. (SDCL 9-7-5. President of board.) Election of a board president is not being done.
- This summer, I formally requested, in writing, my wish to review the ordinances, however, they are not in one binder or book, so there was really no way to review them. They are not keeping a 'book' for ordinances. Since about 2002, the practice of keeping all the ordinances in an organized, numbered manner, in an ordinance book stopped. How is a citizen of this little town supposed to know the ordinances when they cannot be provided an organized way to read through them? (SDCL 9-19-14. Recording of ordinance in ordinance book.) I was told in that monthly meeting by the board president to go to the library and look through all the newspaper archives of the minutes if I wanted to 'find' all the ordinances. He said this in that monthly meeting. He did relent and let me look through the files, however, there is not much by way of organization, except by the year, and 2023 was not even in the file cabinet.
- They are not keeping a 'book' for resolutions. Same complaint as above regarding book for ordinances, only for resolutions. Unsure if there is a codified law for this, however, it would make organizational sense to do so.
- This summer, I formally requested, in writing, that I would like to review the 2023 agenda, minutes, and ordinances/resolutions enacted, and record of newspaper notices. Those have not been made available to me as of yet. They initially gave me a key to look through files, however, the 2023 docs were not in the file cabinet. My goal was to review every year, starting with 2023, moving then to 2022, then 2021...on back. However, it was not possible with the very first year I requested because they were not in the file

cabinet. I went no further, because of the disorganization. I believe they have found the file, but my initial request to review has been ignored and set aside.

- Executive sessions. This board does not call for executive sessions. After guests leave the monthly meetings, the board usually sits around, sometimes for 10-15 minutes. I know there is an official procedure for calling for Executive Sessions and I know this is not being done correctly, nor are the appropriate minutes being kept for executive sessions. (1-25-2. Executive or closed meetings)
- Every year, at least one board member comes up for re-election on a rotating basis. Each term is for 3 years. This board does not feel it is necessary to inform the public (in any way, spoken or written...newspaper notice or at the monthly meetings), which board member is up for re-election. As a resident of this little town, I believe this is wrong. I know that Rocky Mattson was up for re-election in 2024 because he had told me this earlier in the year, but it was never mentioned at a meeting. They do not want anyone to know what is going on.
- During the time period that the board did not give notice to the public for the monthly meetings, do any and all voted on issues, ordinances, resolutions, budgets, etc, need to be re-done the correct way to make everything kosher and legal?

Marlin Frank, while not an official, legal, resident of Central City, owns 5 properties in Central City through a couple LLCs. He has been going to most of the monthly and special meetings. He can validate most everything in this complaint.

I have no law degree and am just a layperson in regards to understanding codified law. I know the board is blatantly not following appropriate procedure. They all have been on the board for at least 10 years and one or two up to 20 years. Not one of them has read through Codified Law when I asked them in 2023. They do not believe Codified Laws even apply to them. An audit of files and record keeping of agendas, minutes, newspaper notices, ordinances, and resolutions, for the last 20 years needs to be done, in my opinion. An audit of the financials needs to be done as well. The longer they act lawless breaking codified laws, the more blatant they get in breaking codified laws because no one has been monitoring them. This town needs some help from the state. I am asking you to start investigating this board, their records, books, and procedures.

Sincerely,



Christle Beuckens

605-920-1084

crobinson@spe.midco.net

Sept, 1-2-25

Central City Board of Trustees

Donovan Renner

Robyn Novotny

Rocky Mattson

Finance Officer Shelly Bennett

Donovan, Robyn, Rocky, & Shelly,

Last night at the monthly trustee meeting, I pointed out that the Board is in violation of not posting the agenda to the monthly meeting before the meeting day. Shelly pointed out that she attended a class and what I said was not true. It was said quietly and to Robyn, however, all there registered the comment.

Well, I hate to be the bearer of bad news....but the board is in violation of SDCL 1-25-1.1. That is the state codified law for State Affairs and Government. I've been reading up on all of these. Not only that, I verified it with Russ Olson. He is the Auditor General for the Department of Legislative Audit. His phone is 605-773-5934 and his email is if you would like to contact him to verify this yourself.

My question to him was this: "Is it in the codified law that a town must post their agenda BEFORE the day of the monthly trustee meeting?"

His response: "Yes, there is a law on posting the agenda. The law is SDCL 1-25-1.1 and what it states is that the proposed agenda must be posted "at least an entire, continuous 24 hours immediately preceding any official meeting". There are some other rules with special meeting or cancelled meetings." Then he cited the entire SDCL 1-25-1.1 which I have printed out for you to read.

I just do not understand how this got past you guys. Some of you have been on the board for 10 plus years! I remember in the past the agenda was posted at least a week in advance. Now I can truthfully say I don't know how long this has been going on. Within the last 3 years, the issue of not posting the agenda has happened. When exactly, I do not know. Through COVID, I know the public was not encouraged to attend the meetings, so perhaps it was in that timeframe. All I know is it really needs to be posted before the meeting. Yes, 24 hours is the required time. As a member of this town/community, I would encourage you to do several days in advance.

This matter will go no further, as long as this oversight is corrected in accordance of the state statutes or better. I could have done this more publicly. I am taking a quieter approach. I hope you can appreciate that.

Christle Beuckens

Hand delivered to Robyn, Rocky & Donovan. Mailed to Shelly.

[illegible]

Christle Beuckens
6 Central Main St
Central City, SD 57754

OF THE RETURN ADDRESS, FOLD BY DOTTED LINE
CERTIFIED MAIL®



7022 3330 0001 6114 0300

Retail



RDC 99



57732

U.S. POSTAGE PAID
FCM LETTER
LEAD, SD 57754
OCT 25, 2024

\$9.96

R2305P150531-03

Brenda Harvey
Lawrence County State's Attorney
90 Sherman St
Deadwood, SD 57732

57732&1370 0002



Christle Beuckens
6 Central Main St
Central City, SD 57754

OF THE RETURN ADDRESS, FOLD AT POSTAGE
CERTIFIED MAIL



7022 3330 0001 6114 0300

Retail



RDC 99



57732

U.S. POSTAGE PAID
FCM LETTER
LEAD, SD 57754
OCT 25, 2024

\$9.96

R2305P150531-03

Brenda Harvey
Lawrence County State's Attorney
90 Sherman St
Deadwood, SD 57732



Ex. B

To: Kristi Sims, Lawrence County Deputy State's Attorney
Bruce Outka, Lawrence County Deputy State's Attorney
90 Sherman St
Deadwood, SD 57732

From: Christle Beuckens
Dated: November 18, 2024
Re: Central City Board of Trustees violations/complaint

Dear Kristi & Bruce,

I am a resident of Central City. I live at 6 Central Main St, Central City, with my husband Greg. I purchased this home in 1996 and have lived here since. Central City is a 3rd class municipality ran by a 3-person board of trustees. This board consists of Donovan Renner, President, Rocky Mattson, and Robyn Novotny. The Finance Officer is Karolee Schnabel, new to this position since this summer. She has held this position or a board member position many years ago. Monthly meetings are held at the little city hall in Central City. I've attended the monthly meetings sporadically throughout the 28 years I've lived in CC. Over the years, I've seen a slow decline of using correct procedures for meetings, voting in the meetings, creating ordinances and resolutions, etc from the board of trustees. I've reached my tolerance threshold for the blatant disregard of codified law and I would like to file a formal complaint against the Central City board of trustees regarding several different codified laws.

Here are my main concerns/complaints:

- My main concern is the violations of open meeting law. (SDCS 1-25-1.1. Notice of meeting of political subdivision.) For the 1st half of 2023, all of 2022 and the last part of 2021, the board of trustees ran meetings without public notice. Also, no public notice was given for the special budget meeting held September 23, 2024.

In a monthly meeting, summer of 2023, when I called their attention to the fact that they were in violation of open meeting laws by not hanging an agenda & giving the public notice of the meeting, the then Finance Officer, Shelly Bennett, leaned over and in a whisper-shout said, "That is not true. They've changed the meeting rules and we do not have to do this anymore".

They set a special meeting for the second reading of the 2025 budget. The meeting was Monday, Sept 23, 2024 @ 5pm, however, no agenda or meeting notice was hung, nor advertised. There was one other guest in attendance, Marlin Frank, who I had informed about the meeting so he could attend. At the meeting, when they went to vote on approving the budget, I informed them that they were in violation of the open meeting law again. At this point, the president, Donovan Renner, stood up & shouted for the other guest and myself to 'get out of this building'. For the next budget meeting they hung a meeting notice on the next Sunday (see enclosed notice of the budget meeting). They

chose to do this at an abnormal meeting time of noon on a Monday and while in compliance, still no agenda or copy of the ordinance.

