OFFICE OF THE PENNINGTON COUNTY STATE'S ATTORNEY
Lara R. Roetzel—State's Attorney
130 Kansas City Street, Suite 300
Rapid City, SD 57701
Phone: (605) 394-2191
Fax: (605) 394-6093

Pennington County
STATE'S ATTORNEY'S OFFICE

June 24, 2025

Marty Jackley
Office of the Attorney General
1302 E Hwy 14 Suite 1
Pierre SD 57501-8501

Re: Open Meetings Complaints and Investigations

Dear Mr. Jackley,

Enclosed with this letter are two complaints this office received as potential further open meetings violations related to Green Valley Sanitary District in Pennington County, South Dakota. Upon investigation and research of the applicable state law, six of the eight allegations in the complaint were determined to be without merit. The remaining allegations have been sent to the Open Meetings Commission for further consideration. Pursuant to SDCL § 1-25-6(2), I am sending you a copy of the complaints filed against the Green Valley Sanitary District, along with investigative reports and Lara Roetzel's final decision.

Please contact me if you have any questions.

Sincerely,

Tyler Sobczak
Senior Deputy State's Attorney
Civil Division

Enclosures

OFFICE OF THE PENNINGTON COUNTY STATE'S ATTORNEY
Lara R. Roetzel—State's Attorney
130 Kansas City Street, Suite 300
Rapid City, SD 57701
Phone: (605) 394-2191
Fax: (605) 394-6093

Pennington County
STATE'S ATTORNEY'S OFFICE

June 17, 2025

Mr. Steven Myers
5648 Greenwood Ln.
Rapid City, SD 57703

Dear Mr. Myers,

The Pennington County State's Attorney's Office has received two more open meetings complaints (Complaints #2 and #3) from you regarding potential violations related to the Green Valley Sanitary District (GVSD). For convenience of all parties, both complaints are to be considered consolidated and will be addressed altogether in this one letter. After reviewing your formal open meetings complaint related to potential violations by the Green Valley Sanitary District, I assigned a Pennington County State's Attorney's Office investigator to investigate the allegations. He reviewed your complaint along with all accompanying documents, conducted interviews with persons associated with the Green Valley Sanitary District, and reported back to me on his findings. As such, your complaint has been investigated and reviewed. The analysis in this document may refer to you as the "Complainant". The separate complaints will be addressed in order as presented.

GVSD COMPLAINT #2

1. Allegation: That the Board of Trustees of the Green Valley Sanitary District violated open meetings law when then-President Jason Reitz, signed a contract between Green Valley Sanitary District and Interstate Engineering without board approval, motion, or vote.

Upon review of the meeting minutes dated 11-8-21, there is clearly an agenda item stating "Sign Contract with Interstate Engineering – All of the surveying has been complete, the preliminary report has been received. All is in process as it pertains to the original survey." On the board that date, the acting members were Boardmembers Reitz, Lee, Jangula, Kelley, and Burger (now deceased). SDCL § 34A-5-24 states that "A concurrence of the majority is necessary to any action of the board." It appears from the investigation that there was a concurrence among the board to allow Reitz to sign the contract. Additionally, there is no indication in the meeting minutes that Burger was averse to Reitz's signing of the contract. Additionally, I would point you to the Open Meetings Commission's Findings of Fact and Conclusions of Law stemming from GVSD Complaint #1. Conclusion of Law #4, states that "[t]here is no provision found in SDCL ch. 1-25, or SDCL ch. 34A-5, that requires formal action of a sanitary district must be proceeded by a motion, second, and vote of a board of trustees." As such, I find no merit to this allegation.

2. Allegation: Allegation 2 is a multi-faceted complaint that pertains to the noticing and posting of agendas. Both will be addressed in the following subsections.

Allegation 2(i): That the Board of Trustees of the Green Valley Sanitary District violated open meetings law by holding meetings on 8-17-21, 11-17-21, 12-22-21, 6-2-22, 6-14-22, and 6-22-22 when those meetings were allegedly not properly noticed or advertised.

At the outset, it should be noted that the South Dakota Legislature has expressly set forth that sanitary districts should be determined to be governmental subdivisions of the State. SDCL § 34A-5-14 states that "[a]ny sanitary district established under this chapter is a governmental subdivision of this state and a public body, corporate and politic." The term "subdivision" as applicable to open meetings law is defined in § 1-25-12(1). SDCL § 1-25-12(1) defines a political subdivision as "any association, authority, board, commission, committee, council, task force, school district, county, city, town, township, or other local government entity that is created or appointed by statute, ordinance, or resolution and is vested with the authority to exercise any sovereign power derived from state law." As such, SDCL § 1-25-1.1, governing notice and of meetings of political subdivisions controls, rather than SDCL § 1-25-1.3, which governs notice of meetings of the state.

In part, SDCL § 1-25-1.1 states that:

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

It should be noted that the investigation resulted in a finding the dates of 8-17-21, 11-17-21, 12-22-21, 6-2-22, 6-14-22 were all special meetings set up at the request of the engineers. As such, they are to determined as special meetings, which permit the entity to comply with the public notice provisions of SDCL § 1-25-1.1 "to the extent that circumstances permit." No information was obtained that the 6-22-22 was a special meeting.

Additionally, it should be noted that investigation related to GVSD #1 confirmed that the routine method of agenda posting was to routinely post notice of the meetings at three locations, namely: Green Valley Dr. and Reservoir Rd; Reservoir Rd. and Southside Dr.; and E. Hwy 44 just before Anderson Rd, and the agenda would routinely be posted on the Rapid Valley Sanitary District's (RVSD) door. Given that the special meetings are allowed great latitude for the time of which the meetings are to be noticed, and that there is information that GVSD routinely posts notice on the roads and posts the agenda on the RVSD door for all meetings, I find no merit to this allegation.

Allegation 2(ii): That the Board of Trustees of the Green Valley Sanitary District violated open meetings law by only posting four of their agendas to the Rapid Valley Sanitary District's website and did not post minutes of those meetings to the website.

SDCL § 1-25-1.1 states, in part, that "[t]he 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." It is worth noting that the website GVSD utilizes is not one that they own, but rather, they are provided access to a specific webpage of the Rapid Valley Sanitary District's website as a courtesy. Due to the ownership of the website being RVSD's, rather than GVSD's, the undersigned determines that the website is not "the political subdivision's website as contemplated in SDCL § 1-25-1.1, but rather, is a different political subdivision's website. As such, I find no merit in the agenda portion of this complaint.

As to the meeting minutes component of this allegation which accuses GVSD of a violation for failing to post minutes of those meetings on the RVSD Website, it should be noted that the only requirement for minutes posting on a website is set forth in SDCL § 1-25-3 and SDCL § 1-25-1.4. SDCL § 1-25-3 governs meeting minutes of the State and requires that:

> The state shall keep detailed minutes of the proceedings of all regular or special meetings. The minutes required in this section shall report how each individual member voted on any motion on which a roll call vote is taken. The minutes shall be available for inspection by the public at all times at the principal place of business of the board or commission.

SDCL § 1-25-1.4 sets forth an affirmative duty for "[a]ny state board, commission, or department that is required to provide public notice of its meetings pursuant to § 1-25-3 shall make available on a state website designated by the commissioner of the Bureau of Finance and management, if the information exists . . . (6) Meeting Minutes."

It should be noted that the minutes website posting requirement is limited to "[t]he state" as is set forth in SDCL § 1-25-3. SDCL § 1-25-12(5) defines "state" as "each board, commission, department, or agency of the State of South Dakota. The term state, does not include the legislature." Concerning specifically sanitary districts, the South Dakota Legislature has expressly set forth that sanitary districts should be determined to be governmental subdivisions of the State. SDCL § 34A-5-14 states that "[a]ny sanitary district established under this chapter is a governmental subdivision of this state and a public body, corporate and politic."

The term "subdivision" as applicable to open meetings law is defined in § 1-25-12(1). SDCL § 1-25-12(1) defines a political subdivision as "any association, authority, board, commission, committee, council, task force, school district, county, city, town, township, or other local government entity that is created or appointed by statute, ordinance, or resolution and is vested with the authority to exercise any sovereign power derived from state law."

I would note at this time that the code in SDCL § 1-25 imposes different requirements on an entity based on its classification as either "the state" or a "subdivision." Because only "the state" has an affirmative requirement to post the meeting minutes to a website under SDCL § 1-25-1.4, GVSD has not violated any minute requirement in conjunction with the website. As such, I find no merit in this allegation.

3. Allegation: That the Board of Trustees of the Green Valley Sanitary District violated Open Meetings Law when the Board did not post draft minutes to the Rapid Valley Sanitary District (RVSD) website.

The governing statute pertaining to this allegation is that of SDCL § 1-27-1.17, which states that:

> The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

It should be noted that GVSD does not own or operate their own website but uses RVSD's website for limited purposes. The investigation concluded that the Complainant noticed that the meeting minutes of the 4-10-24 meeting were not available on the RVSD website and that he promptly requested those minutes on 5-8-24. By the Complainant's own admission, he indicated that the relevant minutes were later posted to the website approximately one week later. As stated above in SDCL § 1-27-1.17, "[minutes] are required to be kept by law [and] shall be available for inspection by any person within ten business days after the meeting." That statute does not specifically require those minutes to be posted on the entities' website within ten business days, it only requires that they be available for inspection within ten days after the meeting. Furthermore, only the State, and not subdivisions of the state, are required to post meeting minutes to their website pursuant to SDCL § 1-25-1.4. Regardless, when it was brought to the Board's attention that the minutes were not posted to the website, the Board subsequently provided those minutes for inspection as is required by law.

As such, I find no merit to this allegation.

4. Allegation: That the Board of Trustees of the Green Valley Sanitary District violated Open Meetings Law when the Board failed to follow the agenda as presented on February 27, 2024. After review of SDCL § 1-25, there is no authority therein regarding actionable open meetings violations for the failure to follow the agenda as presented. There are certainly rules in place for the providing for and noticing of proposed agendas. But, as previously stated, there is no open meetings authority authorizing a violation for failing to follow an agenda. As such, there is no merit to this allegation.

5. Allegation: That the Board of Trustees of the Green Valley Sanitary District violated Open Meetings Law when the Board did not specifically cite SDCL § 1-25-2 when making a motion to enter executive session on April 10, 2024. SDCL § 1-25-1 states that "official meetings of the state and its political subdivision are open to the public unless a specific law is cited by the state or the political subdivision to close the official meeting to the public. . ." SDCL § 1-25-2 permits the closing of public meetings to enter executive session to discuss a litany of topics set forth in the statute. However, entering executive session does indeed require a specific citation to SDCL 1-25-2, and the subsections thereof, to fully comply with SDCL § 1-25-1. No information was received that would show that a citation to SDCL § 1-25-2 was made when making the motion to go into executive session when discussing a complaint made by Complainant. Rather, a motion made was to go into executive session discuss a complaint by the Complainant. As such, I do find merit in

this allegation and elect to forward this allegation to the Open Meetings Commission for further action pursuant to SDCL § 1-25-6(3).

GVSD COMPLAINT #3

1. Allegation: That the Green Valley Sanitary District Board of Trustees' President, Scott Mohr, violated Open Meetings Law when he requested that the Complainant quit recording the May 8, 2024, meeting, or threatened that the meeting would end if he did not comply.

SDCL § 1-25-11 states that "[n]o public body may prevent a person from recording, through audio or video technology, an official meeting as long as the recording is reasonable, obvious, and not disruptive. This section does not apply to meetings closed to the public pursuant to specific law." The investigation related to this specific concern noted that the meeting was becoming very disruptive due to back-and-forth conversations between Mr. Mohr and the Complainant. However, by Mr. Mohr's admission, he did not know that the Complainant was recording the meeting until the Complainant notified the Board that he was indeed recording the meeting. Both the Complainant and Mr. Mohr agree that after the Complainant offered information that had been recording the meeting for 5 minutes, that Mr. Mohr requested that the recording cease to occur, or else the meeting would stop. The timing of the notification of recording is notable to this investigation, as the recording itself could not be deemed disruptive, as the sole act of recording was not even noticed by the Board itself until the recording was brought to the attention of the Board during a heated discussion.

As such, I do find merit in this allegation and elect to forward this allegation to the Open Meetings Commission for further action pursuant to SDCL § 1-25-6(3).

2. Allegation: That the "special meeting" held on May 29, 2024, violated Open Meetings Law when no agenda nor draft minutes were posted prior to the meeting.

First, the undersigned and the assigned investigator both interpreted the draft minutes portion of this allegation to be referencing the potential lack of posting of the draft minutes on the RVSD website, which is sometimes used by the Board to post information online, as they do not own or operate their own separate web address. As referenced in GVSD Complaint #2, allegation #3 discussed above, there is no requirement at law to provide draft minutes to be posted to a website prior to a meeting. As such, I find this portion of the allegation to be without merit.

Second, the Complainant opines that no notice nor agenda were posted before the hearing held on May 29, 2024, and therefore, an open meetings violation occurred. The investigator and the undersigned interpret that complaint to reference an alleged requirement to post the notice and agenda to the RVSD website, which GVSD sometimes uses. It should be noted that the hearing on May 29, 2024, should be determined to be a special meeting, as it was scheduled and notified for a date and time outside of the regular meeting schedule historically utilized by GVSD and was held at the Central State's Fairgrounds. SDCL § 1-25-1.1 states that "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, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit."

Because the May 29, 2024, meeting should be determined as a special meeting pursuant to SDCL § 1-25-1.1, the standard that GVSD should be held to at this time requires GVSD to "comply

with the public notice provisions of this section for a regular meeting to the extent that circumstances permit."

The investigation related to this allegation concluded that the Board of Green Valley Sanitary District chose to print out and send flyers providing notice of the meeting and containing a list of items that were to be addressed at the meeting. Additionally, the Board published that notice of the meeting on www.sdpublicnotices.com. With the meeting being classified as a special meeting, the undersigned finds that the production and mailing of flyers to the constituents, combined with posting the notice of the meeting to www.sdpublicnotices.com substantially complies with SDCL § 1-25 to an extent that the circumstances surrounding the special meeting permitted. As such, I find no merit in this portion of allegation.

As to the second, the notice provided for the special meeting listed the items to be discussed, which were the project, project alternatives, proposed alternatives, proposed financing, source of repayment, and impact to users. Because the notice of the hearing provided topics in a that were addressed on that day, I find that an agenda was properly provided, and consequently, there is no merit to this allegation.

Thank you again for bringing your concerns to our attention. We take open meetings laws seriously, as transparency and accountability are essential to public trust. Please know that we have reviewed the matters you raised and will continue to monitor compliance where appropriate. If you have any further information or concerns, don't hesitate to reach out.

Sincerely,

Lara R. Roetzel
Pennington County State's Attorney

Cc: Green Valley Sanitary District
Ty Daly, Lynn Jackson Schutz & Lebrun

I attest and confirm I am, STEVE MYERS, as signed below.

Steve Myers

5/21/2024
Date

ACKNOWLEDGEMENT

STATE OF South Dakota)
) SS
COUNTY OF Pennington)

On this 21 day of May, 2024, before me personally appeared Steve Myers, 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.

I certify under PENALTY OF PERJURY under the laws of the State of South Dakota that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

5/21/24
Notary Public Date

(seal) KAYLA HOLZER NOTARY PUBLIC STATE OF SOUTH DAKOTA SEAL

My Commission Expires January 5, 2028

To the attention of States Attorney Lara Roetzel and Steve Neavill:

My name is Steve Myers. I am a resident of Green Valley Sanitation District in Pennington County.

Here are a couple of more things that I think need to be addressed.

#1 On Nov 15, 2021, Jason Reitz, then GVSD board president, signed a contract between GVSD and Interstate Eng without board approval, motion or vote. The minutes are posted @ https://www.rapidvalleysanitarydistrict.com Go to informational content and scroll down to green Valley Sanitary District.

#2 At that same site you can read the minutes for Special meetings that were not advertised to the public. Also, as you can read, they have only posted the agenda 4 times. "The same penalties apply if the agenda for the meeting is not properly posted."

- Aug 17, 2021, at 10am

Nov 17, 2021, at 3pm

Dec 22, 2021, at 1pm

June 2, 2022, at 12:22pm

June 14, 2022, at 2pm

June 22, 2023, at 19:15pm

The following are meetings with no minutes and were not advertised to the public.

May 18, 2023, at Loretta Jangula's home to vote on 5811 Sparrowhawk annexation.

Aug 28, 2023, virtual, see attached notes that I took.

- Nov 13, 2023, phone meeting to approve 2 bills—Attorney and Insurance

Nov 20, 2023, 9am at Rapid Valley Water to discuss Interstate pricing.

#3 At the same site you won't see SDCL 1-27-1.17 Draft minutes of public meetings. It's never happened, but was requested at the May 8, 2024, meeting.

#4 The agenda posted for the February 27, 2024; meeting is not the agenda followed as per Scan 20240318.3 pdf of the minutes of that meeting.

#5 At the April 10, 2024, meeting the board and their attorney went into executive session to discuss a complaint by Steve Myers, without sighting a SDCL.

Again, thank you for your time.

Steve Myers

605-48-1424

5648 Greenwood Lane Rapid City, SD 57703

May 21, 2024

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

Owner: **Green Valley Sanitary District**

By: _____

Print name: **Jason Reitz**

Title: **Board President**

Date Signed: 11/15/21

Engineer: **Interstate Engineering, Inc.**

By: _____

Print name: **Lonni Fleck**

Title: **President**

Date Signed: 10-6-21

Engineer License or Firm's Certificate No. (if required):
C-643

State of: **South Dakota**

Address for Owner's receipt of notices:
PO Box 1105
Rapid City, SD 57709

Designated Representative (Paragraph 8.03.A):
Jason Reitz
Title: **Board President**
Phone Number: **605-484-7237**
E-Mail Address: **firefighter1161@gmail.com**

Address for Engineer's receipt of notices:
PO Box 226
120 Industrial Drive, Suite 2
Spearfish, SD 57783

Designated Representative (Paragraph 8.03.A):
Zach Grapentine
Title: **Project Manager**
Phone Number: **605-642-4772**
E-Mail Address: **Zach.Grapentine@interstateeng.com**

NOTICE OF PUBLIC HEARING for the GREEN VALLEY SANITARY DISTRICT SEWER SYSTEM PROJECT

Green Valley Sanitary District submitted an application to secure funding from the South Dakota Board of Water and Natural Resources (BWNR) to address the sanitary sewer needs of the residents served by GVSD. The application requested funding assistance in the amount of $9,322,000 and the project received $5,000,000 in grants and a loan with 100 percent principal forgiveness for the project. Additional funding is being sought from USDA Rural Development grants and loans.