- Election of a board president is not being done. (SDCL 9-7-5. President of board.) They do not vote on a yearly basis to elect the president of the board. After Marc Straub left the board, Donovan Renner, said Marc 'appointed' him president of the board, so therefore, they do not have to elect a president every year.
- No Ordinance Book. (SDCL 9-19-14. Recording of ordinance in ordinance book.) This summer, I formally requested, in writing, my wish to review the ordinances, however, they are not in one binder or book, so there was really no way to review them. They are not keeping a 'book' for ordinances.
- They are not keeping a 'book' for resolutions. Same complaint as above regarding book for ordinances, only for resolutions. Unsure if there is a codified law for this, however, it would make organizational sense to do so.
- No ability to view organized records of meetings. (1-27-1 Public records) This summer, I formally requested, in writing, that I would like to review the 2023 agenda, minutes, and ordinances/resolutions enacted, and record of newspaper notices. Those have not been made available to me as of yet. They initially gave me a key to look through files, however, the 2023 docs were not in the file cabinet. My goal was to review every year, starting with 2023, moving then to 2022, then 2021...on back. However, it was not possible with the very first year I requested because they were not in the file cabinet. I went no further, because of the disorganization. I believe they have found the file, but my initial request to review has been ignored and set aside.
- Executive sessions. (1-25-2. Executive or closed meetings) This board does not call for executive sessions. After guests leave the monthly meetings, the board usually sits around, sometimes for 10-15 minutes. I know there is an official procedure for calling for Executive Sessions and I know this is not being done correctly, nor are the appropriate minutes being kept for executive sessions.
- No Public comment section on agenda. (1-25-1 Public comment) On November 12, 2024, at the regularly scheduled board meeting, the agenda did not have on it a section for public comments. Normally, this is on the agenda. I've included an agenda from October as well as the agenda from November. See following pages.

Marlin Frank, while not an official, legal, resident of Central City, owns 5 properties in Central City through a couple LLCs, has been going to most of the monthly and special meetings. He can validate most everything in this complaint.

I have no law degree and am just a layperson in regards to understanding codified law. I know the board is blatantly not following appropriate procedure. They all have been on the board for at least 10 years and one or two up to 20 years. Not one of them has read through Codified Law when I asked them in 2023. They do not believe Codified Laws even applies to them. An audit of files and record keeping of agendas, minutes, newspaper notices, ordinances, and resolutions, for the last 20 years needs to be done, in my opinion, or at least the last 5 years. An audit of the financials needs to be done as well. The longer they act lawless breaking codified laws, the more blatant they get in breaking codified laws because no one has been monitoring them. This town needs some help from the state. I am asking you to start investigating this board, their records, books, and procedures.

Invited Statement

On this 18 day of November, 2024, before me personally appeared Christle Beuckens, to me known to be the person who executed the foregoing instrument, and acknowledged that he executed the same of his own free act, and deed.

Subscribed and sworn to (or affirmed) before me this 18 day of November, 2024.

State of South Dakota
County of Lawrence

On this the 18 day of Nov., 2024 before me,
Kimberly Atkins, the undersigned officer,
personally appeared Christle Beuckens,
known to me or satisfactorily proven to be the person whose name is
subscribed to the within instrument and acknowledged that -- he --
executed the same for the purposes therein contained.

My contact info:

Christle Beuckens

605-920-1084

crobinson@spe.midco.net

In witness whereof I hereunto set my hand and official seal.

[Signature]
Lawrence County Auditor/Deputy
My term expires: 2-28-2027



AGENDA
TOWN OF CENTRAL CITY
BOARD OF TRUSTEES
Regular Meeting Nov 12, 2024 5pm

Public Comment

ROLL CALL

MINUTES Regular Meeting Oct 8, 2024

VOUCHERS 12

Greers Auto Shop	\$125.00	Jerry Gramm	\$212.41
Sander Sanitation	\$2,536.27	Karolea Schnabel	\$461.75
MDU	\$58.65		
BH Pioneer	\$38.34		
City of Lead	\$101.94		
SD Municipal League	\$519.00		
Auto Value Central City	\$12.42		
BH Energy	\$462.36		
SD Public Assurance Alliance	\$2,056.36		
Totals	\$5,910.34	\$674.16	\$6,584.50

FINANCE OFFICER'S REPORT

CORRESPONDENCE

COMMITTEE REPORTS

Streets
Buildings
Parks

OLD BUSINESS

Letter to DNR

NEW BUSINESS

Liquor License Renewals
Casino Bar
Smokin Jay's
Pizza Lab
Broken Arrow


ADJOURN

Next Regular Meeting 12/10/24 5pm

AGENDA
TOWN OF CENTRAL CITY
BOARD OF TRUSTEES
10/8/2024 5pm

ROLL CALL

MINUTES Regular Meeting Sept 10, 2024
Special Meeting Sept 30, 2024

 VISITORS

VOUCHERS 9

Ace Hardware	\$10.00	Donovan Renner	\$923.50
Sander Sanitation	\$2,536.27	Karolea Schnabel	\$461.75
City of Lead	\$80.18		
Twin City Hardware	\$44.98		
MDU	\$41.32		
Summit Fire Protectio	\$201.10		
US Treasury	\$603.63		
BH Energy - TBD			
Totals	\$3,517.48		\$1,385.25 \$4,902.73

FINANCE OFFICER'S REPORT

CORRESPONDENCE

COMMITTEE REPORTS

Streets
Buildings
Parks

OLD BUSINESS

- * Culvert Cleanout
- * DANR Loan
- * Pending Approval of Short Term Rental Application

NEW BUSINESS

ADJOURN

Next Regular Meeting 11/11/24 5pm

Budget Proposal

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total	Difference
Legal Total	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	800.00	9,600.00	(140.00)
Office Supply	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	12,000.00	(50.00)
Travel	3,750.00	3,750.00	3,750.00	3,750.00	3,750.00	3,750.00	3,750.00	3,750.00	3,750.00	3,750.00	3,750.00	3,750.00	45,000.00	(185.00)
Telephone	5,541.00	5,541.00	5,541.00	5,541.00	5,541.00	5,541.00	5,541.00	5,541.00	5,541.00	5,541.00	5,541.00	5,541.00	66,492.00	0.00
Salary	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	28,800.00	(235.00)
Insurance	4,700.00	4,700.00	4,700.00	4,700.00	4,700.00	4,700.00	4,700.00	4,700.00	4,700.00	4,700.00	4,700.00	4,700.00	56,400.00	(145.00)
Public Utilities	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	31,200.00	0.00
Postage	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00	48,000.00	(157.50)
Street Signs	3,150.00	3,150.00	3,150.00	3,150.00	3,150.00	3,150.00	3,150.00	3,150.00	3,150.00	3,150.00	3,150.00	3,150.00	37,800.00	(575.00)
Street Lights	6,100.00	6,100.00	6,100.00	6,100.00	6,100.00	6,100.00	6,100.00	6,100.00	6,100.00	6,100.00	6,100.00	6,100.00	73,200.00	(305.00)
Equipment	5,600.00	5,600.00	5,600.00	5,600.00	5,600.00	5,600.00	5,600.00	5,600.00	5,600.00	5,600.00	5,600.00	5,600.00	67,200.00	0.00
Permit	6,500.00	6,500.00	6,500.00	6,500.00	6,500.00	6,500.00	6,500.00	6,500.00	6,500.00	6,500.00	6,500.00	6,500.00	78,000.00	(375.00)
Truck	875.00	875.00	875.00	875.00	875.00	875.00	875.00	875.00	875.00	875.00	875.00	875.00	10,500.00	0.00
Sub Total	29,030.40	29,030.40	29,030.40	29,030.40	29,030.40	29,030.40	29,030.40	29,030.40	29,030.40	29,030.40	29,030.40	29,030.40	348,118.80	(1,481.50)
Profit	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	6,000.00	0.00
Contingency	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	6,000.00	0.00
Sub Total	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	12,000.00	0.00
Grand Total	30,030.40	30,030.40	30,030.40	30,030.40	30,030.40	30,030.40	30,030.40	30,030.40	30,030.40	30,030.40	30,030.40	30,030.40	360,118.80	(1,481.50)
Vendor Total	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	970,654.64	(3,449.00)
Non-Vendor Total	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	80,887.88	970,654.64	(3,449.00)

2ND Reading on

Budget Proposal

9/30/24 12:00 PM

CO: 00000000
 Trans: 00000000
 Date: 9/30/24
 Time: 12:00 PM

EX.C

To: Brenda Harvey, Lawrence County State's Attorney
Bruce Outka, Lawrence County Deputy State's Attorney
90 Sherman St
Deadwood, SD 57732

From: Christle Beuckens
Dated: October 25, 2024
Re: Central City Board of Trustees violations/complaint

Dear Brenda & Bruce,

I am a resident of Central City. I live at 6 Central Main St, Central City, with my husband Greg. I purchased this home in 1996 and have lived here since. Central City is a 3rd class municipality ran by a 3-person board of trustees. This board consists of Donovan Renner, President, Rocky Mattson, and Robyn Novotny. The Finance Officer is Karolee Schnabel, new to this position since this summer. She has held this position or a board member position many years ago. Monthly meetings are held at the little city hall in Central City. I've attended the monthly meetings sporadically throughout the 28 years I've lived in CC. Over the years, I've seen a slow decline of using correct procedures for meetings, voting in the meetings, creating ordinances and resolutions, etc from the board of trustees. I've reached my tolerance threshold for the blatant disregard of codified law and I would like to file a formal complaint against the Central City board of trustees.

Here are my main concerns/complaints:

- My main concern is the violations of open meeting law. (SDCS 1-25-1.1. Notice of meeting of political subdivision.) When I heard in late 2022 there was going to be a short-term ordinance for CC, I started to attend meetings again regularly. For the 1st half of 2023, all of 2022 and the last part of 2021, the board of trustees ran meetings without public notice. In a monthly meeting, summer of 2023, when I called their attention to the fact that they were in violation of open meeting laws by not hanging an agenda & giving the public notice of the meeting, the then Finance Officer, Shelly Bennett, leaned over and in a whisper-shout said, "That is not true. They've changed the meeting rules and we do not have to do this anymore". Blatantly disregarding codified laws made me furious. I decided to start researching. I found Russ Olson, Auditor General at the Dept of Legislative Audit and started asking him questions through email. He has helped me by guiding me to different codified laws without giving me any legal advice.

Deciding that I wanted to handle this in a quiet, neighborly non-threatening way, I wrote a letter and hand delivered to each board member. Unfortunately, they took offense and affront at my quiet attempt to get them to start following appropriate procedures and codified laws. I've included the letter I delivered to them in September 2023.

After the letter, they started hanging an agenda until this past October. They set a special meeting for the second reading of the 2025 budget. The meeting was Monday, Sept 23, 2024 @ 5pm, however, no agenda or meeting notice was hung, nor advertised. There was one other guest in attendance, Marlin Frank, who I had informed about the meeting so he could attend. At the meeting, when they went to vote on approving the budget, I informed them that they were in violation of the open meeting law again. At this point, the president, Donovan Renner, stood up & shouted for the other guest and myself to 'get out of this building'. For the next budget meeting they hung a meeting notice on the next Sunday (see enclosed notice of the budget meeting) but still no agenda or even a copy of the Ordinance. They chose to do this at an abnormal meeting time of noon on a Monday and while in compliance, still no agenda or copy of the ordinance being voted on was hung with the notice. It is very apparent they do not want visitors in attendance at meetings, especially when talking about the budget. When a visitor shows up to any meeting, they are asked 'why are you here?'

- They do not vote on a yearly basis to elect the president of the board. After Marc Straub left the board, Donovan Renner, said Marc 'appointed' him president of the board, so therefore, they do not have to elect a president every year. (SDCL 9-7-5. President of board.) Election of a board president is not being done.
- This summer, I formally requested, in writing, my wish to review the ordinances, however, they are not in one binder or book, so there was really no way to review them. They are not keeping a 'book' for ordinances. Since about 2002, the practice of keeping all the ordinances in an organized, numbered manner, in an ordinance book stopped. How is a citizen of this little town supposed to know the ordinances when they cannot be provided an organized way to read through them? (SDCL 9-19-14. Recording of ordinance in ordinance book.) I was told in that monthly meeting by the board president to go to the library and look through all the newspaper archives of the minutes if I wanted to 'find' all the ordinances. He said this in that monthly meeting. He did relent and let me look through the files, however, there is not much by way of organization, except by the year, and 2023 was not even in the file cabinet.
- They are not keeping a 'book' for resolutions. Same complaint as above regarding book for ordinances, only for resolutions. Unsure if there is a codified law for this, however, it would make organizational sense to do so.
- This summer, I formally requested, in writing, that I would like to review the 2023 agenda, minutes, and ordinances/resolutions enacted, and record of newspaper notices. Those have not been made available to me as of yet. They initially gave me a key to look through files, however, the 2023 docs were not in the file cabinet. My goal was to review every year, starting with 2023, moving then to 2022, then 2021...on back. However, it was not possible with the very first year I requested because they were not in the file

cabinet. I went no further, because of the disorganization. I believe they have found the file, but my initial request to review has been ignored and set aside.

- Executive sessions. This board does not call for executive sessions. After guests leave the monthly meetings, the board usually sits around, sometimes for 10-15 minutes. I know there is an official procedure for calling for Executive Sessions and I know this is not being done correctly, nor are the appropriate minutes being kept for executive sessions. (1-25-2. Executive or closed meetings)
- Every year, at least one board member comes up for re-election on a rotating basis. Each term is for 3 years. This board does not feel it is necessary to inform the public (in any way, spoken or written...newspaper notice or at the monthly meetings), which board member is up for re-election. As a resident of this little town, I believe this is wrong. I know that Rocky Mattson was up for re-election in 2024 because he had told me this earlier in the year, but it was never mentioned at a meeting. They do not want anyone to know what is going on.
- During the time period that the board did not give notice to the public for the monthly meetings, do any and all voted on issues, ordinances, resolutions, budgets, etc, need to be re-done the correct way to make everything kosher and legal?

Marlin Frank, while not an official, legal, resident of Central City, owns 5 properties in Central City through a couple LLCs. He has been going to most of the monthly and special meetings. He can validate most everything in this complaint.

I have no law degree and am just a layperson in regards to understanding codified law. I know the board is blatantly not following appropriate procedure. They all have been on the board for at least 10 years and one or two up to 20 years. Not one of them has read through Codified Law when I asked them in 2023. They do not believe Codified Laws even apply to them. An audit of files and record keeping of agendas, minutes, newspaper notices, ordinances, and resolutions, for the last 20 years needs to be done, in my opinion. An audit of the financials needs to be done as well. The longer they act lawless breaking codified laws, the more blatant they get in breaking codified laws because no one has been monitoring them. This town needs some help from the state. I am asking you to start investigating this board, their records, books, and procedures.

Sincerely,



Christle Beuckens

605-920-1084

crobinson@spe.midco.net

Central City Board of Trustees

Donovan Renner

Robyn Novotny

Rocky Mattson

Finance Officer Shelly Bennett

Donovan, Robyn, Rocky, & Shelly,

Last night at the monthly trustee meeting, I pointed out that the Board is in violation of not posting the agenda to the monthly meeting before the meeting day. Shelly pointed out that she attended a class and what I said was not true. It was said quietly and to Robyn, however, all there registered the comment.

Well, I hate to be the bearer of bad news....but the board is in violation of SDCL 1-25-1.1. That is the state codified law for State Affairs and Government. I've been reading up on all of these. Not only that, I verified it with Russ Olson. He is the Auditor General for the Department of Legislative Audit. His phone is 605-773-5934 and his email is if you would like to contact him to verify this yourself.

My question to him was this: "Is it in the codified law that a town must post their agenda BEFORE the day of the monthly trustee meeting?"

His response: "Yes, there is a law on posting the agenda. The law is SDCL 1-25-1.1 and what it states is that the proposed agenda must be posted "at least an entire, continuous 24 hours immediately preceding any official meeting". There are some other rules with special meeting or cancelled meetings." Then he cited the entire SDCL 1-25-1.1 which I have printed out for you to read.

I just do not understand how this got past you guys. Some of you have been on the board for 10 plus years! I remember in the past the agenda was posted at least a week in advance. Now I can truthfully say I don't know how long this has been going on. Within the last 3 years, the issue of not posting the agenda has happened. When exactly, I do not know. Through COVID, I know the public was not encouraged to attend the meetings, so perhaps it was in that timeframe. All I know is it really needs to be posted before the meeting. Yes, 24 hours is the required time. As a member of this town/community, I would encourage you to do several days in advance.

This matter will go no further, as long as this oversight is corrected in accordance of the state statutes or better. I could have done this more publicly. I am taking a quieter approach. I hope you can appreciate that.

Christle Beuckens

Hand delivered to Robyn, Rocky & Donovan. Mailed to Shelly.

Budget Proposal

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total	Difference
Legal Fee	800.00	800.00											1,600.00	(40.00)
Office Supply	1,000.00	1,000.00											2,000.00	(50.00)
Contract Labor	3,250.00	3,410.00											6,660.00	0.00
Publicity	5,541.00	5,541.00											11,082.00	0.00
Salary	2,483.48	2,483.48											4,966.96	0.00
Insurance	4,700.00	4,935.00											9,635.00	(235.00)
Postage	2,500.00	3,045.00											5,545.00	(45.00)
Pub. Bill. Mat.	2,050.00	4,050.00											6,100.00	0.00
Short Term	3,150.00	3,307.50											6,457.50	(157.50)
Street Light	11,500.00	12,075.00											23,575.00	0.00
Street Light	6,100.00	6,405.00											12,505.00	(305.00)
Expense	2,400.00	2,800.00											5,200.00	0.00
Payroll	6,615.00	7,000.00											13,615.00	375.00
Truck Exp.	1,675.00	1,675.00											3,350.00	0.00
Sales Tax	24,000.00	30,481.90											54,481.90	3,481.90
Profit	500.00	500.00											1,000.00	0.00
Chas. Exp.	500.00	500.00											1,000.00	0.00
Charity	500.00	500.00											1,000.00	0.00
Verbal Total	90,881.88	94,116.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	184,998.76	3,445.30
Balance Total	90,881.88	94,116.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	184,998.76	3,445.30
Project Total	76,818.88	81,042.88											157,861.76	1,224.30
Sub Total	2,200.00	2,200.00											4,400.00	2.30
Profit	3,995.00	2,356.00											6,351.00	2.30
Exp. Total	900.00	945.00											1,845.00	45.30
Sub Total	467.50	480.00											947.50	45.30
Sub Total	300.00	300.00											600.00	2.30
Sub Total	1,800.00	2,300.00											4,100.00	2.30
Sub Total	975.00	1,150.00											2,125.00	2.30
Sub Total	52,152.88	57,116.88											109,269.76	1,224.30
Verbal Total	52,152.88	57,116.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	109,269.76	1,224.30
Balance Total	52,152.88	57,116.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	109,269.76	1,224.30