Green Valley Sanitary District (GVSD) consists of about 284 homes located just east of Rapid City on the south side of Hwy. 44. GVSD has central water from Rapid Valley San. District (RVSD) but each home has a septic system. The area has high groundwater with some septic systems failing and possible contamination of Rapid Creek. The proposed project is a pressurized sewer collection system. Each home will have its own pumping unit that will pump sewage into the main. Once homes are connected to the system, septic systems will be abandoned. Treatment will be provided by the Rapid City Waste Water Treatment Plant. RVSD will operate/maintain the new system. All of GVSD will be served by the project with approx, 284 connections. The new system will include 2", 3", 4" & 6" sewer main with 1¼" services. Main will be placed along the road section to avoid existing utilities in ditches. The benefit of this system type is that most of the system can be directionally bored & not disturb road above the line. There is one connection point to the adjacent RVSD main line.

The purpose of the public hearing is to discuss the need for the project, project alternatives, proposed alternatives, proposed financing, source of repayment for the loan, and the impact to the users. The public is invited to attend and comment on the project. **The public hearing will be held on May 29, 2024 at 7:00pm at Creative Arts Building at the Central States Fairgrounds, 800 San Fransisco St, Rapid City, South Dakota**, Questions about this notice can be directed to Loretta Jangula, Secretary, at gvsd13@gmail.com.

Dated this 6th day of May, 2024

Published once on 5/14/2024 at the total approximate cost of $ 47.41 and may be viewed for free at www.sdpublicnotices.com

To the attention of States Attorney Lara Roetzel and Investigator Steve Neavill:

This will be my 3rd complaint against Green Valley Sanitary District.

As I have written to you before in my May 9, 2024, email, but forgot to make it a formal complaint:

At the May 8, 2024, GVSD meeting I wanted to record the meeting, but was told no. President Scott Mohr said that their attorney (Erica Olson) told them that if 1 person was opposed to me recording the meeting, that I can't. Scott threatened to shut down the meeting if kept recording. I quit recording. SDCL 1-25-11 says I can record the meeting.

May 29, 2024, GVSD had a "Public Hearing". No agenda was posted, and no draft minutes have been posted. Maybe because it was called a hearing? Either way, it doesn't seem right.

At our May 21, 2024, meeting, I was unclear why your office is not pursuing my complaint about Scott Mohr's appointment without a notice of vacancy. My memory was because it part of GVSD By Laws and only civil. SDCL 34A-5-21-3

This is a true statement, and I want it to be part of my complaints against the GVSD board.

6/10/2024

Steve Myers

JODEE BOYD NOTARY SEAL PUBLIC STATE OF SOUTH DAKOTA

Notary Jodee Boyd
expires: July 14th, 2029

STATE'S ATTORNEY'S OFFICE

OFFICE OF THE PENNINGTON COUNTY STATE'S ATTORNEY
Lara R. Roetzel—State's Attorney
130 Kansas City Street, Suite 300
Rapid City, SD 57701
Phone: (605) 394-2191
Fax: (605) 394-6093

Investigative Summary

Lara Roetzel – Pennington County State's Attorney
Date: 10-16-24
Re: Green Valley Sanitary District Open Meetings Investigations #2 and #3

Lara,

On 2-26-24, Steven Myers filed an open meeting violation complaint with our office regarding the Green Valley Sanitary District (GVSD). That complaint was investigated and one of the three complaint issues was forwarded to the South Dakota Open Meetings Commission. This will be referred to as **"GVSD #1."** Currently, GVSD #1 is pending within the Open Meetings Commission.

Myers is a former board member of the GVSD Board. Meyers' initial introduction to the board was in February of 2023 when he became a trustee. He resigned from the board on 12-13-23.

On 5-21-24, Meyers submitted a second complaint alleging five (5) open meeting violations. This will be referred to as **"GVSD #2."**

1) Meyers wrote that on **11-15-21**, Jason Reitz (former GVSD Board President) signed a contract between GVSD and Interstate Engineering, "without board approval, motion or vote." This contract is in regard to a pending sewer project to serve the Green Valley area. Meyers included a copy of the signature page of the contract.

2) Myers wrote that there were special meetings (listed below), "that were not advertised to the public. Also, you can read, they have only posted the agenda 4 times."

* 8-17-21
* 11-17-21
* 12-22-21
* 6-2-22
* 6-14-22
* 6-22-23

Myers also wrote that the below meetings have no minutes and were not advertised to the public:

* 5-18-23

* 8-28-23

* 11-13-23

* 11-20-23

3) Myers wrote, "At the same site you won't see SDCL 1-27-1.17. Draft minutes of public meetings. It's never happened, but was requested at the May 8, 2024, meeting."

4) Myers wrote that the agenda posted for the 2-27-24 meeting is not the agenda followed as per a scan of the meeting minutes (labeled as "Scan 20240318.3pdf).

5) Myers wrote that at the 4-10-24 meeting, the board and their attorney went into executive session to discuss his complaint but did not verbalize an SDCL (statute).

On 6-10-24, Myers submitted a third complaint alleging two (2) open meeting violations. This will be referred to as **"GVSD #3."**

1) Myers wrote that at the 5-8-24 GVSD meeting, he had wanted to record the meeting, but was told he could not. Myers wrote that Board President, Scott Mohr, said that their attorney (Erika Olson) told them that if one person was opposed to the recording, he could not. Myers wrote, "Scott threatened to shut down the meeting if kept recording. I quit recording. SDCL 1-25-11 says I can record the meeting."

2) Myers wrote that on 5-29-24, GVSD had a "Public Hearing." He wrote that no agenda was posted and no draft minutes have been posted.

Investigation:

On 6-5-24 at 1110 hours, I spoke to Olson about the status of GVSD #1 and of the new complaint in GVSD #2. As I had previously addressed issue 5 in GVSD #2 as an ancillary issue in GVSD #1, I did advise Olson I did not believe this was an open meeting violation.

On 7-11-24 at 1000 hours, I spoke to Olson. She advised that Mohr agrees he had told Myers he could not record the meeting, but this was due to his misunderstanding or lack of knowledge.

On 7-31-24 at 0851 hours, I conducted an audio recorded telephone interview of Myers.

I asked Myers about item 3 in GVSD #2. He indicated GVSD had never posted the draft minutes on the Rapid Valley Sanitation District (RVSD) website. Myers denied during his time on the board that anyone had reached out to see draft minutes. Myers said the board just started putting the draft minutes up on the door at the RVSD building. He said this had been happening over the last couple of meetings.

I asked Myers if he had made a request at the 5-8-24 meeting to see draft minutes posted during his public comment time. "I did not. Frank Henderson did that, just during, during conversation." Myers said the question arose about being able to see the draft minutes before they came to the meeting and asking the board to read the minutes at the meeting. "Cuz' we had no idea what the minutes said."

Myers said board member, Loretta Jangula, had read the minutes on one occasion, but at another board meeting refused to do so. Myers said Hendereson had advised Jangula that they were supposed to post the draft minutes so they can be viewed before the minutes are approved.

I asked Myers about item 4 in GVSD #2. Myers said what he was referring to were the three items on the agenda. "And none of those items were taken care of at the meeting." He continued, "the agenda was different from what the meeting was." Myers said that items 1-3 in the agenda were not mentioned during the meeting.

I asked Myers about item 1 in GVSD #3. Myers said he had advised he was recording the meeting. Myers said he was told he could not record. "They said, our attorney said, if one person objects, you can't record the meeting." Myers said the Treasurer's husband (William Lewton) said he objected. Myers continued, "Scott said if you keep recording, we're gonna' shut the meeting down now." Myers said he turned his recorder off and placed it into his pocket.

Myers said at the last meeting (June of 2024) County Commissioner Travis Lasseter had asked Mohr if he had stopped anyone from recording. Mohr responded, "I don't know if I stopped him or not."

Myers continued and said he had started recording at the beginning of the meeting. Myers said he had the recorder sitting in front of him, "out in the open so everyone could see it."

(Q) "so, it was obvious?"

(R) "very obvious. Well, I held it up, so everybody could see it and then put it down way out in front of me. It's a little one like what you've got."

Myers said he had been recording for approximately five minutes before the above discourse with Mohr. Myers also mentioned he had recorded the April 2024 meeting.

(Q) "what caused the problem, what, what brought the attention to the recorder, which then, which then appears more to tell you to stop recording. What kinda' brought that up?"

(R) "me."

(Q) "ok…"

(R) "they don't like me. They absolutely, oh yeah, I mean. You can look through the minutes and you can see there's one person they've quoted."

(Q) "ok, and that was that whole discussion about what you allegedly said, and you're like hey, I've been recording. Then they said, well, you can't record if someone objects. Is that how that all kinda' went down?"

(R) "that's kinda' how it went down but what they said was our attorney said."

Myers said he had asked Mohr if he was recording the meeting. Mohr indicated he was. Myers said several other people said they objected to this as well.

Myers said during the July 2024 meeting, board member Valerie Lewton objected to him recording. He told her he was going to record.

Myers then indicated that Mohr had been the first person to object to his recording the 5-8-24 meeting. He said Lewton then objected.

I asked Myers if once he had advised he was recording the 5-8-24 meeting, if it appeared this disrupted the meeting. Myers said, "I didn't disrupt it, Scott disrupted it, President."

Myers confirmed that Mohr, Lewton and her husband, objected to him recording the 5-8-24 meeting. Mohr said that a female attending the 5-8-24 meeting had looked up the legality of recording a public meeting and stated that it was not illegal to record the meeting. "And Scott said, I don't care. I will stop the meeting right now. We will be done with it. If you don't quit recording, this meeting will be done now. So, that would be disruptive, but I'm not the one that caused it, the President did." Mohr did not know the last name of the female who looked up the legality of recording a public meeting. He thought her first name was "Julianne."

Myers said he did comply and he shut off the recorder and placed it into his pocket. However, later in the interview, he characterized the direction he received to discontinue recording as a, "threat. If you don't stop recording, we're gonna' stop the meeting right now."

Myers said later in the interview that Lewton objected to him recording the June 2024 meeting. Mohr said he continued recording. He said the meeting continued.

I asked Myers about item 2 in GVSD #3. He said the notice of the meeting on 5-29-24 came in the mail. Myers said everyone he spoke to received the same mailing. Myers indicated there were no draft minutes posted from the 5-29-24 meeting.

On 7-31-24 at 1001 hours, I conducted a brief audio recorded telephone interview of Myers.

Myers confirmed Henderson had brought up the concern about the draft minutes at the 5-8-24 meeting. I asked Myers if he made a particular request himself to see a particular draft. Myers said he thought he asked to see or hear the April 2024 draft minutes at the 5-8-24 meeting. As of the 5-8-24 meeting, the board had not posted the April 2024 draft minutes (to the website). Later in the interview, he said Loretta had advised he could read them when they were posted. Myers said it seemed like the April 2024 minutes were posted about a week after his request on 5-8-24.

(Q) "so, at the May 8th meeting, you remember asking either, uh, the board, hey, I wanna' see the April 2024 minutes and either Loretta or Scott said you can see them when they're posted…"

(R) "correct."

(Q) "…..but it does sound like within a week of that May 8th meeting, that the April minutes had been posted?"

(R) "um, yeah. So, I couldn't see them till the middle of May."

Myers subsequently agreed that it seemed like the April 2024 minutes were posted about a week after his request at the 5-8-24 meeting. Myers said, "I wanted to see em' before they approved them." Myers subsequently said it was the "norm" for minutes of the prior month's meeting to be posted about a week after the current month's meeting, "until a week ago."

Myers said Jangula's verbiage was, "you can see them when they're posted on the website."

Myers denied he had made a request to see the April 2024 minutes prior to the 5-8-24 meeting.

On 7-31-24 at 1610 hours, I conducted an audio recorded interview of Mohr. Olson was present. This interview occurred at Olson's office. Mohr was advised he did not have to talk to me if he did not wish to and he could speak to his attorney privately if he wanted.

I first addressed item 2 in GVSD #2. I asked Mohr if he had a memory of being involved in the special meetings specifically on 11-13-23 or 11-20-23. Mohr did not remember this. Mohr did not have a memory of participating in any meetings in November of 2023 that were exclusive of the normal monthly meeting. Mohr later said he had never been involved in a phone meeting (a reference to the 11-13-23 special meeting).

I asked Mohr if he was aware of any attempt to give notice to the public of the special meetings. Ultimately, this question was not answered.

I then addressed item 3 in GVSD #2. I asked Mohr if he remembered Myers asking for the April 2024 meeting minutes. Mohr said Myers had, "asked for so many things I…he may or may not of. I don't know." When I mentioned Myer's assertion about what Jangula allegedly said, Mohr responded, "that's been brought up a couple different times. I don't remember specific dates…"

Mohr subsequently said that the RVSD web-site is a "courtesy" and that the minutes were supposed to be posted on the door, "which hadn't been done in the past. It's something that was brought to our attention, so we started trying to do it and we're still having problems…"

Mohr did not know when the draft minutes started being placed on the door. He said he places the agenda on the door at the RVSD building in advance of the meetings. Mohr said this coincided with his move into the President's position. Mohr thought he had been doing this for approximately 5-6 months. Mohr said it was his understanding that former President, Jason Reitz, had posted the agendas.

I then addressed item 4 in GVSD #2. I read to Mohr the three items listed in the 2-27-24 meeting agenda that Myers claimed were not addressed. Mohr said he did not remember. He remembered the board had discussed these issues, but he did not know at what meeting. Mohr then said he remembered going over the cost at the meeting.

After showing Mohr a copy of the 2-27-24 agenda, he said, "I believe all of those were covered." He subsequently said he remembered the mandatory hook-up being addressed as some people were frustrated about this. Mohr clarified that it is not the community that is necessarily is in support of the sewer system, but "the board is." Scott confirmed the 2-27-24 meeting was an informational meeting.

I then addressed item 5 in GVSD #2. I asked Mohr if he remembered the verbiage they used prior to going into executive session. Mohr said, "I have no idea what I would of said. Just saying that we're going into executive session." Mohr did not remember if they had a motion to go into executive session.

I then addressed item 1 in GVSD #3. I asked Mohr his recollection of this event. Mohr said, "I wasn't sure if he could record or not. And in the best interest of letting something happen, that shouldn't happen, I just said no. And that's, and I later found out that he can."

I asked Mohr if he was aware that Myers had been recording prior to the conversation that Myers and he had about the recording. Mohr said, "no." Mohr was asked if he had seen that Myers had a recorder. He replied, "I didn't really see it. I wasn't looking for one…." Mohr said he was more concerned about the rights of other members.

I asked Mohr how he became aware Myers was recording the meeting. He said Myers verbalized this. Mohr said, "and I told him that I didn't know and I wanted to look into it."

I asked Mohr if Myers was using his three minutes of public comment time. Mohr replied that he thought Myers mentioned the recorder toward the end of his public comment time. "He didn't start out with it, I know that."

I asked Mohr if anyone expressed any concern about Myers recording the meeting. Mohr said the meeting became, "very disruptive." Mohr characterized this as, "he wasn't willing to give up. I wasn't willing to give up. I didn't feel like, I basically felt like I shouldn't continue the meeting without knowing whether or not he could record or not."

Mohr was asked if anyone else attending the meeting became frustrated or angry about Myers' assertion he was recording the meeting. Mohr said, "I don't recall. My main focus was kinda on what transpired between Steve and I."

(Q) "fair to say though, you told him that you could not record and you, you told if he continued to record that you would shut the meeting down? Or, some verbiage similar to that?"

(R) "it wasn't just because of that, it was because the meeting was becoming very disruptive. I mean, it wasn't going anywhere because of all the conversation was about the recording. So, I just wanted him to stop recording that way we could get through our meeting and then hash it out. And the next meeting, I allowed him to record. I told him that I was wrong and…."

I asked Mohr if he remembered any of the other board members saying anything about the recording by Myers. He did not.

I then addressed item 2 in GVSD #3. Mohr confirmed that Lewton had sent out the notice of public hearing for the 5-29-24 meeting. His belief was this notice was sent to everyone in Green Valley that would have been affected by the sewer project. Mohr also said this notice was posted in the paper. Olson noted that one of the agencies involved required this.

Mohr denied he put up an agenda up on the door (Creative Arts Building at the Central States Fairgrounds) because he did not believe an agenda was required due to it being an informational meeting. However, at the meeting, they followed the stated purpose on the notice. No other business was conducted. Mohr denied any board action was taken.

On 8-6-24 at 0945 hours, I conducted an audio recorded interview of Jangula. Also present was Olson. This interview occurred at Olson's office. Jangula was advised she did not have to talk to me and that she could have a private conversation with her attorney if she wished.

I first addressed item 1 in GVSD #2. Jangula indicated she had noted something, "way early on" in her documents that gave the President authority to sign items. She was not exactly certain what permissions the President had. She then thought what she read may be found in the bylaws.

I asked Jangula if she remembered a vote or motion in a meeting about signing the new contract (11-15-21). She did not.

I then addressed item 2 in GVSD #2. Jangula said that the special meetings were "teams meetings" and they were usually called by the engineer if they had questions on something (regarding the sewer project). Jangula's recollection was that usually, they had, "couple two, three days notice." She said usually, an e-mail would go out to the board members by the other entities.

Jangula said the 5-18-23 meeting at her residence was in regard to three properties being annexed. Jangula indicated it did seem like this meeting was noticed rather quickly.

Jangula indicated it seemed like they had little time to prepare for the special meetings. Jangula denied knowing that anyone put out the three notification signs that a special meeting would be held. Jangula denied knowing they made an effort to notify the media about the special meetings, however, she said no one from the media has requested notice of these meetings.

Jangula said since she became a member of the board, she has no knowledge that anyone from the media has reached out and requested notice.

I then addressed item 3 in GVSD #2. Jangula denied having a memory of Myers asking at the 5-8-24 meeting for the April 2024 draft minutes. Jangula said RVSD allows them to post their minutes on a separate page on their website. Jangula said she waits for the minutes to be approved and she then sends them over to RVSD to be put on their website. Jangula said the person she e-mails the minutes to is Sarah Bender.

Jangula said the draft minutes do not get posted (to the website). Jangula said she has been placing the draft minutes on the door at the RVSD facility. She only recently started doing this.

I then addressed item 4 in GVSD #2. Jangula said that the three items referenced in the 2-27-24 agenda were discussed at the meeting as presentations were made.

I then addressed item 5 in GVSD #2. Jangula denied having a memory that anyone used verbiage when they went into the executive session that included "pursuant to SDCL…." She said there was a motion to go into executive session. "There definitely was a motion."

I then addressed item 1 in GVSD #3. Jangula denied having a memory of any conversation in the meeting about someone recording the proceedings.