2ND
Reading
on
Budget Proposal

9/30/24
12:00 PM

Christle Beuckens
6 Central Main St
Central City, SD 57754

CERTIFIED MAIL



7022 3330 0001 6114 0300

Retail



RDC 99



57732

U.S. POSTAGE PAID
FCM LETTER
LEAD, SD 57754
OCT 25, 2024

\$9.96

R2305P150531-03

Brenda Harvey
Lawrence County State's Attorney
90 Sherman St
Deadwood, SD 57732

5773281370 0002



EX. D



Lawrence County Sheriff's Office

BRIAN C. DEAN, Sheriff

80 Sherman Street, Suite 1

Deadwood, South Dakota 57732-0405

Office (605) 578-2230 Fax (605) 578-3913

Case LCP24-00483

Printed on January 28, 2025

Status	Approved
Report Type	Patrol
Primary Officer	Jacob Capp
Investigator	Dustin Schumacher
Reported At	12/02/24 10:38
Incident Date	12/02/24 10:38
Incident Code	INVEST : Investigation
Location	214 CENTRAL MAIN ST, LEAD, SD 57754

Disposition Forwarded to State's Attorney Office

Disposition Date/Time 01/28/25 12:06

Review for Gang Activity None

Unspecified

BEUCKENS, CHRISTLE LINETTE

Female, DOB 10/2/60

6 CENTRAL MAIN ST

CENTRAL CITY, SD 57754

(605) 920-1084 Cell

MATTSON, ROCKY ARNE

Male, DOB 12/12/51

116 CENTRAL MAIN ST

LEAD, SD 57754

(605) 722-1687 Home

(605) 578-1687 Home

(605) 641-1833 Cell

Novotny, Robyn Rae

Female, DOB 7/25/55

433 GOLDEN GATE ST

LEAD, SD 57754

(605) 578-2813 Home

RENNER, DONOVAN LEE

Male, DOB 11/27/51

442 GOLDEN GATE ST

LEAD, SD 57754

(605) 578-3457 Home

(605) 580-1160 Cell

(605) 578-3082 Work

Primary Narrative By Jacob Capp, 01/02/25 09:34

Central City Investigation

On 11/29/2024 I was notified of a complaint filed with the Lawrence County State's Attorney's Office by Christle Beuckens. I received a copy of the complaint and scheduled an interview with Christle for 12/02/2024 for approximately 1500 hours. In the complaint Christle stated she resides in Central City, SD. Christle advised she is aware of several issues with the Central City Board Of Trustees. The complaint detailed several concerns Christle had about the Board Of Trustees and how they do their procedures. Some of the concerns are:

1. Open meeting violations, pertaining to proper notices and/or lack of agendas being listed.
2. Being told "get out of this building" during a meeting.
3. "Election of board members or for a board president is not being done."
4. No Ordinance Book.
5. No book for resolutions.
6. No ability to view organized records of meetings.
7. Possibly improper Executive Sessions, by Board members staying after public meetings and discussing/ possibly voting on topics.
8. No public comment section listed on agendas.
9. A possibly improper annexation of property from Lawrence County.

For more details please see her full complaint labeled "11/18/24 Complaint"

On 12/02/2024 Detective Sergeant Schumacher and I interviewed Christle at approximately 1500 hours. Christle explained many of her points listed in her complaint. For further details please see Supplemental Narrative: Interview with Christle Beuckens as well as the recorded interview that was recorded via bodycam.

Det. Sgt. Schumacher and I met with Donovan Renner at the Central City, City hall on December 16th, 2024 at approximately 1300 hours. The interview was recorded via bodycam. Donovan was advised of his Miranda Rights and he chose to waive them and continue speaking with us. Donovan explained the procedures the board conducts pertaining to the concerns highlighted in the formal complaint. Donovan inquired as to if he could record our interview as well to which we agreed that that would be fine. Donovan spoke about many of the concerns in the complaint, they are listed below.

- Donovan advised he is the current board of trustees president and has been since he was appointed by the previous president back in 2013. Donovan believes he has been on the board since around 2010.
- Donovan advised they have always posted the next meeting date and time in the window of city hall, but only after receiving the letter from Christle did they start posting an agenda as well.
- Donovan stated that all meeting minutes are posted in the Black Hills Pioneer newspaper.
- Donovan stated that since he joined the board no one has ever petitioned to run against the current members in an election.
- Donovan stated that he was unsure whether current members needed to fill out new petitions to be re-elected or not.
- Donovan advised that he did not know if any ordinances were filed with the Circuit Court or County Law Library.

- Donovan advised the board gave Christle permission and a key to go through any and all paperwork at City Hall.
- Donovan stated that public comment is allowed at all meetings. He did say that during the budget meeting on September 23, 2024 when Christle told them they could not have the meeting due to improper notice, he did adjourn the meeting immediately and left.
- Donovan stated the board has never held an executive meeting while he was a board member.
- Donovan expressed that the board would be willing to make any changes or corrections that need to be made.
- Donovan also stated that the board would be looking into getting an attorney on retainer to assist them with making any changes necessary.

For further details of this interview please see the attached Supplemental Narrative: Interview with Donovan Renner, or the recorded interview.

On 01/03/2025 Detective Sergeant Schumacher and I, Deputy Capp, met with Rocky Mattson at the Lawrence County Sheriff's Office around Noon. I advised Rocky of his Miranda Rights and he stated he understood them. The interview was recorded via handheld recorder and is attached to this case. We discussed many of the same topics we spoke to Donovan Renner about. Listed below are highlights of what was discussed with Rocky.

- Rocky advised that when Donovan took Mark Straub's position, he (Rocky), took Donovan's then vacant position.
- Rocky also stated that he has not seen a single election since he took office.
- Rocky explained that many of the City Hall documents are also on different electronic storage devices at City Hall and were all available for Christle to peruse. Rocky stated that Christle did not wish to use the devices because she was afraid they may ruin her computer because of possible viruses. Rocky stated that since the documents should remain in City Hall as much as possible he provided his key to Christle so she could look through the paperwork at City Hall.
- Rocky advised that he offered his position on the board to Christle but that she did not want it. He thought this occurred within the past year.
- Rocky advised that the Central City Board will occasionally speak with the City of Lead's leaders and ask them for help or review how they do certain codes or regulations to better implement their own.
- Rocky advised that after we spoke with Donovan he had spoke with him about the circumstances. Rocky advised they could have missed things but that nothing was done under the table. Rocky stated that they are

looking into getting an attorney going forward to assist them with doing better.

- Rocky advised that the board would be happy to comply with any and all rules and regulations they need to that they are currently unaware of.
- Rocky advised that the annexation Christle mentioned was in regards to the Ken's Camper Sales building. Rocky stated that this had been done properly and mostly at the behest of the person running the business at that building.
- Rocky stated that after public meetings are adjourned the members clear out of City Hall.
- Rocky explained how they notice their meetings in the same way that Donovan did.

For Further details of the interview with Rocky Mattson please see the attached Supplemental Report: Interview With Rocky Mattson, or the attached recording labeled: Interview With Rocky Mattson.

On 01/09/2025 at approximately Noon Detective Sergeant Schumacher and I, Deputy Capp, met with Robyn Novotny at the Lawrence County Sheriff's Office. I advised Robyn of her Miranda Rights and she stated she understood them. We discussed many of the same topics that were discussed with Rocky Mattson and Donovan Renner. Listed below are highlights of what was discussed with Robyn.

- Robyn explained their meeting procedure very similarly to how Rocky and Donovan explained it.
- Robyn explained that when they propose an ordinance they have two readings of it and once its voted in they file it in City Hall.
- Robyn advised that they were looking into getting an attorney on retainer in the future to help them.
- Robyn stated that since she has been on the board no elections have been conducted. She stated that new members essentially take the position of current members when they are wishing to be done.
- Robyn stated she was not sure how long she had been on the board, but stated it had been for a long time.
- Robyn said no one has ever come and said they wish to run on election for the board.
- Robyn explained how the notices are posted similarly to Donovan and Rocky. Robyn stated historical minutes are stored at City Hall.
- Robyn stated that there are rarely many people that watch the public meetings throughout the years. Robyn stated that no one other than Christle has ever requested to review their records.

- Robyn stated that when Mark was president of the board they would occasionally stay after the public session was adjourned just to joke around but that they would never talk about City business at those times.
- Robyn discussed the September 23, 2024 budget meeting. Robyn said she motioned to approve the budget when Christie stopped her. Robyn said that Christie stopped her saying the meeting was improperly noticed. Robyn stated that the meeting had been noticed in the meeting minutes of the previous meeting and those were posted on the window of City hall. Robyn stated they did not do a separate notice posting because it was already in the minutes posted. Robyn said Donovan then adjourned the meeting at that point and they all left. Robyn stated that Christie has disrupted several meetings in the past by objecting but not to that degree prior. Robyn stated that situation was the most notable.
- Robyn stated that within the last year they began posting an agenda for the meetings preceding the meetings by a day or so.

For further details about the interview please see the attached Supplemental Report: Interview With Robyn Novotny or attached recording labeled: Interview With Robyn Novotny.

In conclusion, Detective Sergeant Schumacher and I, Deputy Capp interviewed the complainant and the Central City Board of Trustees board members. Within the last year since Christie's letter the board has attempted to notice their public meetings with date, time, location, and agendas. Prior to the letter the board members stated they only posted the date, time, and location of the next meeting. The board members were unaware of their ordinances being filed with the Circuit Court or the County Law Library or if they indeed were filed. I spoke to the Lawrence County Clerk of Courts, Carol Latuseck, and she advised that she has never had any Central City ordinances filed with her. I spoke to the Lawrence County Auditor Brenda McGruder and she advised the annexation of the Ken's Camper sales property discussed by Christie was conducted properly. The board members all expressed that if changes or corrections need to be made they will do so and are looking into hiring an attorney to assist them with that. The board members advised without anyone attempting to run for election of the board they have not held any elections for a long, albeit undetermined, amount of time. The board members did not state that they do any sort of re-election procedure when their individual terms expire. While at City Hall I observed that their historical documents did not appear to be organized in a way that a laymen with no prior experience could review them easily and orderly.

I respectfully request the State's Attorney's Office review the facts of this investigation and determine what actions if any should be undertaken.

End Of Report. Deputy Capp

Supplemental Narrative By Jacob Capp, 01/18/25 13:12

Interview with Christie Beuckens

On 12/02/2024 Detective Sergeant Schumacher and I, Deputy Capp, interviewed Christie at approximately 1500 hours.

Christle explained many of her points listed in her complaint. Christle explained that she has noticed many of these issues throughout the approximate 28 years she has resided in Central City. She advised that its "gotten a lot worse". Christle stated she started going to the meetings when the Board began working on an ordinance pertaining to vacation rentals. Christle stated that she is in real estate so that affected her. She advised she started going to meetings in the Fall of 2022 when she first noticed agendas were not being posted. Christle advised in September of 2023 she wrote a letter to the Board and provided me with a copy which is attached and labeled: "Letter to Central City Board Of Trustees". Christle stated she wrote the letter to: "Warn them that they better start doing it correctly." In the letter Christle states that she made contact with a Russ Olson. Christle states that Russ Olson is the Auditor General for the Department of Legislative Audit. According to Christle Russ stated that the proposed meeting agenda must be posted "at least an entire continuous 24 hours immediately preceding any official meeting."

Christle stated that Central City does not have a website so they do public notices by posting them in the City Hall window when they do post notices. Christle advised that there are three board members and a finance officer. Christle stated the President of the Board is Donovan Renner, the two other members are Robyn Novotny and Rocky Mattson. Christle stated the finance officer is Karolee Schnabel.

Christle stated that after her letter, the Board began posting agendas late in 2023. Christle advised that prior to that they ran for at least a year without public notice. Christle advised that the board held a "special meeting" to vote on the 2025 budget on September 23, 2024. Christle stated during the meeting she raised her hand and said they couldn't vote on the budget because there was no public notice. She stated Donovan Renner, the Board President, stood up and said: "Get the hell out of this building." Christle stated that she knew about the budget meeting because they set the date for it at the previous meeting but that they did not publicly post any notice for the budget meeting.

Christle told us about her formal complaint she made with the State's Attorney's office that had been sent back due to not being notarized. Christle told us about her second formal complaint she filed with the State's Attorney's office that was notarized and we went through the complaints listed.

Christle advised that in January of every year the Board is supposed to hold an election for Board president, but that it does not happen. Christle stated that as far as she knows no election for president has been done for 20 years. Christle stated that the current board president Donovan Renner was appointed by the previous president but has never been elected.

Christle advised that elections for all the board members should be conducted when their individual terms are completed but she does not think those are occurring either.

Christle stated that after her letter the board would post a notice for the next hearing, but would never put an itemized agenda. She stated in the agenda the board would occasionally not list a space for public contact.

Christle stated that she contacted the board wishing to review their book of ordinances and book of resolutions. Christle stated she also asked them if she could review their meeting minutes and historical documents. She advised they allowed her to go to City Hall and review documents but that she was unable to find the 2024 paperwork so she stopped looking at that point. She also stated that the board does not have a book of ordinances or book of resolutions and that these were not filed anywhere. Christle was concerned that the City Hall documents were not organized or kept safe. She stated she received permission from one of the board members to take the paperwork with her to her home where she intended on digitizing all of the documents. Christle stated there was some collection of all ordinances prior to 2002 but that she believes more ordinances have been voted in since then and are not accounted for.

Christle also mentioned that the board had annexed a portion of land from county limits to city limits and was unsure of whether this was done properly or not.

Christle stated concerns about the board having an unnoticed quorum either after official meetings were concluded or on different occasions. Christle felt that since these were in private they should have been noticed as special meetings or executive meetings. In regards to after official meetings, Christle stated that the board members would on occasion end the official meeting, wait for the public to leave, and then talk amongst themselves possibly about official matters.

Christle advised that she has not ran for election to the board of trustees.

We then finished the interview and Christle left the Sheriff's Office. The interview was recorded via body-cam.

End Of Report. Deputy Capp

Supplemental Narrative By Jacob Capp, 01/18/25 14:19

Interview With Donovan Renner

Detective Sergeant Schumacher and I, Deputy Capp, met with Donovan Renner at the Central City, City hall on December 16th, 2024 at approximately 1300 hours. The interview was recorded via body-cam. Donovan was advised of his Miranda Rights and he chose to waive them and continue speaking with us. Donovan explained the procedures the board conducts pertaining to the concerns highlighted in the formal complaint. Donovan inquired as to if he could record our interview as well to which we agreed that that would be fine.

Donovan advised he was appointed President of the board of trustees in 2013 by Mark Straub the previous President. Donovan was not entirely sure when he first became a member of the board but guessed around 2010. Donovan advised they have one meeting every month which is normally held the second Tuesday of every month. Donovan stated they needed at least two members together to meet a quorum. Donovan explained that they don't ever have very much topics to discuss at meetings other than just paying the bills.

Donovan stated that for a long time they would post for the meeting by simply putting "town meeting" and then the date and time of the meeting on a paper and posting that in the window of the town hall building. Donovan stated that the board was told they weren't following the codified law by not posting the agenda 24 hours in advance. Donovan advised that about 6 or 7 months ago they were told this. Donovan stated that they decided to follow this and begin posting agendas. Donovan advised that they post meeting minutes in the window of city hall and in the Black Hills Pioneer newspaper. Donovan stated that the board would be more than willing to change anything that needed to be corrected.

Donovan stated that when Christle asked to look through the ordinances he showed her the ordinance books that were in town hall and allowed her to take them with her. Donovan stated Christle told him there were some ordinances missing so Donovan said the board gave her permission and a key to come to city hall and look through all the documents. Donovan stated that the board did not have a lawyer on retainer but that they may get one in the future.

Donovan advised that every meeting they ask if the public has any comments but that there is rarely more than one or two people in attendance of the meetings, or less at times. Donovan advised that some meetings only last fifteen minutes to a half hour and they then adjourn. Donovan stated that once the public meeting is complete they put things away shut the lights off and leave fairly quickly. Donovan stated if they want to shoot the breeze they can go over to the Casino Bar in town.

When asked if any of the ordinances were filed with the Circuit Courts or with the County Law Library he stated he was not sure. He advised that budgets were filed with the Lawrence County Auditor.

Donovan advised that every year an individual board member is up for election but that since he has been on the board no one has come forward to run against the current board members. When asked if the current members fill out petitions for re-election Donovan stated he didn't know if they needed to or not. Donovan stated that every year they post the board opening in the Black Hills Pioneer but that no one has come forward with a petition wishing to run for election.

Donovan advised that they have not held any executive meetings since he began on the board. Donovan stated that with the board being so small there would occasionally be a quorum of members that were at the bar or a Christmas party but he said they don't do any secret meetings.

For further details of this interview please see the attached Supplemental Narrative: Interview with Donovan Renner, or the recorded interview.

End Of Report. Deputy Capp.

Supplemental Narrative By Jacob Capp, 01/18/25 15:04

Interview With Rocky Mattson

On 01/03/2025 Detective Sergeant Schumacher and I, Deputy Capp, met with Rocky Mattson at the Lawrence County Sheriff's Office around Noon. I advised Rocky of his Miranda Rights and he stated he understood them. The interview was recorded via handheld recorder and is attached to this case. We discussed many of the same topics we spoke to Donovan Renner about. Listed below are highlights of what was discussed with Rocky.

- Rocky advised that when Donovan took Mark Straub's position, he (Rocky), took Donovan's then vacant position.
- Rocky also stated that he has not seen a single election since he took office.
- Rocky explained that many of the City Hall documents are also on different electronic storage devices at City Hall and were all available for Christle to peruse. Rocky stated that Christle did not wish to use the devices because she was afraid they may ruin her computer because of possible viruses. Rocky stated that since the documents should remain in City Hall as much as possible he provided his key to Christle so she could look through the paperwork at City Hall.
- Rocky advised that he offered his position on the board to Christle but that she did not want it. He thought this occurred within the past year.
- Rocky advised that the Central City Board will occasionally speak with the City of Lead's leaders and ask them for help or review how they do certain codes or regulations to better implement their own.
- Rocky advised that after we spoke with Donovan he had spoke with him about the circumstances. Rocky advised they could have missed things but that nothing was done under the table. Rocky stated that they are looking into getting an attorney going forward to assist them with doing better.
- Rocky advised that the board would be happy to comply with any and all rules and regulations they need to that they are currently unaware of.
- Rocky advised that the annexation Christle mentioned was in regards to the Ken's Camper Sales building. Rocky stated that this had been done properly and mostly at the behest of the person running the business at that building.
- Rocky stated that after public meetings are adjourned the members clear out of City Hall.
- Rocky explained how they notice their meetings in the same way that Donovan did.