I then addressed item 2 in GVSD #3. Jangula said the public hearing notice regarding the meeting on 5-29-24 was sent out to every resident of Green Valley and they posted the notice on www.sdpublicnotices.com additionally.

Jangula confirmed RVSD will post items on their website as a courtesy to GVSD. Jangula also confirmed GVSD does not have a physical location. She said they use the meeting room at the RVSD building. She said the notice of the monthly meetings is noticed via the signs that are at the exit and entrance to Green Valley.

Jangula characterized the notice of the special meetings in general was, "a few days."

(Q) "fair to say that it seems in your memory that you basically had a few days notice for most, if not all of these special meetings?"

(R) "correct."

Jangula characterized the special meetings as "working meetings." Jangula agreed the special meetings were in regard to moving forward with the sewer project.

On 8-6-24 at 1115 hours, I conducted an audio recorded interview of Reitz. Olson was also present. This interview took place at Olson's office. Reitze was advised he did not have to talk to me if he did not want to, and he could have a private conversation with his attorney if he wished.

I first addressed item 1 in GVSD #2. Reitz said he "obviously" signed the contract, albeit, he did not have an independent memory of doing it. Reitz did not remember if there had been an agenda item posted about the intent to sign the contract on 11-15-21. Reitz said he assumed there would have to have been a formal vote prior to him signing the contract.

I then addressed item 2 in GVSD #2. Reitz remembered that during some regular meetings, they had talked about needing to have a special meeting due to not having an item available at the regular monthly meeting.

Reitz agreed they had put up the three signs when they had a regular monthly meeting. Reitz said there were some special meetings they had spoke about needing to have during the regular monthly meeting.

Reitz indicated that generally, they did not have much time to prepare for the special meetings. Reitz indicated the media "never" had asked for notice of any meetings of the board.

Reitz remembered when they voted on the annexation of Sparrow Hawk (5-18-23 meeting). He thought this had been talked about in their (regular) meeting. He remembered they needed to have a special meeting to get the Sparrow Hawk property on the tax roll before the end of the month.

I then addressed item 4 in GVSD #2. I asked Reitz if anyone had touched upon the three items annotated in the 2-27-24 agenda. Reitz said that all of these items had been addressed in some fashion, however inexact it may have been. He referred to the presentations by Zach Grapentine, Blaine Eilts and "Will" from Minnesota Pumps Works that are noted in the 2-27-24 meeting minutes.

I then addressed item 5 in GVSD #2. Reitz initially indicated he would refer to Olson when asked if he remembered anyone verbalizing an SDCL statute.

Reitz said "a lot" of the special meetings were with the engineers. Reitz said the 8-17-21, 11-17-21, 12-22-21, 6-2-22 and 6-14-22 meetings were set up by the engineers.

(Q) "it looks like with these special teams meetings, the other party you were working with set up the meeting. Is that a fair way to put it?"

(R) "a hundred percent."

Reitz explained the engineer would send out an invitation via e-mail. "I didn't set any of those up."

Reitz characterized generally that the amount of notice with the engineer's meetings was approximately one week. Reitz denied they put out the signs for any of the special teams meetings.

Reitz said he received the notice regarding the 5-29-24 meeting. He thought Lewton went door to door.

Reitz subsequently said he did not remember the specific language used when they went into executive session during the meeting on 4-10-24. His recollection was that Olson helped them with this. He did remember in general that there was a motion made.

On 8-12-24 at 0858 hours, I conducted an audio recorded interview of Leonard Lee. Olson was also present. This interview took place at Olson's office. Lee was advised he did not have to speak to me.

Lee believed he left the board in November of 2023.

I first addressed item 1 in GVSD #2 and showed Lee the signature page of the Interstate Engineering Contract. Lee said that in the past, they had been trying to verify with Interstate Engineering that a contract had been signed, as one apparently could not be found. Lee said he knew they had discussed "this" (the contract).

Lee said, "there's been several times that we voted, saying that Jason can sign different legal documents." I asked Lee if he had a memory of discussing that a new contract needed to be signed in November of 2021. He said he could not recall this.

I asked Lee if he had a memory of a vote being taken or a motion being put forth in regard to the necessity of signing the contract with Interstate Engineering. He said, "every time that something came up that needed to be signed, you know, we always took a vote. But, I can't specifically say it was on this particular one."

I asked Lee if he remembered anyone being adverse to the signing of the contract by Reitz in November of 2021. Lee denied this.

(Q) "was there anyone who was against signing this contract in November of twenty-one, with Interstate Engineering. Anyone on the board I should say?"

(R) "no."

Lee said everyone (on the board) was in agreement when they authorized Jason to sign "anything."

(Q) "is that kind of generally?"

(R) "yes."

I then addressed item 2 in GVSD #2. I asked Lee if he had a memory for the reason for the Special Meetings. He remembered they had video conferences with the engineering group and rural development.

Lee noted he was not present for the meeting on 8-17-21.

Note: Olson pointed out that the 8-17-21 meeting lacked a quorum, as only Reitz and Jangula are listed as being present. GVSD was a five person board through 2021 and 2022.

I asked Lee about the 11-17-21 meeting and who may have called it. He was "pretty sure" it was the engineers. Lee said Grapentine was setting up a lot of the special meetings to address the amount of money that would have to be spent by the residents of Green Valley.

Lee thought the 12-22-21 special meeting was called by Grapentine. Lee remembered that they had signed an amendment to a contract with RVSD during the special meeting on 6-2-22. Lee thought this meeting was called by the GVSD Board.

Lee said he was not at the 6-22-22 meeting.

I asked Lee about the meetings on 5-18-23 and 8-28-23. Lee said the meeting on 5-18-23 was called by the GVSD Board to vote to annex some homes. He indicated later in the interview this occurred quickly. Lee was asked about the 8-28-23 meeting. Lee did not have a memory of this meeting. However, he thought this would have been a meeting called by Zach.

Note: Olson pointed out that the 8-28-23 meeting would not have been a quorum.

I asked Lee about the 6-14-22 meeting. Lee said this meeting was called by the engineers.

Lee said that the GVSD Board did not put up the three signs to make a notice that a special meeting was going to occur. Lee agreed the special meetings were for the purpose of furthering the sewer project. "We were trying to keep it continuing on."

Lee said that meetings in general would have an agenda posted at the RVSD building. Lee said that to the best of his memory, the agendas were posted on the door at the RVSD building.

(Q) "to your memory, the agenda for the regular meetings, it sounds, you tell me if I have this wrong. Your memory is that someone on the board would post the agenda for the regular meetings on the door of the Rapid Valley Building?

(R) "yes."

Lee denied being aware of a time when the posting of the agenda was not done. Lee said that the first person who unlocked the door at the RVSD building, would take the agenda down from the door.

Lee agreed there was no agenda placed on the building for special meetings. Lee denied the local news made an inquiry of him about receiving notice of meetings. "No, never." Lee said that as far as zoom meetings, the engineers would send an agenda via e-mail.

Lee said the responsibility for putting the agenda on the door always was the President. He said this was an informal understanding among the board members.

On 8-21-24 at 1415 hours, I conducted an audio recorded interview of Lewton.

Lewton was advised she did not have to talk to me if she did not want to. Olson was present. This interview took place in Olson's office. Lewton was also advised she could have a private conversation with her attorney.

I addressed item 3 in GVSD #2. Lewton did not remember Myers making a request to see the draft minutes of the April 2024 meeting at the 5-8-24 meeting. She said Myers asked for a lot of things.

Lewton digressed and said when she started on the GVSD Board, she would not be able to "do a whole lot" due to medical issues that her mother was having.

I then addressed item 4 in GVSD #2. Ultimately, we determined Lewton was not at this meeting. She did have notes from the meeting on 2-14-24.

I then addressed item 5 in GVSD #2. Lewton indicated she was present at this meeting. Lewton did not remember anyone using any verbiage wherein they cited an SDCL before they went into the executive meeting. Lewton said this was her first meeting.

I then addressed item 1 in GVSD #3. Lewton said she was one of the people who voiced her opposition to being recorded. She said there were others who also voiced this same concern. Lewton said she remembered Scott saying since he was recording the meeting, there was no need for other people to record.

"I remember Scott basically saying though, because he's already recording the meeting, there's no need for other people to record it. But, I don't remember him ever saying that to him, you know, about Erika saying. I don't remember that at all."

Lewton said she later told Myers she was sorry and that she had not known it was legal to record the meeting.

I asked Lewton if she had a memory of Mohr telling Myers he was going to shut down the meeting if he continued to record the meeting. Valerie said, "I remember them having a conversation about it, but I don't, you know, cuz' I said, I think when I said ah, you know, that I didn't want to be recorded, then, you know? Scott just kinda put up his hands and, you know, to everyone, you know? Do you want to be recorded? And, you know, there was a few people there that said no. So, um. He said, you know, I'd, I think he just said that I'd appreciate it if…You know, Scott's always been very polite….."

Lewton thought the recording issue involving Myers was toward the beginning of the meeting.

I asked Lewton if there was any yelling, cussing or if the meeting became disruptive when Myers had advised he was recording the meeting. She denied this.

I specifically asked Lewton if anyone on the board told Myers to stop recording or they would shut down the meeting. She denied this.

I then addressed item 2 in GVSD #3. Lewton said she attended the meeting on 5-29-24. Lewton said she created the flyer for the meeting with money out of her own pocket. Lewton e-mailed the flyer to Jangula. Lewton also mailed out copies of the flyer to every resident of Green Valley (311 copies).

On 9-11-24 at 0905 hours, I conducted an audio recorded interview of Marlin Kelley.

Olson was present as well. This interview took place in Olson's office. Kelley was advised he did not have to speak to me and he could have a private conversation with his attorney if he wished.

I first addressed item 1 in GVSD #2. I asked Kelley if he had a memory of talking about having Reitz sign the new contract with Interstate Engineering. Kelley said he did not remember the "signing part," but they spoke about the status of the engineering.

(Q) "if Jason did sign a new contract with Interstate Engineering in November of 2021, as a former board member, do you believe there would have been a necessity for that to occur. Does your memory allow you to provide any kind of an answer regarding that?"

(R) "um, (inaudible) if Jason had signed it, I believe it would have been a necessity."

(Q) "um, would you have agreed with him or concurred with him in signing that contract for Interstate Engineering to continue the project. Does your memory allow you to answer that?"

(R) "well, we talked about it. I remember at the meeting and yeah, if we did it at the meeting, ah, everybody had to vote and ah, I figure since I'd follow his lead, yeah, I'd of said OK."

I then addressed item 2 in GVSD #2. I asked Kelley if there was a necessity for special meetings regarding the sewer project in the 2021 through June of 2023 time frame. Kelley said he remembered three special meetings they had, "but that's all I can remember."

Kelley's memory for the need for the special meetings was for the sewar project and for everyone to agree with what was going on. Kelley said they did not have "long term" notice for the special meetings. He remembered he would receive a call from Reitz about the meetings, and within 2-3 days or a week they would have a meeting.

Olson pointed out that Kelley had not attended the 8-17-21 special meeting. In addition, Kelley had not attended the 11-17-21 and 6-14-22 meetings.

Kelley remembered the 5-18-23 special meeting. I asked him if this special meeting came up quickly. He did not believe so, "no, not really." He said he had spoke to the other board members about the Sparrow Hawk address.

Kelley did not remember the special meeting on 11-13-23 nor the 11-20-23 special meetings.

Kelley agreed the special meetings were generally for the sewer project. Kelley agreed that when he became aware of the special meetings, it seemed like they had three days to one week of notice. Kelley was unaware of the special meetings being noticed to the public.

Kelley said he was on the GVSD Board when the sewer project started.

Kelley denied he was responsible for putting up the signs that gave notice for the public meetings. He said he was responsible after one of the board members (Lex Burgers) had died. He said he would put them up the Monday before the Wednesday meeting.

Analysis of GVSD #2

*** Item #1**

Myers' complaint regarding this issue is that Reitz signed a contract between Interstate Engineering and GVSD without board approval, motion or vote on 11-15-21. In addressing this issue, this writer looked to SDCL Chapter 34A-5 – Sanitary Districts. In particular, SDCL 34A-5-24 appears to be applicable.

34A-5-24. Policies and regulations for business of board--Time of meetings--Quorum.
The board of trustees shall adopt policies and regulations for the conduct of its business and shall fix a stated time at which the regular meetings of the board shall be held. A majority of the board of trustees constitutes a quorum but a smaller number may adjourn from day to day. A concurrence of the majority is necessary to any action of the board.
***Source:** SL 1947, ch 226, § 16; SDC Supp 1960, § 45.3816; SDCL, § 34-17-20; SL 1993, ch 256, § 24.*

The language in Myer's complaint, "without board approval, motion or vote" appears to assert a possible violation of GVSD bylaws. However, the issue of violating bylaws was addressed previously in the investigative package in GVSD #1. Deputy State's Attorney Sobczak had opined that it would be extremely unlikely that violating a bylaw could be considered an open meeting violation.

In reviewing the meeting minutes, it is apparent that during the regularly monthly meeting on 11-8-21, this topic was specifically addressed. The meeting minutes read, "Sign Contract with Interstate Engineering – All of the surveying has been complete, the preliminary report has been received. All is in process as it pertains to the original survey."

On 11-15-21, GVSD appears to have been a five-member board consisting of Reitz, Lee, Jangula, Kelley and (deceased member) Burger. It is very clear from the interviews conducted of Reitz, Kelley and Lee that there was a concurrence among the board to allow Reitz to sign the contract. There is no mention in the meeting minutes that Burger was adverse to Reitz signing the contract.

Given it appears there was a concurrence of the majority of the board in allowing Reitz to take this action, there does not appear to have been a clear and unambiguous violation of law.

*** Item #2**

Myers' complaint in item #2 appears to be multi-faceted. First, he writes that the below special meetings were not advertised to the public and that, "they have only posted the agenda 4 times." He references the RVSD web-site in this regard.

* 8-17-21

* 11-17-21

* 12-22-21

* 6-2-22

* 6-14-22

* 6-22-22

Second, Myers wrote that the below special meetings had no minutes and were not advertised to the public:

* 5-18-23

* 8-28-23

* 11-13-23

* 11-20-23

In addressing this issue comprehensively, this writer looked to SDCL 1-25-1.1.

1-25-1.1. Notice of meeting of political subdivision--Agenda--Violation as misdemeanor.

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. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

In addressing the question about all of the above special meetings not being advertised to the public, it first must be mentioned that the 8-17-21, 6-14-22 and 8-28-23 special meetings did not have a quorum of members.

In addition, it was long-standing practice for GVSD to provide public notice of the monthly meetings by placing signs at three locations in the district:

* Green Valley Dr. and Reservoir Rd.

* Reservoir Rd. and Southside Dr.

* E. Hwy 44 just before Anderson Rd.

During his interview in GVSD #1 on 4-3-24, Myers said once he became engaged as a board member in February of 2023, *he* was responsible for placing out the signs for meetings. Myers denied the signs were placed out for special meetings. He said, "we had very little notice." It should be noted Myers was on the board until 12-13-23 – encompassing the dates 5-18-23 through 11-20-23 in his complaint.

In the interview of Jangula, she characterized in general the notice that they were going to have special meetings as being, "a few days." Reitz indicated in his interview that they generally did not have much time to prepare for special meetings. Kelley's recollection was that they had approximately three days to one week of notice regarding the special meetings.

Finally, in Reitz' interview on 8-6-24, he indicated the 8-17-21, 11-17-21, 12-22-21, 6-2-22 and 6-14-22 meetings were set up by the engineers.

Given the above information, in particular Myer's own admission they had little notice of the special meetings, it is reasonable to believe that public notice may not have been reasonably possible. SDCL 1-25-1 states, "For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit."

In addressing the portion of Myers's complaint in item #2, "they have only posted the agenda 4 times," this writer first referenced the GVSD information that is in the informational content tab of the RVSD website. It appears Myers is referencing the four entries on the website with the following dates:

* 2-27-24 – annotated as an informational meeting (not a regularly scheduled meeting)

* 3-13-24 – annotated as a regular meeting.

* 4-10-24 – annotated as regular meeting.

* 5-8-24 – annotated as a regular meeting.

Since Myers referenced the RVSD website and subsequently wrote, "they have only posted the agenda 4 times," it appears his complaint is that the agendas were not posted on the website. A review of SDCL 1-25-1.1 reveals the following verbiage:

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 exits."

As mentioned in GVSD #1, the RVSD website does not belong to GVSD. Information from GVSD posted on the RVSD website is done *as a courtesy*.

In addition, this writer referenced the affidavits provided by Reitz and Lee in Olson's response to the Open Meetings Commission regarding GVSD #1 as it would relate to meeting

agendas being posted *at any* location. In particular, Reitz' affidavit reads as follows for subsection #2:

The Board of Trustees normal practice was to have the President post the agenda for the meeting on the exterior door of the meeting room at Rapid Valley Sanitary Districts Office at 4611 Teak Dr., Rapid City, South Dakota where the Green Valley Sanitary District Board of Trustees regularly meets, in advance of the meeting. This agenda would then be removed from the door by the first Trustee arriving at the meeting. To my knowledge, this had been the normal practice for many years. While I was serving as President, I generally did this for all regular meetings which I participated in through 2021, 2022 and 2023 and I believe I would have done so for the meetings held on June 9, 2021, November 8, 2021, and December 8, 2021.

Lee also makes reference to the practice encompassed in Reitz' affidavit in his interview on 8-12-24.

In addressing the portion of Myers' complaint in item #2 that the special meetings on 5-18-23, 8-28-23, 11-13-23 and 11-20-23 did not have any minutes, it appears the context of the complaint is that the minutes were not posted on the RVSD website.

To address this issue, this writer referenced the ancillary issue section in the investigative report from GVSD #1. In reviewing SDCL Chapter 1-25 and Chapter 34A-5, this writer found that the only entity required to post meeting minutes is "the State" ("State, each board, commission, department or agency of the State of South Dakota. The term state does not include the legislature)."

Additionally, this writer *did* find meeting minutes for the 5-18-23 meeting on the RVSD website. It is posted below the regular monthly meeting on 5-10-23 on the website.

Given the above information, there does not appear to be a clear and unambiguous violation of law.

Item #3

Myers' writes in his third item, "At the same site you won't see SDCLI-27-1.17 Draft minutes of public meetings. It's never happened, but was requested at the May 8, 2024, meeting."

To address this issue, this writer referenced SDCL 1-27-1.17:

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor.

The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.
Source: *SL 2010, ch 9, § 3.*

The verbiage of Myers's complaint, and to an extent, the information he provided in his interview, reveal his issue to be that draft minutes of the meetings have not been posted on the RVSD website. A plain view reading of the statute cited by Myers does not lead one to conclude this is required.

The relevant verbiage is, "shall be available for inspection by any person within ten business days after the meeting." The statute does not specifically require that draft minutes be posted onto an entities' website within ten business days, it only requires they be available for inspection.

Myers said in his interview that he made a request *at the 5-8-24 meeting* to see the meeting minutes from the 4-10-24 meeting. He agreed that the minutes for the April 2024 meeting were posted to the RVSD website approximately one week later.

Given the above information, there does not appear to be a clear and unambiguous violation of law.

Item #4

Myers wrote, "The agenda posted for the February 27, 2024; meeting is not the agenda followed as per Scan 20240318.pdf of the minutes of that meeting."

I have reviewed the entirety of SDCL Chapter 1-25 – Meetings of Public Agencies. I did not find in any of the statutes a directive that a public agency must follow an agenda in a certain or absolute manner.

In addition, during the interviews of Jangula, Mohr and Reitz, they felt the three items mentioned in the agenda had been touched upon to some degree.

Given the above information, there does not appear to be a clear and unambiguous violation of law.

Item #5

Myers wrote, "At the April 10, 2024, meeting the board and their attorney went into executive session to discuss a complaint by Steve Myers, without sighting a SDCL."

This issue was addressed in GVSD #1 and it was this writer's opinion this is not a violation of law. It is worth noting that SDCL 1-25-1 -- Official meetings open to the public – Exceptions – Public comment, does state, *"The official meetings of the state and its political subdivision are open to the public unless a specific law is cited by the state or the political subdivision to close the official meeting to the public...."*

However, SDCL 1-25-2 – Executive or closed meetings – Purposes – Authorization, appears to give clear direction in what a political subdivision must do to hold an executive or closed meeting:

.....An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive

or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a Class 2 misdemeanor.

It is notable that the statute that deals expressly with executive or closed meetings *does not* direct a political subdivision to cite an SDCL when addressing the requirements for going into or conducting an executive or closed meeting.

Given the above information, there does not appear to be a clear and unambiguous violation of law.

Analysis of GVSD #3

Item #1

Myers wrote, "At the May 8, 2024, GVSD meeting I wanted to record the meeting but was told no. President Scott Mohr said their attorney (Erica Olson) told them that if 1 person was opposed to me recording the meeting, I can't. Scott threatened to shut down the meeting if kept recording. I quit recording. SDCL 1-25-11 says I can record the meeting."

In addressing this issue, this writer had referred to the below statute:

1-25-11. Recording of open official meeting to be permitted.
No public body may prevent a person from recording, through audio or video technology, an official meeting as long as the recording is reasonable, obvious, and not disruptive. This section does not apply to meetings closed to the public pursuant to specific law.

On 9-17-24 at 1154 hours, I sent an e-mail to Myers asking for what recording he had of the 5-8-24 meeting. He advised this has been deleted. See attached e-mail.

During the interview of Mohr, he had admitted he told Myers he could not record. Mohr said, *"I wasn't sure if he could record or not. And in the best interest of letting something happen, that shouldn't happen, I just said no. And that's, and I later found out that he can."*

Mohr also stated that the meeting had became disruptive, but this was characterized as, *"he wasn't willing to give up. I wasn't willing to give up. I didn't feel like, I basically felt like I shouldn't continue the meeting without knowing whether or not he could record or not."*

In addition, Mohr and I had the following colloquy:

(Q) "fair to say though, you told him that you could not record and you, you told if he continued to record that you would shut the meeting down? Or, some verbiage similar to that?"

(R) "it wasn't just because of that, it was because the meeting was becoming very disruptive. I mean, it wasn't going anywhere because of all the conversation was about the recording. So, I just wanted him to stop recording that way we could get through our meeting and then hash it out. And the next meeting, I allowed him to record. I told him that I was wrong and...."

In addition, in terms of Myers' recording the meeting and any disruption, Mohr denied even knowing that Myers had been recording the meeting until Myers mentioned that he was. Myers had told this writer he had been recording the meeting from the beginning (for about five minutes) and that he had the recorder in front of him, in plain view.

Jangula has denied having a memory of any conversation at the meeting about the recording. Lewton denied the meeting had became disruptive when Myers had announced he was recording the meeting.

Finally, I have copied the 5-8-24 meeting minutes that were posted on the RVSD website. There is no mention of Myers recording the meeting or that the meeting had became disruptive. There is verbiage, "Considerable conversation followed the public comment." However, this is not defined in the minutes. See attached 5-8-24 meeting minutes.

Give the above information, and a review of the applicable statute, there <u>does</u> appear to have been a violation of SDCL 1-25-11 on the part of Mohr.

Item #2

Myers second complaint in GVSD #3 appears to have two components. Myers wrote, "May 29, 2024, GVSD had a "Public Hearing." No agenda was posted and no draft minutes have been posted. Maybe because it was called a hearing? Either way, it doesn't seem right."

In his complaint, Myers had attached the public notice flyer for the 5-29-24 meeting labeled, "Notice of Public Hearing for the Green Valley Sanitary District Sewer System Project."

First, it must be noted that the meeting on 5-29-24 would be considered a special meeting, as the normal monthly meeting was held 5-8-24. Second, given Myers' verbiage in GVSD #2, it is reasonable to believe that when he used the word, "posted," in both components of his complaint, he is referring to the RVSD website.

The interviews of Myers, Jangula, Mohr, Reitz and Lewton reasonably well establish that the flyer for the 5-29-24 special meeting were sent out to the residents of Green Valley. Lewton thought she sent out 311 flyers. The notice was also sent to www.sdpublicnotices.com on 5-14-24. I verified the notice was sent to the public notice website. The notice is included below from the website:

Notice Content

Green Valley Sanitary District submitted an application to secure funding from the South Dakota Board of Water and Natural Resources (BWNR) to address the sanitary sewer needs of the residents served by GVSD. The application requested funding assistance in the amount of $9,322,000 and the project received $5,000,000 in grants and a loan with 100 percent principal forgiveness for the project. Additional funding is being sought from USDA Rural Development grants and loans.

Green Valley Sanitary District (GVSD) consists of about 284 homes located just east of Rapid City on the south side of Hwy. 44. GVSD has central water from Rapid Valley San. District (RVSD) but each home has a septic system. The area has high groundwater with some septic systems failing and possible contamination of Rapid Creek. The proposed project is a pressurized sewer collection system. Each home will have its own pumping unit that will pump sewage into the main. Once homes are connected to the system, septic systems will be abandoned. Treatment will be provided by the Rapid City Waste Water Treatment Plant. RVSD will operate/maintain the new system. All of GVSD will be served by the project with approx. 284 connections. The new system will include 2", 3", 4" & 6" sewer main with 1¼" services. Main will be placed along the road section to avoid existing utilities in ditches. The benefit of this

system type is that most of the system can be directionally bored & not disturb road above the line. There is one connection point to the adjacent RVSD main line.
The purpose of the public hearing is to discuss the need for the project, project alternatives, proposed alternatives, proposed financing, source of repayment for the loan, and the impact to the users. The public is invited to attend and comment on the project. The public hearing will be held on May 29, 2024 at 7:00pm at Creative Arts Building at the Central States Fairgrounds, 800 San Fransisco St., Rapid City, South Dakota. Questions about this notice can be directed to Loretta Jangula, Secretary, at gvsd13@gmail.com.
Dated this 6th day of May, 2024
Published once on 5/14/2024 at the total approximate cost of $47.41

(Published May 14, 2024 for a total approximate cost of $47.41 and may be viewed for free at www.sdpublicnotices.com)Legal No: COL-SD-0151

In reviewing the flyer and the notice on the public notice website, I noted the relevant verbiage: *"The purpose of the public hearing is to discuss the need for the project, project alternatives, proposed alternatives, proposed financing, source of repayment for the loan, and the impact to the users.* The public is invited to attend and comment on the project." This does appear to be a stated agenda.

In reviewing SDCL 1-25-1.1 – Notice of meeting of political subdivision – Agenda, the applicable verbiage appears to be, *"....The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exits. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit."*

In addressing the first component of Myers' complaint, as mentioned in GVSD #1, RVSD posts information from GVSD on their website as a courtesy. GVSD does not have its own website.

However, the flyer that was sent out to the residents of Green Valley and the notice on the public notice website appears to state an agenda, as noted above.

Black's Law Dictionary defines agenda as, "The order of items discussed in a meeting. The topics must be listed, past knowledge must be heard and the outcome guessed."

In addressing the second component of Myers' complaint, I would refer to my conclusion in item 3 in GVSD #2 in which it was determined that draft minutes are not required to be posted to a website, and that this was not a violation of law.

It must also be mentioned that there was a unique circumstance for the 5-29-24 special meeting in that it was held at the Central State's Fairgrounds. Given the information provided, it appears GVSD went above and beyond by distributing the flyers to the residents of Green Valley and by posting the notice on the public notice website.

Given the above information, there does not appear to be a clear and unambiguous violation of law.

Conclusion: GVSD complaint #2

Given the information obtained during this investigation, there does not appear to have been a violation of law in any of the five items.

Conclusion: GVSD complaint #3

Given the above information obtained during this investigation, **there does appear to have been a violation by Mohr of SDCL 1-25-11** when he had directed Myers to discontinue recording the 5-8-24 meeting.

There does not appear to have been a violation of law in regard to Myer's second item in GVSD #3.

* **Defendant:** Scott Aaron Mohr, dob 10-26-70, 5949 Green Tree Dr., Rapid City, SD 57703, 605-858-2955, SD OLN 00608488

Note: the above audio recording and other e-mails sent by Myers and Olson's office have been saved in the investigations file.

Steve Neavill
Investigator

Public Comment:
Rich Sterkel has talked to Rusty at RVSD, going through the engineering steps on his development acreage. GVSD may not be able to make the e2022 deadline on the sewer, but the City needs assurance that the project is ongoing. Rusty provided a letter to Sterkel to that effect.

New more realistic timeline will probably be start and completion in 2023. It appears things are now once again moving forward after the past 5 month lengthy delay regarding the Letter of Opinion from the attorney.

We should also hopefully have a response from Co Bank by the end of November.

We need to the RD final approval and make sure the DANR grant is sufficient to [ay for the service lines.

There being no further business, A motion to adjourn by Lex Burgers and seconded by Leonard Lee, no further discussion, motion passed. Meeting adjourned at 19:34

Respectfully Submitted,
Lorretta Jangula, Secretary

Sec. Lorretta M Jangula

Pres. Jason Reitz

Old Business:

Sen. John Thune's Office-Jason finally made contact with Thune's office and explained the GVSD sewer project and the issues at hand, and explained the hang-ups with RD. Thune asked what he could do for us and Jason explained we need help getting through the red tape. Hopefully Thune's office will be able to assist us in getting through the red tape so we c an press on.

Erika Olson-Letter of Opinion Progress: A phone call about a week ago with Erika, attorney for GVSD, Ron Bengs, Leonard Lee, and Pres Jason Reitz resulted in a Letter of Opinion for DANR, which was drafted today and sent off to DANR. Upon receipt of the letter, DANR should then be able to release funding on the project.

NEW BUSINESS:

Sign Contract with Interstate Engineering-All of the surveying has been complete, the preliminary report has been received. All is in process as it pertains to the original survey.

Conversation with Denny Haag (MAP)-Denny is our new point of contact between GVSD and RD. Denny replaced RJ, he lives in Sioux City. He questioned the hang ups with RD and Jason advised him of the issues. He said he would get to work on it, so things may be looking up.

Short Term Loan-GVSD is working with the credit union to obtain a short term loan to pay the bills until the funding comes through. RD wants interim financing in place which will then be paid off by RD. Jason has been in touch with Co Bank this week and forwarded required paperwork to them with more paperwork to follow as required. Jason is also working on getting additional funding due to price increases on materials, construction costs, etc.

RVSD/GVSD Tab on Website-RVSD has now got an additional tab on their website for GVSD. This tab will contain information for the public such as ordinances, meeting minutes, and other information of public interest.

Green Valley Sanitary District

PO Box 1105 · Rapid City, SD 57709
Phone (605) 484-7237
E-mail gvsd13@gmail.com

Rapid Valley Water Department Meeting Room
4611 Teak Drive Rapid City, SD 57703
MONTHLY MEETING MINUTES
November 08, 2021

The monthly meeting of the Green Valley Sanitary District was called to order at 19:05 by Trustee, Marlin Kelly. Present at the meeting were board members Jason Reitz (via phone), Leonard(Lucky) Lee, Lorretta Jangula, Marlin Kelly and Lex Burgers in addition to a number of Green Valley residents.

A motion was made by Lex Burgers, seconded by Leonard Lee to approve the October 13, 2021 meeting minutes.

A motion to approve the treasurer's report was made by Lorretta Jangula and seconded by Marlin Kelly. No further discussion, motion carried.

Bills presented:

Interstate Engineering-	$44,730.
" "	2,840.
" "	1,474.
Lynn, Jackson, Schultz & LeBrun	1,591.
USPO (Box Rent1 yr)	204.

A motion to approve the bills by Lorretta Jangula and seconded by Marlin Kelly. No further discussion, motion passed.

Green Valley Sanitary District

PO Box 1105 · Rapid City, SD 57709
Phone (605) 484-7237
E-mail gvsd13@gmail.com

Rapid Valley Water Department Meeting Room
4611 Teak Drive Rapid City, SD 57703

SPECIAL MEETING MINUTES
August 17, 2021

A special meeting of the Green Valley Sanitary District was held via TEAM at 10:00 am on 08.17.21. Present were board members Jason Reitz, Pres. and Lorretta Jangula, Sec. along with Ron and Zach of Interstate Engineering.

PURPOSE OF MEETING: Review of where we are currently on different areas and aspects of the GVSD sewer project.

Interim Financing-Probably not needed with having the ability to use the RD grant monies sooner than what we originally anticipated. Final checklist is being checked to make sure all is in order and hopefully by Sept 30, we can obtain authorization to utilize the Rural Development grant money.

***Surveying**-Hoping to begin the last week of August and in full swing the week of Sept 13. The first invoice for surveying will not be billed until Oct and we will receive in Nov. Estimated to be in the $10,000. range.

New RV Subdivision-Rusty visited with Ron yesterday in regards to a new development north and east of 44 which will be serviced by RVSD. This is a positive for GVSD as we will just connect to the new development via a manhole and not have to temporarily connect to the city sewer system at all. The environmental study may have to be expanded a bit.

Three Residences on Reservoir-Erika is working on this and looking at maybe those residents tapping into the city sewer individually which would be a cost savings to us. We will know by next week.

Lift Stations-There continues to be a question on number of lift stations and until a more complete engineering and survey study is completed, the engineers are currently planning for two lift stations.

1030am-Ron had to exit the meeting to catch another meeting but said we will be meeting with RD next week for further discussion

Special Meetings on short notice during the construction period may occur, but we would have at least a 1-2 day notice, so to put the board on notice.

Unsavory Residents-This is an all or nothing project requiring 100% participation. Erika is handling the legalities of this and everyone will be assessed up front

Assessment Timeline-Erika and Jason decided on next year to begin the assessments as we will have the final numbers at that time and not have to make any adjustments, etc.

Katie Email- Planning and PR Proposals-Zach will resend the Rural Development paperwork to Jason. Rural Development has issues that require discussion regarding consolidation with RVSD. . Our lawyers were all good with everything and now RD has questions????? We were told all "good to go", now questions/issues???

Engineer on site-An engineer will be on the construction site at any time that the contractor is on site per requirements

Zach will get with Katie and put together another meeting tentatively set for next Tues am and send invites to Jason, Lorretta, Lucky and RJ

The meeting concluded at 10:45am

Respectfully Submitted,

Lorretta Jangula, Sec.

Jason Reitz, Pres.

GREEN VALLEY SANITARY DISTRICT
SANITARY SEWAR COLLECTION SYSTEM PROJECT
SPECIAL TEAMS MEETING MINUTES-November 17, 2021 - 3:00 PM

A special Teams meeting was held November 17, 2021 with the following present: Jason Reitz Pres., Lucky Lee, Treas., Loretta Jangula, Sec, Ron Bengs, and Zachary Grapentine, Engrs.

The meeting was called primarily for the purpose of determining where we are and what to expect down the road as things still up in the air as far as RD funding as they will not be releasing funds until the project is completed which is putting a financial crunch on the project ongoing at this point.

It is frustrating at this point after the ton of time and effort that went into forcing the hands to obtain the Letter of Opinion from the attorney, and now it is not required of RD! The issue of the service lines has now put us back to square one again! So now we are sitting with 0 funding as per RD withholding funds until the project is completed and additionally want the Interim Financing in place at this time before they will approve for funding. Hopefully Dennis will help us get worked through this fiasco. As it stands now, RD needs the PER and will then review for approval and issue a Letter of Condition and upon our furnishing Interim Financing commitment, the project can proceed. With the current survey data, Ron can now come up with an actual cost for the service lines from the main trunk to the residences to finalize the PER and submit.

Ron has concerns as to whether or not RC will be requesting a tapping fee at such time as GVSD/RVSD hook into the RC line? It appears not as per Rusty, but Jason has emailed Rusty for confirmation as we do not want to have to come up with a huge unexpected tap fee and not have the funding to pay for it down the road. Rusty has considerable leverage with the City, so hopefully no additional tapping fees.

Jason visited with Denny in regards to RD possibly funding the service lines, based on HH incomes, etc., but many residents are reluctant to divulge incomes. Denny will visit with Katie and research any additional/possible resources that might be available for installation of the service lines.

Bill Lass will be contacted to see if the grant funding can be increased due to inflation and increased costs since the inception of this project.

Jason will also check to see if perhaps the County has any funding available, as they may have some extra money if they do not have any available road or bridge projects at this time. Another funding possibility is (J_K???) Foundation.

The engineers need to know how far to proceed at this point with finances being the critical issue. Do bare bones for now until we get the Interim Financing figured out.

Luck has visited with our Credit Union regarding short-term financing to pay current bills They are willing to work with us and have obligated $200,000 at this time for 6 months to pay our bills up through January and will visit further if more money is needed. Lucky is proceeding with the paperwork(Audits, PER, and funding docs) which they are requiring to set up the short-term financing.

Jason will coordinate a virtual or personal meeting ASAP with Denny.

The assessment process, resolutions, etc will begin after the first of the year.
There being no further discussion, the meeting concluded at 4:20 PM

Respectfully Submitted,

Lorretta Jangula, Sec.
Green Valley Sanitation District

GREEN VALLEY SANITARY DISTRICT
SANITARY SEWAR COLLECTION SYSTEM PROJECT
SPECIAL TEAMS MEETING MINUTES-December 22, 2021 - 1 PM

A special Teams meeting was held December 22, 2021 with the following present: Jason Reitz Pres., Lucky Lee, Treas., Loretta Jangula, Sec, Zachary Grapentine, Ron Bengs Denny Haag, Katie Hammer, Marlin Kelly, and Brian Ring

The meeting was called for the purpose of discussing additional funding on the sewer project and staying within the $100/month cost to the individual households. Due to the delay and increased costs, there is great concern about the final cost of the project and the annual special assessment to the individual households. That amount has to be kept at $100. per month or less or it is no longer feasible or affordable. If it's going to run in excess of the $100., we may as well quit now after spending a ton of money!