For Further details of the interview with Rocky Mattson please see the attached recording labeled: Interview With Rocky Mattson.

End Of Report. Deputy Capp

Supplemental Narrative By Jacob Capp, 01/18/25 15:32

Interview With Robyn Novotny

On 01/09/2025 at approximately Noon Detective Sergeant Schumacher and I, Deputy Capp, met with Robyn Novotny at the Lawrence County Sheriff's Office. I advised Robyn of her Miranda Rights and she stated she understood them. We discussed many of the same topics that were discussed with Rocky Mattson and Donovan Renner. Listed below are highlights of what was discussed with Robyn.

- Robyn explained their meeting procedure very similarly to how Rocky and Donovan explained it.
- Robyn explained that when they propose an ordinance they have two readings of it and once it's voted in they file it in City Hall.
- Robyn advised that they were looking into getting an attorney on retainer in the future to help them.
- Robyn stated that since she has been on the board no elections have been conducted. She stated that new members essentially take the position of current members when they are wishing to be done.
- Robyn stated she was not sure how long she had been on the board, but stated it had been for a long time.
- Robyn said no one has ever come and said they wish to run on election for the board.
- Robyn explained how the notices are posted similarly to Donovan and Rocky. Robyn stated historical minutes are stored at City Hall.
- Robyn stated that there are rarely many people that watch the public meetings throughout the years. Robyn stated that no one other than Christie has ever requested to review their records.
- Robyn stated that when Mark was president of the board they would occasionally stay after the public session was adjourned just to joke around but that they would never talk about City business at those times.
- Robyn discussed the September 23, 2024 budget meeting. Robyn said she motioned to approve the budget when Christie stopped her. Robyn said that Christie stopped her saying the meeting was improperly noticed. Robyn stated that the meeting had been noticed in the meeting minutes of the previous meeting and those were posted on the window of City hall. Robyn stated they did not do a separate notice posting because it was already in the minutes posted. Robyn said Donovan then adjourned the meeting at that point and they all left. Robyn stated that Christie has disrupted several meetings in the past by objecting but not to that degree prior. Robyn stated that situation was the most notable.

- Robyn stated that within the last year they began posting an agenda for the meetings preceding the meetings by a day or so.

For further details about the interview please see the attached recording labeled: Interview With Robyn Novotny.

End Of Report. Deputy Capp

Case Forms

Primary Narrative (Central City Investigation) 1/2/25 by Jacob Capp
Attached Document 1/16/25 - Interview with Rocky Mattson
Attached Document 1/16/25 - Interview with Robyn Novotny
Supplemental Narrative (Interview with Christle Beuckens) 1/18/25 by Jacob Capp
Supplemental Narrative (Interview With Donovan Renner) 1/18/25 by Jacob Capp
Attached Document 1/18/25 - Christle Beuckens Complaint Filed With Lawrence County State's Attorney's Office
Attached Document 1/18/25 - Letter From Christle Beuckens to Central City Board of Trustees
Supplemental Narrative (Interview With Rocky Mattson) 1/18/25 by Jacob Capp
Supplemental Narrative (Interview With Robyn Novotny) 1/18/25 by Jacob Capp

To: Kristi Sims, Lawrence County Deputy State's Attorney
Bruce Outka, Lawrence County Deputy State's Attorney
90 Sherman St
Deadwood, SD 57732

From: Christle Beuckens
Dated: November 18, 2024
Re: Central City Board of Trustees violations/complaint

Dear Kristi & Bruce,

I am a resident of Central City. I live at 6 Central Main St, Central City, with my husband Greg. I purchased this home in 1996 and have lived here since. Central City is a 3rd class municipality ran by a 3-person board of trustees. This board consists of Donovan Renner, President, Rocky Mattson, and Robyn Novotny. The Finance Officer is Karolee Schnabel, new to this position since this summer. She has held this position or a board member position many years ago. Monthly meetings are held at the little city hall in Central City. I've attended the monthly meetings sporadically throughout the 28 years I've lived in CC. Over the years, I've seen a slow decline of using correct procedures for meetings, voting in the meetings, creating ordinances and resolutions, etc from the board of trustees. I've reached my tolerance threshold for the blatant disregard of codified law and I would like to file a formal complaint against the Central City board of trustees regarding several different codified laws.

Here are my main concerns/complaints:

- My main concern is the violations of **open meeting law**. (SDCS 1-25-1.1. **Notice of meeting of political subdivision.**) For the 1st half of 2023, all of 2022 and the last part of 2021, the board of trustees ran meetings without public notice. Also, no public notice was given for the special budget meeting held September 23, 2024.

In a monthly meeting, summer of 2023, when I called their attention to the fact that they were in violation of open meeting laws by not hanging an agenda & giving the public notice of the meeting, the then Finance Officer, Shelly Bennett, leaned over and in a whisper-shout said, "That is not true. They've changed the meeting rules and we do not have to do this anymore".

They set a special meeting for the second reading of the 2025 budget. The meeting was Monday, Sept 23, 2024 @ 5pm, however, no agenda or meeting notice was hung, nor advertised. There was one other guest in attendance, Marlin Frank, who I had informed about the meeting so he could attend. At the meeting, when they went to vote on approving the budget, I informed them that they were in violation of the open meeting law again. At this point, the president, Donovan Renner, stood up & shouted for the other guest and myself to 'get out of this building'. For the next budget meeting they hung a meeting notice on the next Sunday (see enclosed notice of the budget meeting). They

chose to do this at an abnormal meeting time of noon on a Monday and while in compliance, still no agenda or copy of the ordinance.

- Election of a board president is not being done. (SDCL 9-7-5. **President of board.**) They do not vote on a yearly basis to elect the president of the board. After Marc Straub left the board, Donovan Renner, said Marc 'appointed' him president of the board, so therefore, they do not have to elect a president every year.
- No Ordinance Book. (SDCL 9-19-14. **Recording of ordinance in ordinance book.**) This summer, I formally requested, in writing, my wish to review the ordinances, however, they are not in one binder or book, so there was really no way to review them. They are not keeping a 'book' for ordinances.
- They are not keeping a 'book' for resolutions. Same complaint as above regarding book for ordinances, only for resolutions. Unsure if there is a codified law for this, however, it would make organizational sense to do so.
- No ability to view organized records of meetings. (1-27-1 **Public records**) This summer, I formally requested, in writing, that I would like to review the 2023 agenda, minutes, and ordinances/resolutions enacted, and record of newspaper notices. Those have not been made available to me as of yet. They initially gave me a key to look through files, however, the 2023 docs were not in the file cabinet. My goal was to review every year, starting with 2023, moving then to 2022, then 2021...on back. However, it was not possible with the very first year I requested because they were not in the file cabinet. I went no further, because of the disorganization. I believe they have found the file, but my initial request to review has been ignored and set aside.
- Executive sessions. (1-25-2. **Executive or closed meetings**) This board does not call for executive sessions. After guests leave the monthly meetings, the board usually sits around, sometimes for 10-15 minutes. I know there is an official procedure for calling for Executive Sessions and I know this is not being done correctly, nor are the appropriate minutes being kept for executive sessions.
- No Public comment section on agenda. (1-25-1 **Public comment**) On November 12, 2024, at the regularly scheduled board meeting, the agenda did not have on it a section for public comments. Normally, this is on the agenda. I've included an agenda from October as well as the agenda from November. See following pages.

Marlin Frank, while not an official, legal, resident of Central City, owns 5 properties in Central City through a couple LLCs, has been going to most of the monthly and special meetings. He can validate most everything in this complaint.

I have no law degree and am just a layperson in regards to understanding codified law. I know the board is blatantly not following appropriate procedure. They all have been on the board for at least 10 years and one or two up to 20 years. Not one of them has read through Codified Law when I asked them in 2023. They do not believe Codified Laws even applies to them. An audit of files and record keeping of agendas, minutes, newspaper notices, ordinances, and resolutions, for the last 20 years needs to be done, in my opinion, or at least the last 5 years. An audit of the financials needs to be done as well. The longer they act lawless breaking codified laws, the more blatant they get in breaking codified laws because no one has been monitoring them. This town needs some help from the state. I am asking you to start investigating this board, their records, books, and procedures.

Christle Beuckens

On this 18 day of November, 2024, before me personally appeared Christle Beuckens, to me known to be the person who executed the foregoing instrument, and acknowledged that he executed the same of his own free act, and deed.

Subscribed and sworn to (or affirmed) before me this 18 day of November, 2024.

State of South Dakota
County of Lawrence

On this the 18 day of Nov., 2024 before me,
Humbert Affinis, the undersigned officer,
personally appeared Christle Beuckens,
known to me or satisfactorily proven to be the person whose name is
subscribed to the within instrument and acknowledged that -- he --
executed the same for the purposes therein contained.