The question was asked in regard to residents using individual septic tanks. The fact that Rapid Creek runs through Green Valley, the county will no longer allow septic tanks, only mound systems which due to the type of soil, only last 5-10 years at a cost of $30,000 which is totally prohibitive to the property owners, therefore, as initially planned when the water system was installed in 2012, a sewer system would follow at a later date. This sewer project got off the ground in 2018, now 4 years later, we are experiencing time delays and increased costs.

In developing the sewer project, it was felt by the board that each household would hook up to the sewer regardless and GVSD would pay for the service line from the main trunk line to the property connection point. This would satisfy RVSD who will be operating and maintaining the system, and also be a positive for the residents. At the time the water was put installed in 2012, curb stops were placed at every property with a home on it and each of those properties was assessed, however, not all of them have hooked up to the water which has created concern on behalf of Rapid Valley who supplies the water.

Discussion followed with Brian Ring, Katie Hammer, and Denny Haag about further possible funding due to increased costs; however, keeping in mind the $100. monthly cost to the residents using possible lower interest rates, other grants, etc. No concrete solutions, but Brian and Katie will play with the numbers and make some phone calls to come up with some estimates on a ballpark monthly cost to the residents. This would not include the additional monthly billing for sewer and O&M charged by RVSD.

The updated PER is ready to go, just need an affirmative which is a "yes", to send it in with a later amendment regarding any environmental changes in regards to the additional lift station.

There were questions and concerns as to whether and how interim financing played into the scenario as no bidding or obligatory decision as yet due to remaining outstanding requirements to satisfy OGC: 1)Updated signed agreement between RC/RV with the total scope of the project, 2) Updated PER (which is ready to go), 3)DANR(?) , 4)RV

extending service beyond its district, 5) Does Green Valley qualify for the Health and Sanitation program at lower interest rates.

Requirements still outstanding and required by Katie:
*Written agreement between RC/RV that there is no additional charge by RC to have the three household south of the creek on Reservoir road hook up directly to RC(as per Rusty) as GV would have to install nearly a mile of sewer line additional for just the 3 households. Rusty feels it's not a problem, but RD needs written agreement.
*Reliable Treatment Source
*Current agreement between RC/RV in providing the O&M to GVSD
*Written agreement allowing RV to extend service beyond their district

There being no further discussion, the meeting concluded at 2:28M

Respectfully Submitted,

Lorretta Jangula, Sec.
Green Valley Sanitation District

GREEN VALLEY SANITARY DISTRICT
SANITARY SEWAR COLLECTION SYSTEM PROJECT
SPECIAL WORKING MEETING MINUTES-
June 2, 2022 - 12:22 PM

A special working meeting was held June 2, 2022 with the following present: Jason Reitz Pres., Lucky Lee, Treas., Loretta Jangula, Sec., Marlin Kelly, and Lex Burger

The meeting was called for the purpose signing the amended contract between Rapid Valley Sanitation District and Green Valley Sanitation District.

The reason for the amendment to the contract being some of the verbiage which was not favorable to Rural Development. The wording was corrected to the satisfaction of both Rapid Valley Sanitation District and Green Valley Sanitation District.

Marlin Kelly made a motion seconded by Leonard(Lucky)Lee. No further discussion and motion passed. The contract will be signed by Pres. Jason Reitz and notarized, and forwarded to Rural Development.

Jason informed the board of the meeting held the previous week at the city, with Rapid Valley, Green Valley and the attorneys in regard to the cost of the connections to Rapid City lines. Green Valley will be paying for fees and connection costs and not being exempt under the Rapid Valley-Green Valley contract as initially assumed. There is still discussion ongoing so far as the second lift station placement.

There being no further business or discussion, the meeting concluded. A motion to adjourn by Lex Burger and seconded by Leonard(Lucky)Lee. No discussion. Motion passed and meeting adjourned.

Respectfully Submitted,

Loretta Jangula, Sec.
Green Valley Sanitation District

Jason Reitz, Pres
Green Valley Sanitation District

Original

GREEN VALLEY SANITARY DISTRICT
SANITARY SEWAR COLLECTION SYSTEM PROJECT
SPECIAL WORKING MEETING MINUTES-
June 14, 2022 - 2:00 PM

A special TEAMS working meeting was held June 14, 2022 with the following present: Jason Reitz Pres., Loretta Jangula, Sec., Ron Bengs, Int Eng., Katie RD, Zach Grapentine, Int. Eng., Lucky, and Erika Olson, Atty.

The purpose of the meeting was to discuss the plan going forward with no money to continue the engineering plans and schematics to move forward on the timeline which is becoming very challenging to meet at this point.

* If we use DANR funding for these engineering costs, will there be sufficient money to pay for the service lines? It appears Andy Bruell will allow draws on the DANR $$ for the engineering, keeping in mind that the DANR funding expires April 2024.
*How do we coordinate the DANR/RD money based on the 80/20 % for engineering and still leave enough in the pot to pay for the service lines? It appears based on projected remaining engineering costs, there will be sufficient DANR money to cover the remaining engineering costs and service lines.
* collecting Special Assessments in 2023 will allow enough money to pay the 1st loan payment which will be due approximately June 2025
*Per Erika, no construction can begin until the Special Assessment is approved, in the event that the project is put to a Special Referendum and killed.
*No way to avoid the $253,000. the City will charge to hook up and deliver waster, in addition to a monthly fee of approximately $5. added to each consumers monthly sewer charge.
*If plans and schematics are not completed on schedule, and at this point it looks very challenging, it would push the Special Assessment out and construction would not begin until 2025. Erika pointed out that the Special Assessment could begin at any time, so long as the hearings and final approval of the assessment are completed by Oct 1, to get on the tax rolls by April of the next year and available to make the following June loan payment.
*Katy needs final agreements with City of Rapid in the final file. She does not need anything for the Special Assessment before obligation, just needs assurance. She will also get approval for RD to participate in the service lines, which are considered ineligible expense, as the DANR dollars will deplete quicker than RD based on the 80/20 payment structure. Perhaps use DANR funds first based on the April 2024 deadline.
*A decision has to be made in regard to connecting with the City, how many connection points, how many lift stations and then get the info to engineering to begin finalizing the plans and schematics in time for bidding in Feb 2023. Also thought must be given to future possibility of connecting to RVSD if/when they build a treatment plant.
*Another factor is that interest rates are increasing effective July 1, 2022 which will have a bearing on the S/A and the final loan repayment figures.

Erika informed us that a Special Meeting of GVSD Board is needed ASAP to come to a decision to move forward and give the go ahead to Interstate Engineering to proceed with the final surveying, plans and schematics.

There being no further business or discussion, the meeting concluded at 3:30PM.
Respectfully Submitted,

Lorretta Jaregui, Sec.
Green Valley Sanitation District

Jason Reitz, Pres
Green Valley Sanitation District

GREEN VALLEY SANITARY DISTRICT
SANITARY SEWAR COLLECTION SYSTEM PROJECT
SPECIAL MEETING MINUTES
May 18, 2023- 19:38 PM

A special meeting was held May 18, 2023 with the following present: Jason Reitz Pres., Lucky(Leonard) Lee, Treas., Loretta Jangula, Sec., Marlin Kelly, and Steve Myers

The meeting was called for the purpose of approving the Pennington County Commission's approval of the Resolution for Annexation of the 5811 Sparrow Hawk property into the Green Valley development. This property was inadvertently omitted from the platting originally.

Steve made a motion seconded by Marlin to approve of the Pennington County Commission's Approval of the Resolution for the annexation of the 5811 Sparrow Hawk property into the Green Valley development. No further discussion and motion passed.

There being no further business, the meeting concluded. A motion to adjourn by Lucky and seconded by Steve. No further discussion. Motion passed and meeting adjourned.

Respectfully Submitted,

Lorretta Jangula, Sec.
Green Valley Sanitation District

Jason Reitz, Pres
Green Valley Sanitation District

Green Valley Sanitary District

PO Box 1105 · Rapid City, SD 57709
Phone (605) 484-7237
E-mail gvsd13@gmail.com
Rapid Valley Water Department Meeting Room
4611 Teak Drive Rapid City, SD 57703

MONTHLY MEETING MINUTES
May 10, 2023

The monthly meeting of the Green Valley Sanitary District was called to order at 19:06 by President Jason Reitz. Present at the meeting were board members Jason Reitz, Pres., Lorretta Jangula, Sec., Marlin Kelly, Lucky(Leonard) Lee, Treas., Steve Myers and several Green Valley residents.

A motion was made by Lucky, seconded by Steve to approve the April, 2023 meeting minutes. No further discussion, motion passed.

A motion by Lorretta and seconded by Marlin to approve the treasurer's report for February. No further discussion, motion passed.

Bills presented:

Attorney $114.49

Motion by Steve and seconded by Marlin to approve the bills. No further discussion, motion passed.

Old Business:

PER Update-One item missing, the 5811 Sparrow Hawk annexation paperwork. Upon County Commissioners approval of the Resolution of annexation, GVSD board will hold a special meeting for final approval and then Erika will get with the city for the required paperwork to send to Zach who will then submit the PER.

Jason had a conversation with Bill Lass relative to the DENR de-obligation/re-obligation of their grant. No change in the dollar amount. The PER will be given to Bill to submit to the state water plan for reallocation to us. Bill is trying to work with Andy Bruell at DENR to set aside monies to pay the bank note.

Election Results-Lucky will submit tomorrow

Erika Special Assessment Issue-We are going to start that conversation.

New Business:

Resolution for Annexation of 5811 Sparrow Hawk-This annexation was necessary for the RC/GVSD Agreement. Inadvertently this parcel and 2 others were left out of the platting of the Green Valley development

Bill Lass Mtg-Jason met with Bill Lass recently relative to the de-obligation/re-obligation of the DENR grant. Andy Bruell feels a public meeting is warranted to bring the public up to speed on the project. Hopefully we will have more info from DENR by that time. As it now stands, it appears that the project is prohibitive from an affordability standpoint of the residents due to the estimated doubling of the cost of the project at this point. Therefore, it will be imperative that we find additional or other funding dollars. We will continue to work on the project until that time so we are ready to go when that time arrives.

Public Comment-New development in Green Valley will be prohibited from installing septic tanks, only the mound systems will be allowed.

There being no further business, a motion to adjourn by Steve, seconded by Lucky, no further discussion and the meeting adjourned at 19:54.

Respectfully Submitted,
Lorretta Jangula, Secretary

Sec. Lorretta M Jangula

Pres. Jason Reitz

GREEN VALLEY SANITARY DISTRICT
SANITARY SEWAR COLLECTION SYSTEM PROJECT
SPECIAL MEETING MINUTES
June 22, 2023- 19:15 PM

A special meeting was held June 22, 2023 with the following present: Jason Reitz Pres., Loretta Jangula, Sec., and Steve Myers. Absent: Lucky Lee and Marlin Kelly

The meeting was called for the purpose of the board's approval of the signing of the Sanitary/Storm Sewar application for the de-obligation/re-obligation funding process.

Steve made a motion to sign the Funding Application Forms required for the DeObligation/ReObligation of funding for the Green Valley Storm Sewar project. The motion was seconded by Lorretta, No further discussion and motion passed.

There being no further business, the meeting concluded. A motion to adjourn by Steve and seconded by Lorretta. No further discussion. Motion passed and meeting adjourned.

Respectfully Submitted,

Lorretta Jangula, Sec.
Green Valley Sanitation District

Jason Reitz, Pres
Green Valley Sanitation District

Aug 28th 2 pm

Kris Hammer
Roger Rios
Jack Lee
Andrew Bagels
Tina McFarling — E1 pressure system
Abby Larson
Zack Carpenter
Kristen
Bill Lass

Grant will expire April 2024

Andy — concerned that with the hydro cost — over $200 a month assessment — not possible.

Chris Max Zack explained about Rusty + new system

$40.00 flat rate ↔ monthly sewer bill of 3% 1st thousand + 14 + 8 + 3 = 4875

Andy — can't put all our eggs in 1 basket only have 600 million + request for over 2 Bill

Andy — withdraw doubloon + wait until at least June

Brian — corp of engineers - possible

Need update on costs new system

Andy — Grant - loan forgiveness 100%

#2-4

Green Valley Sanitary District

PO Box 1105 · Rapid City, SD 57709
Phone (605) 484-7237 E-mail gvsd13@gmail.com

Rapid Valley Fire Dept Meeting Room
3760 Reservoir Rd, Rapid City, SD 57703

Special Public Meeting
February 27, 2024

A public informational update meeting of the Green Valley Sanitary District was held at Rapid Valley Volunteer Fire Dept, 3760 Reservoir Rd, RC,SD @ 6:30 PM on February 27, 2024. The meeting was called to order at 6:41 PM by Jason Reitz, Pres. Present were board members Jason Reitz, Scott Mohr, VP/Treas, and Lorretta Jangula, Sec. along with a capacity crowd of Green Valley residents.

PURPOSE OF MEETING: An informational meeting for the Green Valley residents in regards to the current status and estimated costs of a pressurized versus gravity fed sewer system for Green Valley.

AGENDA:

1. Zach Grapentine, Engineering Associates, presented an overview of the sewer project and costs from its inception in 2017 to present. Based on a pressurized system on a 40 year loan at 3% with a 40% max grant, the monthly estimated cost per household would be approximately $108. or an annual assessment of approximately $1300. This estimated cost is approximately half of the cost of the gravity fed system that was originally proposed.

2. Will, Minnesota Pump Works, gave a presentation on the E-One pressurized pump system. This is a system requiring boring of the sewer pipe rather than massive excavation required for a gravity fed system which greatly reduces the cost of the entire project by half.

This system would be a turn key installation; the property owner would be responsible for future costs of pump repair or replacement. Pump life is estimated at 10-15 yrs if care is taken by the household in what products they flush.

3. Blaine Eilts, wastewater technician for South Dakota Association of Rural Water Systems, is working with GVSD to assist in obtaining the system. He is collecting information on the pollution in Rapid Creek, and the failing septic systems in Green Valley to date. Currently we have 37 out of 284 septic systems failing in Green Valley.

Public Comment:

There were eight residents who spoke during the public comment, with pros and cons in regards to the sewer project. The attendees were encouraged to attend the monthly meetings of GVSD held the second Wed of every month at 7:00 PM, 4611 Teak Dr, (RVSD meeting room) Rapid City, SD to stay informed on the project.

There being no further business, a motion by Scott Mohr and seconded by Lorretta Jangula to adjourn; no further discussion and the meeting adjourned at 7:59PM.

Respectfully Submitted,

Lorretta M Jangula, Sec
Green Valley Sanitation District

Jason Reita, Pres

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at http://www.ascr.usda.gov/complaint_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue,S.W., Washington, D.C. 20250-9410, By fax (202) 690-7442 or email at program.intake@usda.gov

#3-4

GREEN VALLEY SANITARY DISTRICT
Meeting Agenda
February 27, 2024
1830 pm
RAPID VALLEY FIRE DEPARTMENT MEETING ROOM
3760 RESERVOIR RD
Rapid City, SD 57703

CALL MEETING TO ORDER:

ROLL CALL: Jason Reitz___ Scott Mohr___ Lorretta Jangula___

APPROVAL OF AGENDA:_____ 2nd_____

This is an informational meeting by GVSD to the Residents of the district on the sewer project.

NEW BUSINESS:

The district is looking at going away from the gravity feed system to a pressurized system. When this project began, we couldn't do a pressurized system as no one would take our waste water. Now with the better pump systems, RVSD will be able to handle the pressurized system now.

Scott Swenson with Minnesota Pump Works and E-ONE pumps wants to give a presentation

Blaine Eilts with SD Association of Rural Water Systems presentation on how he can help Green Valley Sanitary District moving forward.

Items that need consensus from public include,
1. The community is in support of pressurized system and knowledgeable that tanks will be located on property, septics will be abandoned, and homeowners will be responsible for tank maintenance.
2. The community is aware of mandatory hook-up to the system.
3. The community is knowledgeable about the expected user costs, including special assessment and monthly billing.

PUBLIC COMMENT:
If there are anyone who wishes to voice their opinion, they are required to fill out a speaker request form before the meeting begins, and limited to 3 minutes.

Motion to adjourn_____ _____ 2nd_____ _____ Time:

Neavill Steve

From: march18th@rap.midco.net
Sent: Monday, September 23, 2024 11:38 PM
To: Neavill Steve
Subject: RE: 8/14/2024 meeting

We got back late today, and I double checked on the recording of 5-8-24 meeting. What little, the most important part, was deleted. GVSD however has been recording the meetings since February or March of this year. There are also plenty of witnesses. Every meeting has an attendee sign in list and Commissioner Lasseter asked Scott if he stopped anyone from recording a meeting. Scott's response was something like—I'm not sure if he stopped.
Steve Myers

From: Neavill Steve <Steve.Neavill@pennco.org>
Sent: Tuesday, September 17, 2024 11:54 AM
To: march18th@rap.midco.net
Subject: RE: 8/14/2024 meeting

Steve,

I am typing complaints 2 and 3. I will need a copy of what recording you do have from the 5-8-24 meeting. Would you be able to e-mail this to me?

From: march18th@rap.midco.net <march18th@rap.midco.net>
Sent: Thursday, August 15, 2024 7:31 AM
To: Neavill Steve <Steve.Neavill@pennco.org>
Subject: RE: 8/14/2024 meeting

Absolutely not. I do not want to withdraw any complaints. I almost want to file another one because Scott pulled all the notices from the meeting room door 15 minutes before the meeting. I am not going to file a complaint on that action, but I do want it noted.
Steve Myers

From: Neavill Steve <Steve.Neavill@pennco.org>
Sent: Thursday, August 15, 2024 7:11 AM
To: march18th@rap.midco.net
Cc: Sobczak Tyler <tyler.sobczak@pennco.org>
Subject: RE: 8/14/2024 meeting

Steve,

I am pretty well done with complaints 2 and 3. I only have one more interview to go. From there, I complete my report and send my findings to Tyler to determine what course of action (if any) needs to be taken.

I just want to be clear – at this point, do you wish to withdraw complaints 2 and 3?

Keep in mind, complaint 1 *has* been sent to the Open Meetings Commission and they have responded and are aware of it.

From: march18th@rap.midco.net <march18th@rap.midco.net>
Sent: Thursday, August 15, 2024 6:13 AM
To: Neavill Steve <Steve.Neavill@pennco.org>
Subject: 8/14/2024 meeting

Good morning,
I was standing outside the meeting location, visiting with a neighbor, when 15 minutes before the meeting Scott Mohr came out the door and removed everything (agenda, draft minutes and 2 other pieces of paper) from the door and put them in his pickup. I went into the meeting room and now the only tables are for the board. No longer a place for me to put all my paperwork. I made the decision to leave and have no more confrontations.
Ay 8:30 pm Doug Sternhagen called and asked why I left the meeting. I told him. He told me that the board asked the public, 10 people, if they cared to hear the treasures report. Doug said that he was the only one that raised his hand, yes. The board voted to forgo the treasure report, saying that it can be read in the minutes. That leaves me with a lot of questions.
At this point, I don't care to bring anymore stress into my life. It seems that my complaints have only made the board more defiant.
Thank you for all you've done,
Steve Myers

This e-mail, including any attachments, is confidential, may be legally privileged, and is covered by the Electronic Communications Privacy Act, 18 USC §§ 2510-2521. If you are not the intended recipient, you are hereby notified that any retention, disclosure, distribution, or copying of this information is strictly prohibited. If you are not the intended recipient, please reply to the sender that you have received this message in error and then delete it and any attachments.

Old Business:

The annual loan payment of $101,895. was made on April 11.

Lot Assessment-Current lots to be assessed for the Sanitary Sewer District stands at 284 based on properties with homes on them. Discussion followed relative to additional homes being added and will consult with attorney. Currently bylaws indicate that each member has a vote, discussion on changing to each assessment has a vote to prevent removing lot boundaries.

Sewer Project Schedule-There are lots of hurdles to jump. We need to insure that financial underwriting is complete. This will be handled through CoBank and Scott has been in touch with them. All paperwork has to be completed prior to funding. We are looking at a loan of $3,000,000 on a $11,000,000 project. Looking at approximately $40 monthly assessment in addition to the monthly sewer bill which averages $46., but based on GV water usage, about $38. monthly sewage bill. (Considerable discussion here on the pressure system.)

Elections- There are still two open slots for Trustees. These positions were advertised in the legals of the RC Journal. No nominating petitions were received. If anyone is interested, please let the board know and appointments can be made.

NEW BUSINESS:

Rapid City Contract-There is a possibility that GVSD may have to temporarily hook up to the city system at Southside-$253,000. Will know more on this later.

The funding package is at $7.7 million plus $125,000 from Western SD Water and all should be finalized by June 1, 2024

The special public meeting/hearing is scheduled for May 29-7pm at the Creative Arts Building at the Central States Fairground, 800 San Francisco St., Rapid City, SD with several stakeholders: E-One Rep, Pump Controller with pump model, Zach/Engineer, Katie/RD, Jennifer/DANR, etc. A public Notice in the legal portion of the Rapid City Journal will be published on May 14, 2024.

There being no further business, a motion by Lorretta and seconded by Val for adjournment, no further discussion and meeting adjourned at 9:20pm

Respectfully Submitted,

Lorretta Janguin, Sec

Scott Mohr, Pres

Green Valley Sanitary District

PO Box 1105 · Rapid City, SD 57709
Phone (605) 484-7237
E-mail gvsd13@gmail.com

Rapid Valley Water Department Meeting Room
4611 Teak Drive Rapid City, SD 57703

MONTHLY MEETING MINUTES

May 08, 2024

The monthly meeting of the Green Valley Sanitary District was called to order at 7:10 pm by President Scott Mohr. Present at the meeting were trustees: Scott Mohr, Pres., Lorretta Jangula, Sec; Valerie Lewton, VP/Treas. and several Green Valley residents.

Approval of Agenda: Questions were raised as to how to get on the agenda. Contact Scott by phone/email with one week lead time

A motion by Val, seconded by Lorretta to approve the May 2024 meeting agenda. No further discussion, motion passed.

Motion by Val, seconded by Scott to approve the April minutes. Discussion on reading of minutes at the meeting. Scott asked the April minutes be read this time only. Minutes were read. Scott stated a post a rough draft of minutes hereafter. No further discussion, motion passed.

Treasurer's Report:
Scott presented the bank balances from BHFCU, and that CDs were cashed to make annual loan payment. At this time we did not have a complete treas report, but balances from the accounts as follows: (20)$1589.23; (03) $18,135.52; (02) $12,173.53; (60) $-0-; (01) $37.03 Questions on different accounts and balances, a more complete treas report will be available at the next meeting.
Upon presentation, a motion was made by Lorretta to accept the treasurer's report and seconded by Val; no further discussion, motion passed.

Approval of Bills:

Legal Publication/May 29 Public Hearing	$47.41

A motion by Val and seconded by Lorretta to approve the bills; no further discussion, motion passed.

Public Comment: Speaker Forms-3 minute speaking allowance

Frank Henderson
Steve Myers
Bill Lewton
John Buxton

Considerable conversation followed the public comment.

STATE OF SOUTH DAKOTA

OPEN MEETINGS COMMISSION

In the matter of Open Meetings Complaints #2 and #3 against the Green Valley Sanitary District.

Presentation of the case submitted by the Pennington County State's Attorney, Lara R. Roetzel.

INTRODUCTION:

The complaining party is Steven Myers (herein referred to as Complainant), 5648 Greenwood Ln., Rapid City, SD 57703 (605-484-1424). The party alleged to have violated open meeting law is the Green Valley Sanitary District (herein referred to as GVSD), represented by Ty Daly of Lynn, Jackson, Shultz, & Lebrun Law Firm, 909 St. Joseph St. Suite #800, Rapid City, SD 57701 (605-342-2592).

The Complainant had submitted multiple complaints with multiple allegations therein to our office for investigation. Due to the close proximity of time that our office received the complaints from the Complainant, they were investigated and addressed together. Attached are the signed Complaints of the Complainant and the investigative file prepared by our office investigator.

ALLEGED VIOLATIONS:

In his formal complaint, the Complainant makes what we have deemed eight separate complaints of potential misconduct. The Pennington County State's Attorney's Office has declared that six of the eight allegations are without merit and have been sent to the Attorney General's Office for statistical purposes. The remaining issues sent for the Commission's consideration involve 1) a motion to go into executive session without citing a specific law pursuant to SDCL § 1-25-1, and 2) for forcing the Complainant to stop video recording one of the GVSD meetings and threatening that if he did not do so the meeting would end.

STATEMENT OF MATERIAL FACTS:

FIRST ALLEGATION: The Complainant alleged that on April 10, 2024, the GVSD Board went into executive session without citing specific codified law. On that date, the Board of GVSD made a motion to go into executive session for the purpose of discussing complaints made by Mr. Myers away from the open forum. In our investigation, some Trustees had recalled that they had made a motion to go into executive session, but none could recall that the motion was made in association with a cited state law, particularly, SDCL § 1-25-2, governing executive or closed meetings, or any of the subsections discussed therein.

SECOND ALLEGATION: The Complainant alleged that at the May 8, 2024 meeting, that the GVSD Board violated SDCL § 1-25-11 by forcing him to quit recording the meeting, or that they would end the meeting if he did not comply. The investigation received information that on that date, the Complainant went to the meeting equipped with a video camera and that he

recorded the meeting and had the recorder in his hand, visible and "out in the open so everyone could see it." The Complainant provided information to the investigator that he had been recording for roughly five minutes before engaging the GVSD Board in the public comment portion of the meeting. During the public comment period, an heated exchange between the Complainant and Trustee Mohr ensued. At the end of his specific public comment period, Complainant notified the Board that he had been recording the meeting. When notified that the Complainant had been recording the meeting, GVSD Trustees Mohr and Lewton voiced objections to the Complainant's recording, in part, that the recording was becoming disruptive and that the meeting was being recorded by the Board themselves. Information was also received that after some dialogue, Trustee Mohr informed the Complainant that unless he stopped recording the meeting, that the meeting would end. As a result, the Complainant stopped his recording device at the direction of the GVSD Board.

In his investigation interview, Trustee Mohr noted that "I wasn't sure if he could record or not. And in the best interest of letting something happen, that shouldn't happen, I Just said no. And that's, and I later found out that he can [record]." Members of the Board were asked whether they noticed the recording device prior to the Complainant notifying the Board that he was recording. The investigation concluded that none of the GVSD Trustees had noticed the recording device prior to the disclosure of it, which is notable when analyzing SDCL § 1-25-11 to determine whether the recording was reasonable, obvious, and not disruptive.

LEGAL ISSUES:

1. Whether the Board of Trustees of the Green Valley Sanitary District violated SDCL § 1-25-1 by making a motion to go into executive session without citing any specific law to close the official meeting to the public?

2. Whether members of the Board of Trustees of the Green Valley Sanitary District violated SDCL § 1-25-11 when the Trustees directed that the Complainant quit recording the meeting?

STATE'S ATTORNEY CONCLUSION

FIRST ALLEGATION: The Board of Trustees of the Green Valley Sanitary District have violated SDCL § 1-25-1 by not citing a particular state statute permitting the closure of the public meeting in their motion to go into executive session on the meeting date of April 10, 2024. SDCL § 1-25-1 states, in part, that "[t]he official meetings of the state and its political subdivisions are open to the public unless a specific law is cited by the state or the political subdivision to close the official meeting to the public." SDCL § 1-25-1. Citation is defined as "[a] reference to a legal precedent or authority, such as a case, statute, or treatise, that either substantiates or contradicts a given position." Black's Law Dictionary (10th ed. 2014). Without the motion referencing the specific law allowing for closure of the public meeting, then it is understood that the requirement for a specific law to be cited has not been met to enter executive session. As a result, it is the conclusion of the undersigned that an open meetings violation has occurred via a violation of SDCL § 1-25-1.

SECOND ALLEGATION: The Board of Trustees of the Green Valley Sanitary District have violated SDCL § 1-25-11 for preventing further recording of the meeting date of May 8, 2024. SDCL § 1-25-11 states, in part, that "[n]o public body may prevent a person from recording, through audio or video technology, an official meeting as long as the recording is reasonable, obvious, and not disruptive." SDCL § 1-25-11. The investigation concluded that the Complainant had begun recording the meeting on a hand-held device prior to the public comment period of the meeting, where he spoke. At the end of the public comment hearing, the Complainant informed GVSD of his recording. Subsequently, the Board determined that the Complainant must cease recording, and if he did not, the meeting would end.

In determining whether the recording was disruptive, the undersigned relies on the verbal evidence obtained that the Complainant had been recording for roughly five minutes prior to his public comment period and that the recording had only became an issue when the recording was brought to the attention of the GVSD Board. The mere conduct of recording could not have been disruptive as the Complainant had been recording prior to him notifying the board that he was recording, and there was no issue with the video conduct before it was brought to their attention. Furthermore, the recording should be deemed reasonable and obvious, as it was a handheld device that was presented out in the open. As a result, it is the conclusion of the undersigned that an open meetings violation has occurred via a violation of SDCL § 1-25-11.

Questions for the Open Meetings Commission include:

1. Whether the Board of Trustees of the Green Valley Sanitary District violated SDCL § 1-25-1 by making a motion to go into executive session without citing any specific law to close the official meeting to the public?

2. Whether members of the Board of Trustees of the Green Valley Sanitary District violated SDCL § 1-25-11 when the Trustees directed that the Complainant quit recording the meeting?

Though the circumstances of this case do not in my opinion warrant criminal prosecution, I respectfully submit these matters to the South Dakota Open Meetings Commission pursuant to SDCL § 1-25-5(3) for further review and action as deemed appropriate by the Commission.

Dated this 23 day of June, 2025.

Respectfully yours,

Lara R. Roetzel
Pennington County State's Attorney

I attest and confirm I am, Steve Myers, as signed below.

Steve Myers

5/21/2024

Date

ACKNOWLEDGEMENT

STATE OF South Dakota)
) SS
COUNTY OF Pennington)

On this 21 day of May, 2024, before me personally appeared Steve Myers, 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.

I certify under PENALTY OF PERJURY under the laws of the State of South Dakota that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

5/21/24

Notary Public Date

(seal) KAYLA HOLZER NOTARY SEAL PUBLIC STATE OF SOUTH DAKOTA

My Commission Expires January 5, 2028

To the attention of States Attorney Lara Roetzel and Steve Neavill:

My name is Steve Myers. I am a resident of Green Valley Sanitation District in Pennington County.

Here are a couple of more things that I think need to be addressed.

#1 On Nov 15, 2021, Jason Reitz, then GVSD board president, signed a contract between GVSD and Interstate Eng without board approval, motion or vote. The minutes are posted @ https://www.rapidvalleysanitarydistrict.com Go to informational content and scroll down to green Valley Sanitary District.

#2 At that same site you can read the minutes for Special meetings that were not advertised to the public. Also, as you can read, they have only posted the agenda 4 times. "The same penalties apply if the agenda for the meeting is not properly posted."

- Aug 17, 2021, at 10am
- Nov 17, 2021, at 3pm
- Dec 22, 2021, at 1pm
- June 2, 2022, at 12:22pm
- June 14, 2022, at 2pm
- June 22, 2023, at 19:15pm

The following are meetings with no minutes and were not advertised to the public.

- May 18, 2023, at Loretta Jangula's home to vote on 5811 Sparrowhawk annexation.
- Aug 28, 2023, virtual, see attached notes that I took.
- Nov 13, 2023, phone meeting to approve 2 bills—Attorney and Insurance
- Nov 20, 2023, 9am at Rapid Valley Water to discuss Interstate pricing.

#3 At the same site you won't see SDCL 1-27-1.17 Draft minutes of public meetings. It's never happened, but was requested at the May 8, 2024, meeting.

#4 The agenda posted for the February 27, 2024; meeting is not the agenda followed as per Scan 20240318.3 pdf of the minutes of that meeting.

#5 At the April 10, 2024, meeting the board and their attorney went into executive session to discuss a complaint by Steve Myers, without sighting a SDCL.

Again, thank you for your time.

Steve Myers

605-48-1424

5648 Greenwood Lane Rapid City, SD 57703

May 21, 2024

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

Owner: **Green Valley Sanitary District**

By: _____

Print name: **Jason Reitz**

Title: **Board President**

Date Signed: 11/15/21

Engineer: **Interstate Engineering, Inc.**

By: _____

Print name: **Lonni Fleck**

Title: **President**

Date Signed: 10-6-21

Engineer License or Firm's Certificate No. (if required):
C-643

State of: **South Dakota**

Address for Owner's receipt of notices:
PO Box 1105
Rapid City, SD 57709

Designated Representative (Paragraph 8.03.A):
Jason Reitz
Title: **Board President**
Phone Number: **605-484-7237**
E-Mail Address: **firefighter1161@gmail.com**

Address for Engineer's receipt of notices:
PO Box 226
120 Industrial Drive, Suite 2
Spearfish, SD 57783

Designated Representative (Paragraph 8.03.A):
Zach Grapentine
Title: **Project Manager**
Phone Number: **605-642-4772**
E-Mail Address: **Zach.Grapentine@interstateeng.com**

NOTICE OF PUBLIC HEARING for the GREEN VALLEY SANITARY DISTRICT SEWER SYSTEM PROJECT

Green Valley Sanitary District submitted an application to secure funding from the South Dakota Board of Water and Natural Resources (BWNR) to address the sanitary sewer needs of the residents served by GVSD. The application requested funding assistance in the amount of $9,322,000 and the project received $5,000,000 in grants and a loan with 100 percent principal forgiveness for the project. Additional funding is being sought from USDA Rural Development grants and loans.

Green Valley Sanitary District (GVSD) consists of about 284 homes located just east of Rapid City on the south side of Hwy. 44. GVSD has central water from Rapid Valley San. District (RVSD) but each home has a septic system. The area has high groundwater with some septic systems failing and possible contamination of Rapid Creek. The proposed project is a pressurized sewer collection system. Each home will have its own pumping unit that will pump sewage into the main. Once homes are connected to the system, septic systems will be abandoned. Treatment will be provided by the Rapid City Waste Water Treatment Plant. RVSD will operate/maintain the new system. All of GVSD will be served by the project with approx, 284 connections. The new system will include 2", 3", 4" & 6" sewer main with 1¼" services. Main will be placed along the road section to avoid existing utilities in ditches. The benefit of this system type is that most of the system can be directionally bored & not disturb road above the line. There is one connection point to the adjacent RVSD main line.

The purpose of the public hearing is to discuss the need for the project, project alternatives, proposed alternatives, proposed financing, source of repayment for the loan, and the impact to the users. The public is invited to attend and comment on the project. **The public hearing will be held on May 29, 2024 at 7:00pm at Creative Arts Building at the Central States Fairgrounds, 800 San Francisco St, Rapid City, South Dakota**, Questions about this notice can be directed to Loretta Jangula, Secretary, at gvsd13@gmail.com.

Dated this 6th day of May, 2024

Published once on 5/14/2024 at the total approximate cost of $ 47.41 and may be viewed for free at www.sdpublicnotices.com

To the attention of States Attorney Lara Roetzel and Investigator Steve Neavill:

This will be my 3rd complaint against Green Valley Sanitary District.

As I have written to you before in my May 9, 2024, email, but forgot to make it a formal complaint:

At the May 8, 2024, GVSD meeting I wanted to record the meeting, but was told no. President Scott Mohr said that their attorney (Erica Olson) told them that if 1 person was opposed to me recording the meeting, that I can't. Scott threatened to shut down the meeting if kept recording. I quit recording. SDCL 1-25-11 says I can record the meeting.

May 29, 2024, GVSD had a "Public Hearing". No agenda was posted, and no draft minutes have been posted. Maybe because it was called a hearing? Either way, it doesn't seem right.

At our May 21, 2024, meeting, I was unclear why your office is not pursuing my complaint about Scott Mohr's appointment without a notice of vacancy. My memory was because it part of GVSD By Laws and only civil. SDCL 34A-5-21-3

This is a true statement, and I want it to be part of my complaints against the GVSD board.

6/10/2024

Steve Myers

Notary: Jodee Boyd
expires: July 14th, 2029

OFFICE OF THE PENNINGTON COUNTY STATE'S ATTORNEY
Lara R. Roetzel—State's Attorney
130 Kansas City Street, Suite 300
Rapid City, SD 57701
Phone: (605) 394-2191
Fax: (605) 394-6093

Pennington County
STATE'S ATTORNEY'S OFFICE

Investigative Summary

Lara Roetzel – Pennington County State's Attorney
Date: 10-16-24
Re: Green Valley Sanitary District Open Meetings Investigations #2 and #3

Lara,

On 2-26-24, Steven Myers filed an open meeting violation complaint with our office regarding the Green Valley Sanitary District (GVSD). That complaint was investigated and one of the three complaint issues was forwarded to the South Dakota Open Meetings Commission. This will be referred to as "**GVSD #1**." Currently, GVSD #1 is pending within the Open Meetings Commission.