My contact info:

Christle Beuckens
605-920-1084
crobinson@spe.midco.net

In witness whereof I hereunto set my hand and official seal.

[Signature]

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



AGENDA
TOWN OF CENTRAL CITY
BOARD OF TRUSTEES
Regular Meeting Nov 12, 2024 5pm

Public Comment section?

ROLL CALL

MINUTES Regular Meeting Oct 8, 2024

VOUCHERS 12

Greers Auto Shop	\$125.00	Jerry Gramm	\$212.41
Sander Sanitation	\$2,536.27	Karolea Schnabel	\$461.75
MDU	\$58.65		
BH Pioneer	\$38.34		
City of Lead	\$101.94		
SD Municipal League	\$519.00		
Auto Value Central City	\$12.42		
BH Energy	\$462.36		
SD Public Assurance Alliance	\$2,056.36		
Totals	\$5,910.34	\$674.16	\$6,584.50

FINANCE OFFICER'S REPORT

CORRESPONDENCE

COMMITTEE REPORTS

Streets
Buildings
Parks

OLD BUSINESS

Letter to DANR

NEW BUSINESS

Liquor License Renewals
Casino Bar
Smokin Jay's
Pizza Lab
Broken Arrow

ADJOURN

Next Regular Meeting 12/10/24 5pm

**AGENDA
TOWN OF CENTRAL CITY
BOARD OF TRUSTEES
10/8/2024 5pm**

ROLL CALL

MINUTES Regular Meeting Sept 10, 2024
 Special Meeting Sept 30, 2024



VISITORS

VOUCHERS 9

Ace Hardware	\$10.00	Donovan Renner	\$923.50
Sander Sanitation	\$2,536.27	Karolea Schnabel	\$461.75
City of Lead	\$80.18		
Twin City Hardware	\$44.98		
MDU	\$41.32		
Summit Fire Protectio	\$201.10		
US Treasury	\$603.63		
BH Energy - TBD			
Totals	\$3,517.48		\$1,385.25 \$4,902.73

FINANCE OFFICER'S REPORT

CORRESPONDENCE

COMMITTEE REPORTS

Streets
Buildings
Parks

OLD BUSINESS

- * Culvert Cleanout
- * DANR Loan
- * Pending Approval of Short Term Rental Application

NEW BUSINESS

ADJOURN

Next Regular Meeting 11/11/24 5pm

Budget Proposal

[illegible]

Central City Board of Trustees

Donovan Renner
Robyn Novotny
Rocky Mattson
Finance Officer Shelly Bennett

Donovan, Robyn, Rocky, & Shelly,

Last night at the monthly trustee meeting, I pointed out that the Board is in violation of not posting the agenda to the monthly meeting before the meeting day. Shelly pointed out that she attended a class and what I said was not true. It was said quietly and to Robyn, however, all there registered the comment.

Well, I hate to be the bearer of bad news....but the board is in violation of SDCL 1-25-1.1. That is the state codified law for State Affairs and Government. I've been reading up on all of these. Not only that, I verified it with Russ Olson. He is the Auditor General for the Department of Legislative Audit. His phone is 605-773-5934 and his email is if you would like to contact him to verify this yourself.

My question to him was this: "Is it in the codified law that a town must post their agenda BEFORE the day of the monthly trustee meeting?"

His response: "Yes, there is a law on posting the agenda. The law is SDCL 1-25-1.1 and what it states is that the proposed agenda must be posted "at least an entire, continuous 24 hours immediately preceding any official meeting". There are some other rules with special meeting or cancelled meetings." Then he cited the entire SDCL 1-25-1.1 which I have printed out for you to read.

I just do not understand how this got past you guys. Some of you have been on the board for 10 plus years! I remember in the past the agenda was posted at least a week in advance. Now I can truthfully say I don't know how long this has been going on. Within the last 3 years, the issue of not posting the agenda has happened. When exactly, I do not know. Through COVID, I know the public was not encouraged to attend the meetings, so perhaps it was in that timeframe. All I know is it really needs to be posted before the meeting. Yes, 24 hours is the required time. As a member of this town/community, I would encourage you to do several days in advance.

This matter will go no further, as long as this oversight is corrected in accordance of the state statutes or better. I could have done this more publicly. I am taking a quieter approach. I hope you can appreciate that.

Christle Beuckens

Hand delivered to Robyn, Rocky & Donovan. Mailed to Shelly

JUN - 3 2025

STATE OF SOUTH DAKOTA)
)ss.
)

OPEN MEETINGS COMMISSION

**In the Matter of Open Meeting
 Complaint 2025-01, Central City Board
 of Trustees – Lawrence County**

**RESPONSE OF CENTRAL CITY
 BOARD OF TRUSTEES –
 LAWRENCE COUNTY**

COMES NOW, the Central City Board of Trustees (“Trustees”), by and through its attorney, Kellen B. Willert, of Bennett Main Gubbrud & Willert, P.C., and respectfully submits its initial response in the above-described matter.

PRELIMINARY STATEMENT

This Response will be referred to as “Response”. This Response is supported by the Affidavits attached hereto as “Exhibit C1”. The Open Meetings Commission will be referred to as “OMC”. The Town of Central City is a third class municipality governed by a three-member Board of Trustees.

Three Complaints were made in this matter by Christle Beukens (“Buekens”) dated October 25, 2024 (“1st Complaint”), November 18, 2024 (“2nd Complaint”) and December 19, 2024 (“Third Complaint”).¹

The Lawrence County Deputy State’s Attorney’s letter regarding this matter that is dated February 24, 2025 will be referred to as “Inquiry”. Trustees agree with footnote 1 on page 1 of the Inquiry (Bates Stamp CC000003) insofar as many of the allegations made in the Complaints are beyond the scope of the OMC’s jurisdiction in this matter and will therefore not respond to those issues not further discussed in the Inquiry.

The OMC is governed by SDCL Chapter 1-25. Complaints alleging violations of SDCL Chapter 1-25 are “made pursuant to § 23A-2-1....” SDCL § 1-25-6 (in relevant part).

With an exception for law enforcement officers, a complaint made pursuant to SDCL § 23A-2-1 “shall be signed under oath before a person authorized to administer oaths in the State of South Dakota.” SDCL § 23A-2-1 (in relevant part).

To Trustees’ knowledge, Buekens is not a law enforcement officer. The 1st Complaint (Ex. A) as well as Ex. C (the original Ex. C starting at Bates Stamp starting at

¹ Ex C (starting at Bates Stamp CC000023 appears to be the same at Ex. A, which starts at Bates Stamp CC000008). The correct Ex C was provided to the undersigned on May 2, 2025.

Bates Stamp CC000023) were not executed pursuant to SDCL § 23A-2-1 because they were not signed under oath and are not properly before the OMC.

Trustees further object to the OMC's consideration of the multiple unsworn hearsay comments made in the Exhibits.

Trustees will respond to the issues as presented on page 2 (Bates Stamp CC000004) of the Inquiry as follows: 1) failure to properly post agendas, 2) failure to provide for public comment at meetings, and 3) routinely holding private meetings without following the requirements to hold an executive session.²

ISSUE 1: POSTING AGENDAS

The Inquiry found that the Trustees failed to properly attach agendas to notices for meetings (at Bates Stamp CC000006).

SDCL § 1-25-1.1 requires:

Each 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.

SDCL § 1-25-1.1 (in relevant part)(emphasis added). Central City does not have a website.

September 23, 2024 Meeting

The Complaints reference the September 23, 2024 budget meeting not being properly noticed (Bates Stamp CC000010 and 17). Trustees agree with Buekens' assertion that after the issue of the meeting not being properly noticed was brought to the Trustees' attention, the Trustees adjourned without taking action.³ This does not warrant a finding of a violation in and of itself in relation to the September 23, 2024 meeting and the Trustees' action were, in reality, the best thing that they could have done under the circumstances.

² While the third issue is mentioned in the Inquiry (at Bates Stamp CC000004), it does not appear there was any further analysis on it in the Inquiry.

³ While Trustees disagree with Buekens' factual assertions about being yelled at, her own inconsistent statements are noteworthy. At Bates Stamp CC000010, Buekens alleges Trustee Renner shouted to "get out of this building". At Bates Stamp CC000036 Buekens claims Trustee Renner said "Get the hell out of this building." See also, Exhibit C1.

Other Meetings

As a matter of practice, Trustees historically posted notices of the meetings at Town Hall without attaching a proposed agenda. Trustees believe this had been the practice since at least the mid-1990's until last Fall. After Buekens brought this issue to the attention of the Trustees the issue has been corrected and the meeting notices have included a proposed agenda.

While the OMC may find that past failures to strictly adhere to the proposed agenda posting requirements are technical violations, this was an opportunity to do better and Trustees voluntarily remedied the issue prior to Buekens filing her Complaints with the Lawrence County State's Attorney.

Trustees assert the past errors regarding attaching the agenda to the notice were not done with any malice or ill-will, and agree with the statement in the Inquiry that there is no evidence of "nefarious intent" (see Bates Stamp CC000006). Trustees humbly respect the decision of the OMC in relation to this issue.