Myers is a former board member of the GVSD Board. Meyers' initial introduction to the board was in February of 2023 when he became a trustee. He resigned from the board on 12-13-23.

On 5-21-24, Meyers submitted a second complaint alleging five (5) open meeting violations. This will be referred to as **"GVSD #2."**

1) Meyers wrote that on 11-15-21, Jason Reitz (former GVSD Board President) signed a contract between GVSD and Interstate Engineering, "without board approval, motion or vote." This contract is in regard to a pending sewer project to serve the Green Valley area. Meyers included a copy of the signature page of the contract.

2) Myers wrote that there were special meetings (listed below), "that were not advertised to the public. Also, you can read, they have only posted the agenda 4 times."

* 8-17-21

* 11-17-21

* 12-22-21

* 6-2-22

* 6-14-22

* 6-22-23

Myers also wrote that the below meetings have no minutes and were not advertised to the public:

* 5-18-23

* 8-28-23

* 11-13-23

* 11-20-23

3) Myers wrote, "At the same site you won't see SDCL 1-27-1.17. Draft minutes of public meetings. It's never happened, but was requested at the May 8, 2024, meeting."

4) Myers wrote that the agenda posted for the 2-27-24 meeting is not the agenda followed as per a scan of the meeting minutes (labeled as "Scan 20240318.3pdf).

5) Myers wrote that at the 4-10-24 meeting, the board and their attorney went into executive session to discuss his complaint but did not verbalize an SDCL (statute).

On 6-10-24, Myers submitted a third complaint alleging two (2) open meeting violations. This will be referred to as **"GVSD #3."**

1) Myers wrote that at the 5-8-24 GVSD meeting, he had wanted to record the meeting, but was told he could not. Myers wrote that Board President, Scott Mohr, said that their attorney (Erika Olson) told them that if one person was opposed to the recording, he could not. Myers wrote, "Scott threatened to shut down the meeting if kept recording. I quit recording. SDCL 1-25-11 says I can record the meeting."

2) Myers wrote that on 5-29-24, GVSD had a "Public Hearing." He wrote that no agenda was posted and no draft minutes have been posted.

Investigation:

On 6-5-24 at 1110 hours, I spoke to Olson about the status of GVSD #1 and of the new complaint in GVSD #2. As I had previously addressed issue 5 in GVSD #2 as an ancillary issue in GVSD #1, I did advise Olson I did not believe this was an open meeting violation.

On 7-11-24 at 1000 hours, I spoke to Olson. She advised that Mohr agrees he had told Myers he could not record the meeting, but this was due to his misunderstanding or lack of knowledge.

On 7-31-24 at 0851 hours, I conducted an audio recorded telephone interview of Myers.

I asked Myers about item 3 in GVSD #2. He indicated GVSD had never posted the draft minutes on the Rapid Valley Sanitation District (RVSD) website. Myers denied during his time on the board that anyone had reached out to see draft minutes. Myers said the board just started putting the draft minutes up on the door at the RVSD building. He said this had been happening over the last couple of meetings.

I asked Myers if he had made a request at the 5-8-24 meeting to see draft minutes posted during his public comment time. "I did not. Frank Henderson did that, just during, during conversation." Myers said the question arose about being able to see the draft minutes before they came to the meeting and asking the board to read the minutes at the meeting. "Cuz' we had no idea what the minutes said."

Myers said board member, Loretta Jangula, had read the minutes on one occasion, but at another board meeting refused to do so. Myers said Hendereson had advised Jangula that they were supposed to post the draft minutes so they can be viewed before the minutes are approved.

I asked Myers about item 4 in GVSD #2. Myers said what he was referring to were the three items on the agenda. "And none of those items were taken care of at the meeting." He continued, "the agenda was different from what the meeting was." Myers said that items 1-3 in the agenda were not mentioned during the meeting.

I asked Myers about item 1 in GVSD #3. Myers said he had advised he was recording the meeting. Myers said he was told he could not record. "They said, our attorney said, if one person objects, you can't record the meeting." Myers said the Treasurer's husband (William Lewton) said he objected. Myers continued, "Scott said if you keep recording, we're gonna' shut the meeting down now." Myers said he turned his recorder off and placed it into his pocket.

Myers said at the last meeting (June of 2024) County Commissioner Travis Lasseter had asked Mohr if he had stopped anyone from recording. Mohr responded, "I don't know if I stopped him or not."

Myers continued and said he had started recording at the beginning of the meeting. Myers said he had the recorder sitting in front of him, "out in the open so everyone could see it."

(Q) "so, it was obvious?"

(R) "very obvious. Well, I held it up, so everybody could see it and then put it down way out in front of me. It's a little one like what you've got."

Myers said he had been recording for approximately five minutes before the above discourse with Mohr. Myers also mentioned he had recorded the April 2024 meeting.

(Q) "what caused the problem, what, what brought the attention to the recorder, which then, which then appears more to tell you to stop recording. What kinda' brought that up?"

(R) "me."

(Q) "ok..."

(R) "they don't like me. They absolutely, oh yeah, I mean. You can look through the minutes and you can see there's one person they've quoted."

(Q) "ok, and that was that whole discussion about what you allegedly said, and you're like hey, I've been recording. Then they said, well, you can't record if someone objects. Is that how that all kinda' went down?"

(R) "that's kinda' how it went down but what they said was our attorney said."

Myers said he had asked Mohr if he was recording the meeting. Mohr indicated he was. Myers said several other people said they objected to this as well.

Myers said during the July 2024 meeting, board member Valerie Lewton objected to him recording. He told her he was going to record.

Myers then indicated that Mohr had been the first person to object to his recording the 5-8-24 meeting. He said Lewton then objected.

I asked Myers if once he had advised he was recording the 5-8-24 meeting, if it appeared this disrupted the meeting. Myers said, "I didn't disrupt it, Scott disrupted it, President."

Myers confirmed that Mohr, Lewton and her husband, objected to him recording the 5-8-24 meeting. Mohr said that a female attending the 5-8-24 meeting had looked up the legality of recording a public meeting and stated that it was not illegal to record the meeting. "And Scott said, I don't care. I will stop the meeting right now. We will be done with it. If you don't quit recording, this meeting will be done now. So, that would be disruptive, but I'm not the one that caused it, the President did." Mohr did not know the last name of the female who looked up the legality of recording a public meeting. He thought her first name was "Julianne."

Myers said he did comply and he shut off the recorder and placed it into his pocket. However, later in the interview, he characterized the direction he received to discontinue recording as a, "threat. If you don't stop recording, we're gonna' stop the meeting right now."

Myers said later in the interview that Lewton objected to him recording the June 2024 meeting. Mohr said he continued recording. He said the meeting continued.

I asked Myers about item 2 in GVSD #3. He said the notice of the meeting on 5-29-24 came in the mail. Myers said everyone he spoke to received the same mailing. Myers indicated there were no draft minutes posted from the 5-29-24 meeting.

On 7-31-24 at 1001 hours, I conducted a brief audio recorded telephone interview of Myers.

Myers confirmed Henderson had brought up the concern about the draft minutes at the 5-8-24 meeting. I asked Myers if he made a particular request himself to see a particular draft. Myers said he thought he asked to see or hear the April 2024 draft minutes at the 5-8-24 meeting. As of the 5-8-24 meeting, the board had not posted the April 2024 draft minutes (to the website). Later in the interview, he said Loretta had advised he could read them when they were posted. Myers said it seemed like the April 2024 minutes were posted about a week after his request on 5-8-24.

(Q) "so, at the May 8th meeting, you remember asking either, uh, the board, hey, I wanna' see the April 2024 minutes and either Loretta or Scott said you can see them when they're posted…"

(R) "correct."

(Q) "…..but it does sound like within a week of that May 8th meeting, that the April minutes had been posted?"

(R) "um, yeah. So, I couldn't see them till the middle of May."

Myers subsequently agreed that it seemed like the April 2024 minutes were posted about a week after his request at the 5-8-24 meeting. Myers said, "I wanted to see em' before they approved them." Myers subsequently said it was the "norm" for minutes of the prior month's meeting to be posted about a week after the current month's meeting, "until a week ago."

Myers said Jangula's verbiage was, "you can see them when they're posted on the website."

Myers denied he had made a request to see the April 2024 minutes prior to the 5-8-24 meeting.

On 7-31-24 at 1610 hours, I conducted an audio recorded interview of Mohr. Olson was present. This interview occurred at Olson's office. Mohr was advised he did not have to talk to me if he did not wish to and he could speak to his attorney privately if he wanted.

I first addressed item 2 in GVSD #2. I asked Mohr if he had a memory of being involved in the special meetings specifically on 11-13-23 or 11-20-23. Mohr did not remember this. Mohr did not have a memory of participating in any meetings in November of 2023 that were exclusive of the normal monthly meeting. Mohr later said he had never been involved in a phone meeting (a reference to the 11-13-23 special meeting).

I asked Mohr if he was aware of any attempt to give notice to the public of the special meetings. Ultimately, this question was not answered.

I then addressed item 3 in GVSD #2. I asked Mohr if he remembered Myers asking for the April 2024 meeting minutes. Mohr said Myers had, "asked for so many things I…he may or may not of. I don't know." When I mentioned Myer's assertion about what Jangula allegedly said, Mohr responded, "that's been brought up a couple different times. I don't remember specific dates…"

Mohr subsequently said that the RVSD web-site is a "courtesy" and that the minutes were supposed to be posted on the door, "which hadn't been done in the past. It's something that was brought to our attention, so we started trying to do it and we're still having problems…"

Mohr did not know when the draft minutes started being placed on the door. He said he places the agenda on the door at the RVSD building in advance of the meetings. Mohr said this coincided with his move into the President's position. Mohr thought he had been doing this for approximately 5-6 months. Mohr said it was his understanding that former President, Jason Reitz, had posted the agendas.

I then addressed item 4 in GVSD #2. I read to Mohr the three items listed in the 2-27-24 meeting agenda that Myers claimed were not addressed. Mohr said he did not remember. He remembered the board had discussed these issues, but he did not know at what meeting. Mohr then said he remembered going over the cost at the meeting.

After showing Mohr a copy of the 2-27-24 agenda, he said, "I believe all of those were covered." He subsequently said he remembered the mandatory hook-up being addressed as some people were frustrated about this. Mohr clarified that it is not the community that is necessarily is in support of the sewer system, but "the board is." Scott confirmed the 2-27-24 meeting was an informational meeting.

I then addressed item 5 in GVSD #2. I asked Mohr if he remembered the verbiage they used prior to going into executive session. Mohr said, "I have no idea what I would of said. Just saying that we're going into executive session." Mohr did not remember if they had a motion to go into executive session.

I then addressed item 1 in GVSD #3. I asked Mohr his recollection of this event. Mohr said, "I wasn't sure if he could record or not. And in the best interest of letting something happen, that shouldn't happen, I just said no. And that's, and I later found out that he can."

I asked Mohr if he was aware that Myers had been recording prior to the conversation that Myers and he had about the recording. Mohr said, "no." Mohr was asked if he had seen that Myers had a recorder. He replied, "I didn't really see it. I wasn't looking for one…." Mohr said he was more concerned about the rights of other members.

I asked Mohr how he became aware Myers was recording the meeting. He said Myers verbalized this. Mohr said, "and I told him that I didn't know and I wanted to look into it."

I asked Mohr if Myers was using his three minutes of public comment time. Mohr replied that he thought Myers mentioned the recorder toward the end of his public comment time. "He didn't start out with it, I know that."

I asked Mohr if anyone expressed any concern about Myers recording the meeting. Mohr said the meeting became, "very disruptive." Mohr characterized this as, "he wasn't willing to give up. I wasn't willing to give up. I didn't feel like, I basically felt like I shouldn't continue the meeting without knowing whether or not he could record or not."

Mohr was asked if anyone else attending the meeting became frustrated or angry about Myers' assertion he was recording the meeting. Mohr said, "I don't recall. My main focus was kinda on what transpired between Steve and I."

(Q) "fair to say though, you told him that you could not record and you, you told if he continued to record that you would shut the meeting down? Or, some verbiage similar to that?"

(R) "it wasn't just because of that, it was because the meeting was becoming very disruptive. I mean, it wasn't going anywhere because of all the conversation was about the recording. So, I just wanted him to stop recording that way we could get through our meeting and then hash it out. And the next meeting, I allowed him to record. I told him that I was wrong and…."

I asked Mohr if he remembered any of the other board members saying anything about the recording by Myers. He did not.

I then addressed item 2 in GVSD #3. Mohr confirmed that Lewton had sent out the notice of public hearing for the 5-29-24 meeting. His belief was this notice was sent to everyone in Green Valley that would have been affected by the sewer project. Mohr also said this notice was posted in the paper. Olson noted that one of the agencies involved required this.

Mohr denied he put up an agenda up on the door (Creative Arts Building at the Central States Fairgrounds) because he did not believe an agenda was required due to it being an informational meeting. However, at the meeting, they followed the stated purpose on the notice. No other business was conducted. Mohr denied any board action was taken.

On 8-6-24 at 0945 hours, I conducted an audio recorded interview of Jangula. Also present was Olson. This interview occurred at Olson's office. Jangula was advised she did not have to talk to me and that she could have a private conversation with her attorney if she wished.

I first addressed item 1 in GVSD #2. Jangula indicated she had noted something, "way early on" in her documents that gave the President authority to sign items. She was not exactly certain what permissions the President had. She then thought what she read may be found in the bylaws.

I asked Jangula if she remembered a vote or motion in a meeting about signing the new contract (11-15-21). She did not.

I then addressed item 2 in GVSD #2. Jangula said that the special meetings were "teams meetings" and they were usually called by the engineer if they had questions on something (regarding the sewer project). Jangula's recollection was that usually, they had, "couple two, three days notice." She said usually, an e-mail would go out to the board members by the other entities.

Jangula said the 5-18-23 meeting at her residence was in regard to three properties being annexed. Jangula indicated it did seem like this meeting was noticed rather quickly.

Jangula indicated it seemed like they had little time to prepare for the special meetings. Jangula denied knowing that anyone put out the three notification signs that a special meeting would be held. Jangula denied knowing they made an effort to notify the media about the special meetings, however, she said no one from the media has requested notice of these meetings.

Jangula said since she became a member of the board, she has no knowledge that anyone from the media has reached out and requested notice.

I then addressed item 3 in GVSD #2. Jangula denied having a memory of Myers asking at the 5-8-24 meeting for the April 2024 draft minutes. Jangula said RVSD allows them to post their minutes on a separate page on their website. Jangula said she waits for the minutes to be approved and she then sends them over to RVSD to be put on their website. Jangula said the person she e-mails the minutes to is Sarah Bender.

Jangula said the draft minutes do not get posted (to the website). Jangula said she has been placing the draft minutes on the door at the RVSD facility. She only recently started doing this.

I then addressed item 4 in GVSD #2. Jangula said that the three items referenced in the 2-27-24 agenda were discussed at the meeting as presentations were made.

I then addressed item 5 in GVSD #2. Jangula denied having a memory that anyone used verbiage when they went into the executive session that included "pursuant to SDCL…." She said there was a motion to go into executive session. "There definitely was a motion."

I then addressed item 1 in GVSD #3. Jangula denied having a memory of any conversation in the meeting about someone recording the proceedings.

I then addressed item 2 in GVSD #3. Jangula said the public hearing notice regarding the meeting on 5-29-24 was sent out to every resident of Green Valley and they posted the notice on www.sdpublicnotices.com additionally.

Jangula confirmed RVSD will post items on their website as a courtesy to GVSD. Jangula also confirmed GVSD does not have a physical location. She said they use the meeting room at the RVSD building. She said the notice of the monthly meetings is noticed via the signs that are at the exit and entrance to Green Valley.

Jangula characterized the notice of the special meetings in general was, "a few days."

(Q) "fair to say that it seems in your memory that you basically had a few days notice for most, if not all of these special meetings?"

(R) "correct."

Jangula characterized the special meetings as "working meetings." Jangula agreed the special meetings were in regard to moving forward with the sewer project.

On 8-6-24 at 1115 hours, I conducted an audio recorded interview of Reitz. Olson was also present. This interview took place at Olson's office. Reitze was advised he did not have to talk to me if he did not want to, and he could have a private conversation with his attorney if he wished.

I first addressed item 1 in GVSD #2. Reitz said he "obviously" signed the contract, albeit, he did not have an independent memory of doing it. Reitz did not remember if there had been an agenda item posted about the intent to sign the contract on 11-15-21. Reitz said he assumed there would have to have been a formal vote prior to him signing the contract.

I then addressed item 2 in GVSD #2. Reitz remembered that during some regular meetings, they had talked about needing to have a special meeting due to not having an item available at the regular monthly meeting.

Reitz agreed they had put up the three signs when they had a regular monthly meeting. Reitz said there were some special meetings they had spoke about needing to have during the regular monthly meeting.

Reitz indicated that generally, they did not have much time to prepare for the special meetings. Reitz indicated the media "never" had asked for notice of any meetings of the board.

Reitz remembered when they voted on the annexation of Sparrow Hawk (5-18-23 meeting). He thought this had been talked about in their (regular) meeting. He remembered they needed to have a special meeting to get the Sparrow Hawk property on the tax roll before the end of the month.

I then addressed item 4 in GVSD #2. I asked Reitz if anyone had touched upon the three items annotated in the 2-27-24 agenda. Reitz said that all of these items had been addressed in some fashion, however inexact it may have been. He referred to the presentations by Zach Grapentine, Blaine Eilts and "Will" from Minnesota Pumps Works that are noted in the 2-27-24 meeting minutes.

I then addressed item 5 in GVSD #2. Reitz initially indicated he would refer to Olson when asked if he remembered anyone verbalizing an SDCL statute.

Reitz said "a lot" of the special meetings were with the engineers. Reitz said the 8-17-21, 11-17-21, 12-22-21, 6-2-22 and 6-14-22 meetings were set up by the engineers.

(Q) "it looks like with these special teams meetings, the other party you were working with set up the meeting. Is that a fair way to put it?"

(R) "a hundred percent."

Reitz explained the engineer would send out an invitation via e-mail. "I didn't set any of those up."

Reitz characterized generally that the amount of notice with the engineer's meetings was approximately one week. Reitz denied they put out the signs for any of the special teams meetings.

Reitz said he received the notice regarding the 5-29-24 meeting. He thought Lewton went door to door.

Reitz subsequently said he did not remember the specific language used when they went into executive session during the meeting on 4-10-24. His recollection was that Olson helped them with this. He did remember in general that there was a motion made.