ISSUE 2: PROVIDING FOR PUBLIC COMMENT

The Inquiry asserts Buekens alleges violations of the public comment requirement at various meetings between 2022 and 2024. *See* Bates Stamp CC000006. The Inquiry did not verify or refute Buekens' allegations that Trustees failed to hear public comment at various meetings. However, it is noteworthy that Buekens' 2nd Complaint admits that public comment is normally provided for in the agendas, and in actuality only complains about failure to provide for public comment at the November 12, 2024 meeting. *See* Bates Stamp CC000018.

The applicable law is:

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment, but not so limited as to provide for no public comment.

SDCL § 1-25-1 (in relevant part).

Trustees contend that their agendas normally provide for public comment in a regular agenda section titled "Visitors" – which provides the time for public comment. *See* Bates Stamp CC000021.

While the November 12, 2024 agenda did not include a section for "Visitors", this was merely an oversight and public comment was in fact welcomed and provided for

during the meeting. *See* Exhibit C1.

As a matter of practice, public comment is solicited by the Trustees on individual agenda items and the public interacts on many of the agenda items as they come up during the meetings – including Buekens herself. This practice is far beyond what is required in SDCL § 1-25-1.

Buekens failed to meet her burden to establish a violation of SDCL Chapter 1-25, and there is not sufficient information to warrant a finding by the OMC of a violation on this issue.

**ISSUE 3: ROUTINELY HOLDING PRIVATE MEETINGS WITHOUT
FOLLOWING THE REQUIREMENTS TO HOLD AN EXECUTIVE SESSION**

It does not appear that the Inquiry made any determinations on this issue.

Buekens alleges:

After guests leave the monthly meetings, the board usually sit around, sometimes for 10-15 minutes. I know there is an official procedure for calling for Executive Sessions and I know this is not being done correctly, nor are the appropriate minutes being kept for executive sessions.

See Bates Stamp CC000018.

Prior to March 12, 2025, Trustees have not held an executive session in recent memory, and it is difficult for Trustees to respond in any meaningful fashion without Buekens pointing to specific dates/meetings upon which she bases her blanket allegation. *See also*, Exhibit C1.

Further, Buekens does not allege any particular discussions having taken place during these scenarios, does not even allege that Town business is being discussed, and does not allege any action was taken. Even if a quorum of Trustees are in the same room there is no per se violation – in fact the Trustees can conduct business outside of the requirements of SDCL Chapter 1-25 as follows:

If a quorum of ... trustees for a municipality of the third class meet solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

SDCL § 1-25-1.

Buekens failed to meet her burden to establish a violation of SDCL Chapter 1-25 on this issue, and there is not sufficient information to warrant a finding by the OMC of a violation on this issue.

Dated this 28th day of May, 2025.

BENNETT MAIN GUBBRUD & WILLERT, P.C.
Attorneys for Town of Central City

By: /s/ Kellen B. Willert

Kellen B. Willert
618 State Street
Belle Fourche, SD 57717-1489
(605) 892-2011

CERTIFICATE OF SERVICE

I, **KELLEN B. WILLERT**, attorney for the Town of Central City, hereby certify that on the 28th day of May, 2025, I caused a full, true, and complete copy of the **RESPONSE OF CENTRAL CITY BOARD OF TRUSTEES – LAWRENCE COUNTY** and this **CERTIFICATE OF SERVICE** to be served by depositing the same in the U.S. Mail with first class postage thereon fully prepaid, in an envelope and by email address to the following-name persons:

Open Meetings Commission
Steven Blair, Assistant Attorney General
1302 E. Hwy. 14, Ste. 1
Pierre, SD 57501-8501

Christle Beukens
6 Central Main St.
Central City, SD 57754

Lawrence County Deputy State's Attorney
c/o Kristi Sims
90 Sherman Street #8
Deadwood, SD 57732

Dated this 28th day of May, 2025.

BENNETT MAIN GUBBRUD & WILLERT, P.C.
Attorneys for Plaintiff

/s/ Kellen B. Willert
Kellen B. Willert

STATE OF SOUTH DAKOTA)
)ss.
)

OPEN MEETINGS COMMISSION

In the Matter of Open Meeting
Complaint 2025-01, Central City
Board of Trustees – Lawrence County

AFFIDAVIT

STATE OF SOUTH DAKOTA)
)ss.
County of Lawrence)

I, Karolina Schnabel, being first duly sworn upon oath state as follows:

- 1) I am the current Finance Officer for the Town of Central City.
- 2) I have been the Finance Officer for the Town of Central City since approximately the year 2024.
- 3) To the best of my recollection, when the September 23, 2024 meeting was adjourned without action due to the lack of being properly posted, Donovan Renner did not yell or tell anyone to get out of the building; Donovan did say something to the effect of "well, I guess there's no reason to be here, we're leaving...we're leaving."
- 4) As a matter of practice, the Trustees solicit public comment on individual agenda items and the public interacts on many of the agenda items as they come up during the meetings. The Complainant in this matter comments on many agenda items as they come up during meetings. This was, to the best of my recollection, true during the November 12, 2024 meeting.
- 5) Prior to March 13, 2025, I do not recall ever entering executive session as a Finance Officer.

Dated this 27 day of May, 2025.

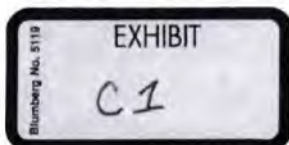
Subscribed and sworn to me this 27 day of May, 2025.

(SEAL)



Nicole Corns Deputy
Notary Public
My Commission Expires:

**MY TERM EXPIRES
FEBRUARY 28, 2027**



STATE OF SOUTH DAKOTA)

)ss.

OPEN MEETINGS COMMISSION

)

In the Matter of Open Meeting
Complaint 2025-01, Central City
Board of Trustees – Lawrence County

AFFIDAVIT

STATE OF SOUTH DAKOTA)

)ss.

County of Lawrence)

I, Robin Novotny, being first duly sworn upon oath state as follows:

1) I am a current Trustee for the Town of Central City.

2) I have been a Trustee for the Town of Central City since approximately the year 1997.

3) To the best of my recollection, when the September 23, 2024 meeting was adjourned without action due to the lack of being properly posted, Donovan Renner did not yell or tell anyone to get out of the building; Donovan did say something to the effect of "well, I guess there's no reason to be here, we're leaving...we're leaving."

4) As a matter of practice, the Trustees solicit public comment on individual agenda items and the public interacts on many of the agenda items as they come up during the meetings. The Complainant in this matter comments on many agenda items as they come up during meetings. This was, to the best of my recollection, true during the November 12, 2024 meeting.

5) Prior to March 13, 2025, I do not recall ever entering executive session as a Trustee.

Dated this 27 day of May, 2025.

Robin Novotny

Subscribed and sworn to me this 27 day of May, 2025.

(SEAL)



Nicole Cows Deputy

Notary Public

My Commission Expires: _____

MY TERM EXPIRES
FEBRUARY 28, 2027

STATE OF SOUTH DAKOTA)

)ss.

OPEN MEETINGS COMMISSION

)

In the Matter of Open Meeting
Complaint 2025-01, Central City
Board of Trustees – Lawrence County

AFFIDAVIT

STATE OF SOUTH DAKOTA)

)ss.

County of Lawrence)

I, Donovan Renner, being first duly sworn upon oath state as follows:

1) I am a current Trustee for the Town of Central City.

2) I have been a Trustee for the Town of Central City since approximately the year 1998.

3) To the best of my recollection, when the September 23, 2024 meeting was adjourned without action due to the lack of being properly posted, Donovan Renner did not yell or tell anyone to get out of the building; Donovan did say something to the effect of "well, I guess there's no reason to be here, we're leaving...we're leaving."

4) As a matter of practice, the Trustees solicit public comment on individual agenda items and the public interacts on many of the agenda items as they come up during the meetings. The Complainant in this matter comments on many agenda items as they come up during meetings. This was, to the best of my recollection, true during the November 12, 2024 meeting.

5) Prior to March 13, 2025, I do not recall ever entering executive session as a Trustee.

Dated this 27 day of May, 2025.

Donovan Renner

Subscribed and sworn to me this 27 day of May, 2025.

(SEAL)



Nicole Corns Deputy

Notary Public

My Commission Expires: _____

MY TERM EXPIRES
FEBRUARY 28, 2027

STATE OF SOUTH DAKOTA)

)ss.

OPEN MEETINGS COMMISSION

)

In the Matter of Open Meeting
Complaint 2025-01, Central City
Board of Trustees – Lawrence County

AFFIDAVIT

STATE OF SOUTH DAKOTA)

)ss.

County of Lawrence)

I, Rocky Mattson, being first duly sworn upon oath state as follows:

1) I am a current Trustee for the Town of Central City.

2) I have been a Trustee for the Town of Central City since approximately the year 1995.

3) As a matter of practice, the Trustees solicit public comment on individual agenda items and the public interacts on many of the agenda items as they come up during the meetings. The Complainant in this matter comments on many agenda items as they come up during meetings. This was, to the best of my recollection, true during the November 12, 2024 meeting.

4) Prior to March 13, 2025, I do not recall ever entering executive session as a Trustee.

Dated this 27 day of May, 2025.

Rocky Mattson

Subscribed and sworn to me this 27 day of May, 2025.



Jessica L. Lord
Notary Public
My Commission Expires: 1/14/2028