On 8-12-24 at 0858 hours, I conducted an audio recorded interview of Leonard Lee. Olson was also present. This interview took place at Olson's office. Lee was advised he did not have to speak to me.

Lee believed he left the board in November of 2023.

I first addressed item 1 in GVSD #2 and showed Lee the signature page of the Interstate Engineering Contract. Lee said that in the past, they had been trying to verify with Interstate Engineering that a contract had been signed, as one apparently could not be found. Lee said he knew they had discussed "this" (the contract).

Lee said, "there's been several times that we voted, saying that Jason can sign different legal documents." I asked Lee if he had a memory of discussing that a new contract needed to be signed in November of 2021. He said he could not recall this.

I asked Lee if he had a memory of a vote being taken or a motion being put forth in regard to the necessity of signing the contract with Interstate Engineering. He said, "every time that something came up that needed to be signed, you know, we always took a vote. But, I can't specifically say it was on this particular one."

I asked Lee if he remembered anyone being adverse to the signing of the contract by Reitz in November of 2021. Lee denied this.

(Q) "was there anyone who was against signing this contract in November of twenty-one, with Interstate Engineering. Anyone on the board I should say?"

(R) "no."

Lee said everyone (on the board) was in agreement when they authorized Jason to sign "anything."

(Q) "is that kind of generally?"

(R) "yes."

I then addressed item 2 in GVSD #2. I asked Lee if he had a memory for the reason for the Special Meetings. He remembered they had video conferences with the engineering group and rural development.

Lee noted he was not present for the meeting on 8-17-21.

Note: Olson pointed out that the 8-17-21 meeting lacked a quorum, as only Reitz and Jangula are listed as being present. GVSD was a five person board through 2021 and 2022.

I asked Lee about the 11-17-21 meeting and who may have called it. He was "pretty sure" it was the engineers. Lee said Grapentine was setting up a lot of the special meetings to address the amount of money that would have to be spent by the residents of Green Valley.

Lee thought the 12-22-21 special meeting was called by Grapentine. Lee remembered that they had signed an amendment to a contract with RVSD during the special meeting on 6-2-22. Lee thought this meeting was called by the GVSD Board.

Lee said he was not at the 6-22-22 meeting.

I asked Lee about the meetings on 5-18-23 and 8-28-23. Lee said the meeting on 5-18-23 was called by the GVSD Board to vote to annex some homes. He indicated later in the interview this occurred quickly. Lee was asked about the 8-28-23 meeting. Lee did not have a memory of this meeting. However, he thought this would have been a meeting called by Zach.

Note: Olson pointed out that the 8-28-23 meeting would not have been a quorum.

I asked Lee about the 6-14-22 meeting. Lee said this meeting was called by the engineers.

Lee said that the GVSD Board did not put up the three signs to make a notice that a special meeting was going to occur. Lee agreed the special meetings were for the purpose of furthering the sewer project. "We were trying to keep it continuing on."

Lee said that meetings in general would have an agenda posted at the RVSD building. Lee said that to the best of his memory, the agendas were posted on the door at the RVSD building.

(Q) "to your memory, the agenda for the regular meetings, it sounds, you tell me if I have this wrong. Your memory is that someone on the board would post the agenda for the regular meetings on the door of the Rapid Valley Building?

(R) "yes."

Lee denied being aware of a time when the posting of the agenda was not done. Lee said that the first person who unlocked the door at the RVSD building, would take the agenda down from the door.

Lee agreed there was no agenda placed on the building for special meetings. Lee denied the local news made an inquiry of him about receiving notice of meetings. "No, never." Lee said that as far as zoom meetings, the engineers would send an agenda via e-mail.

Lee said the responsibility for putting the agenda on the door always was the President. He said this was an informal understanding among the board members.

On 8-21-24 at 1415 hours, I conducted an audio recorded interview of Lewton.

Lewton was advised she did not have to talk to me if she did not want to. Olson was present. This interview took place in Olson's office. Lewton was also advised she could have a private conversation with her attorney.

I addressed item 3 in GVSD #2. Lewton did not remember Myers making a request to see the draft minutes of the April 2024 meeting at the 5-8-24 meeting. She said Myers asked for a lot of things.

Lewton digressed and said when she started on the GVSD Board, she would not be able to "do a whole lot" due to medical issues that her mother was having.

I then addressed item 4 in GVSD #2. Ultimately, we determined Lewton was not at this meeting. She did have notes from the meeting on 2-14-24.

I then addressed item 5 in GVSD #2. Lewton indicated she was present at this meeting. Lewton did not remember anyone using any verbiage wherein they cited an SDCL before they went into the executive meeting. Lewton said this was her first meeting.

I then addressed item 1 in GVSD #3. Lewton said she was one of the people who voiced her opposition to being recorded. She said there were others who also voiced this same concern. Lewton said she remembered Scott saying since he was recording the meeting, there was no need for other people to record.

"I remember Scott basically saying though, because he's already recording the meeting, there's no need for other people to record it. But, I don't remember him ever saying that to him, you know, about Erika saying. I don't remember that at all."

Lewton said she later told Myers she was sorry and that she had not known it was legal to record the meeting.

I asked Lewton if she had a memory of Mohr telling Myers he was going to shut down the meeting if he continued to record the meeting. Valerie said, "I remember them having a conversation about it, but I don't, you know, cuz' I said, I think when I said ah, you know, that I didn't want to be recorded, then, you know? Scott just kinda put up his hands and, you know, to everyone, you know? Do you want to be recorded? And, you know, there was a few people there that said no. So, um. He said, you know, I'd, I think he just said that I'd appreciate it if…You know, Scott's always been very polite….."

Lewton thought the recording issue involving Myers was toward the beginning of the meeting.

I asked Lewton if there was any yelling, cussing or if the meeting became disruptive when Myers had advised he was recording the meeting. She denied this.

I specifically asked Lewton if anyone on the board told Myers to stop recording or they would shut down the meeting. She denied this.

I then addressed item 2 in GVSD #3. Lewton said she attended the meeting on 5-29-24. Lewton said she created the flyer for the meeting with money out of her own pocket. Lewton e-mailed the flyer to Jangula. Lewton also mailed out copies of the flyer to every resident of Green Valley (311 copies).

On 9-11-24 at 0905 hours, I conducted an audio recorded interview of Marlin Kelley.

Olson was present as well. This interview took place in Olson's office. Kelley was advised he did not have to speak to me and he could have a private conversation with his attorney if he wished.

I first addressed item 1 in GVSD #2. I asked Kelley if he had a memory of talking about having Reitz sign the new contract with Interstate Engineering. Kelley said he did not remember the "signing part," but they spoke about the status of the engineering.

(Q) "if Jason did sign a new contract with Interstate Engineering in November of 2021, as a former board member, do you believe there would have been a necessity for that to occur. Does your memory allow you to provide any kind of an answer regarding that?"

(R) "um, (inaudible) if Jason had signed it, I believe it would have been a necessity."

(Q) "um, would you have agreed with him or concurred with him in signing that contract for Interstate Engineering to continue the project. Does your memory allow you to answer that?"

(R) "well, we talked about it. I remember at the meeting and yeah, if we did it at the meeting, ah, everybody had to vote and ah, I figure since I'd follow his lead, yeah, I'd of said OK."

I then addressed item 2 in GVSD #2. I asked Kelley if there was a necessity for special meetings regarding the sewer project in the 2021 through June of 2023 time frame. Kelley said he remembered three special meetings they had, "but that's all I can remember."

Kelley's memory for the need for the special meetings was for the sewar project and for everyone to agree with what was going on. Kelley said they did not have "long term" notice for the special meetings. He remembered he would receive a call from Reitz about the meetings, and within 2-3 days or a week they would have a meeting.

Olson pointed out that Kelley had not attended the 8-17-21 special meeting. In addition, Kelley had not attended the 11-17-21 and 6-14-22 meetings.

Kelley remembered the 5-18-23 special meeting. I asked him if this special meeting came up quickly. He did not believe so, "no, not really." He said he had spoke to the other board members about the Sparrow Hawk address.

Kelley did not remember the special meeting on 11-13-23 nor the 11-20-23 special meetings.

Kelley agreed the special meetings were generally for the sewer project. Kelley agreed that when he became aware of the special meetings, it seemed like they had three days to one week of notice. Kelley was unaware of the special meetings being noticed to the public.

Kelley said he was on the GVSD Board when the sewer project started.

Kelley denied he was responsible for putting up the signs that gave notice for the public meetings. He said he was responsible after one of the board members (Lex Burgers) had died. He said he would put them up the Monday before the Wednesday meeting.

Analysis of GVSD #2

*** Item #1**

Myers' complaint regarding this issue is that Reitz signed a contract between Interstate Engineering and GVSD without board approval, motion or vote on 11-15-21. In addressing this issue, this writer looked to SDCL Chapter 34A-5 – Sanitary Districts. In particular, SDCL 34A-5-24 appears to be applicable.

34A-5-24. Policies and regulations for business of board--Time of meetings--Quorum.
The board of trustees shall adopt policies and regulations for the conduct of its business and shall fix a stated time at which the regular meetings of the board shall be held. A majority of the board of trustees constitutes a quorum but a smaller number may adjourn from day to day. A concurrence of the majority is necessary to any action of the board.
***Source:** SL 1947, ch 226, § 16; SDC Supp 1960, § 45.3816; SDCL, § 34-17-20; SL 1993, ch 256, § 24.*

The language in Myer's complaint, "without board approval, motion or vote" appears to assert a possible violation of GVSD bylaws. However, the issue of violating bylaws was addressed previously in the investigative package in GVSD #1. Deputy State's Attorney Sobczak had opined that it would be extremely unlikely that violating a bylaw could be considered an open meeting violation.

In reviewing the meeting minutes, it is apparent that during the regularly monthly meeting on 11-8-21, this topic was specifically addressed. The meeting minutes read, "Sign Contract with Interstate Engineering – All of the surveying has been complete, the preliminary report has been received. All is in process as it pertains to the original survey."

On 11-15-21, GVSD appears to have been a five-member board consisting of Reitz, Lee, Jangula, Kelley and (deceased member) Burger. It is very clear from the interviews conducted of Reitz, Kelley and Lee that there was a concurrence among the board to allow Reitz to sign the contract. There is no mention in the meeting minutes that Burger was adverse to Reitz signing the contract.

Given it appears there was a concurrence of the majority of the board in allowing Reitz to take this action, there does not appear to have been a clear and unambiguous violation of law.

*** Item #2**

Myers' complaint in item #2 appears to be multi-faceted. First, he writes that the below special meetings were not advertised to the public and that, "they have only posted the agenda 4 times." He references the RVSD web-site in this regard.

* 8-17-21

* 11-17-21

* 12-22-21

* 6-2-22

* 6-14-22

* 6-22-22

Second, Myers wrote that the below special meetings had no minutes and were not advertised to the public:

* 5-18-23

* 8-28-23

* 11-13-23

* 11-20-23

In addressing this issue comprehensively, this writer looked to SDCL 1-25-1.1.

1-25-1.1. Notice of meeting of political subdivision--Agenda--Violation as misdemeanor.

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. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

In addressing the question about all of the above special meetings not being advertised to the public, it first must be mentioned that the 8-17-21, 6-14-22 and 8-28-23 special meetings did not have a quorum of members.

In addition, it was long-standing practice for GVSD to provide public notice of the monthly meetings by placing signs at three locations in the district:

* Green Valley Dr. and Reservoir Rd.

* Reservoir Rd. and Southside Dr.

* E. Hwy 44 just before Anderson Rd.

During his interview in GVSD #1 on 4-3-24, Myers said once he became engaged as a board member in February of 2023, *he* was responsible for placing out the signs for meetings. Myers denied the signs were placed out for special meetings. He said, "we had very little notice." It should be noted Myers was on the board until 12-13-23 – encompassing the dates 5-18-23 through 11-20-23 in his complaint.

In the interview of Jangula, she characterized in general the notice that they were going to have special meetings as being, "a few days." Reitz indicated in his interview that they generally did not have much time to prepare for special meetings. Kelley's recollection was that they had approximately three days to one week of notice regarding the special meetings.

Finally, in Reitz' interview on 8-6-24, he indicated the 8-17-21, 11-17-21, 12-22-21, 6-2-22 and 6-14-22 meetings were set up by the engineers.

Given the above information, in particular Myer's own admission they had little notice of the special meetings, it is reasonable to believe that public notice may not have been reasonably possible. SDCL 1-25-1 states, "For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit."

In addressing the portion of Myers's complaint in item #2, "they have only posted the agenda 4 times," this writer first referenced the GVSD information that is in the informational content tab of the RVSD website. It appears Myers is referencing the four entries on the website with the following dates:

* 2-27-24 – annotated as an informational meeting (not a regularly scheduled meeting)

* 3-13-24 – annotated as a regular meeting.

* 4-10-24 – annotated as regular meeting.

* 5-8-24 – annotated as a regular meeting.

Since Myers referenced the RVSD website and subsequently wrote, "they have only posted the agenda 4 times," it appears his complaint is that the agendas were not posted on the website. A review of SDCL 1-25-1.1 reveals the following verbiage:

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 exits."

As mentioned in GVSD #1, the RVSD website does not belong to GVSD. Information from GVSD posted on the RVSD website is done *as a courtesy*.

In addition, this writer referenced the affidavits provided by Reitz and Lee in Olson's response to the Open Meetings Commission regarding GVSD #1 as it would relate to meeting

agendas being posted *at any* location. In particular, Reitz' affidavit reads as follows for subsection #2:

The Board of Trustees normal practice was to have the President post the agenda for the meeting on the exterior door of the meeting room at Rapid Valley Sanitary Districts Office at 4611 Teak Dr., Rapid City, South Dakota where the Green Valley Sanitary District Board of Trustees regularly meets, in advance of the meeting. This agenda would then be removed from the door by the first Trustee arriving at the meeting. To my knowledge, this had been the normal practice for many years. While I was serving as President, I generally did this for all regular meetings which I participated in through 2021, 2022 and 2023 and I believe I would have done so for the meetings held on June 9, 2021, November 8, 2021, and December 8, 2021.

Lee also makes reference to the practice encompassed in Reitz' affidavit in his interview on 8-12-24.

In addressing the portion of Myers' complaint in item #2 that the special meetings on 5-18-23, 8-28-23, 11-13-23 and 11-20-23 did not have any minutes, it appears the context of the complaint is that the minutes were not posted on the RVSD website.

To address this issue, this writer referenced the ancillary issue section in the investigative report from GVSD #1. In reviewing SDCL Chapter 1-25 and Chapter 34A-5, this writer found that the only entity required to post meeting minutes is "the State" ("State, each board, commission, department or agency of the State of South Dakota. The term state does not include the legislature)."

Additionally, this writer *did* find meeting minutes for the 5-18-23 meeting on the RVSD website. It is posted below the regular monthly meeting on 5-10-23 on the website.

Given the above information, there does not appear to be a clear and unambiguous violation of law.

Item #3

Myers' writes in his third item, "At the same site you won't see SDCL1-27-1.17 Draft minutes of public meetings. It's never happened, but was requested at the May 8, 2024, meeting."

To address this issue, this writer referenced SDCL 1-27-1.17:

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor.

The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

***Source:** SL 2010, ch 9, § 3.*

The verbiage of Myers's complaint, and to an extent, the information he provided in his interview, reveal his issue to be that draft minutes of the meetings have not been posted on the RVSD website. A plain view reading of the statute cited by Myers does not lead one to conclude this is required.

The relevant verbiage is, "shall be available for inspection by any person within ten business days after the meeting." The statute does not specifically require that draft minutes be posted onto an entities' website within ten business days, it only requires they be available for inspection.

Myers said in his interview that he made a request *at the 5-8-24 meeting* to see the meeting minutes from the 4-10-24 meeting. He agreed that the minutes for the April 2024 meeting were posted to the RVSD website approximately one week later.

Given the above information, there does not appear to be a clear and unambiguous violation of law.

Item #4

Myers wrote, "The agenda posted for the February 27, 2024; meeting is not the agenda followed as per Scan 20240318.pdf of the minutes of that meeting."

I have reviewed the entirety of SDCL Chapter 1-25 – Meetings of Public Agencies. I did not find in any of the statutes a directive that a public agency must follow an agenda in a certain or absolute manner.

In addition, during the interviews of Jangula, Mohr and Reitz, they felt the three items mentioned in the agenda had been touched upon to some degree.

Given the above information, there does not appear to be a clear and unambiguous violation of law.

Item #5

Myers wrote, "At the April 10, 2024, meeting the board and their attorney went into executive session to discuss a complaint by Steve Myers, without sighting a SDCL."

This issue was addressed in GVSD #1 and it was this writer's opinion this is not a violation of law. It is worth noting that SDCL 1-25-1 – Official meetings open to the public – Exceptions – Public comment, does state, *"The official meetings of the state and its political subdivision are open to the public unless a specific law is cited by the state or the political subdivision to close the official meeting to the public...."*

However, SDCL 1-25-2 – Executive or closed meetings – Purposes – Authorization, appears to give clear direction in what a political subdivision must do to hold an executive or closed meeting:

.....An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive

or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a Class 2 misdemeanor.

It is notable that the statute that deals expressly with executive or closed meetings *does not* direct a political subdivision to cite an SDCL when addressing the requirements for going into or conducting an executive or closed meeting.

Given the above information, there does not appear to be a clear and unambiguous violation of law.

Analysis of GVSD #3

Item #1

Myers wrote, "At the May 8, 2024, GVSD meeting I wanted to record the meeting but was told no. President Scott Mohr said their attorney (Erica Olson) told them that if 1 person was opposed to me recording the meeting, I can't. Scott threatened to shut down the meeting if kept recording. I quit recording. SDCL 1-25-11 says I can record the meeting."

In addressing this issue, this writer had referred to the below statute:

1-25-11. Recording of open official meeting to be permitted.
No public body may prevent a person from recording, through audio or video technology, an official meeting as long as the recording is reasonable, obvious, and not disruptive. This section does not apply to meetings closed to the public pursuant to specific law.

On 9-17-24 at 1154 hours, I sent an e-mail to Myers asking for what recording he had of the 5-8-24 meeting. He advised this has been deleted. See attached e-mail.

During the interview of Mohr, he had admitted he told Myers he could not record. Mohr said, *"I wasn't sure if he could record or not. And in the best interest of letting something happen, that shouldn't happen, I just said no. And that's, and I later found out that he can."*

Mohr also stated that the meeting had became disruptive, but this was characterized as, *"he wasn't willing to give up. I wasn't willing to give up. I didn't feel like, I basically felt like I shouldn't continue the meeting without knowing whether or not he could record or not."*

In addition, Mohr and I had the following colloquy:

(Q) "fair to say though, you told him that you could not record and you, you told if he continued to record that you would shut the meeting down? Or, some verbiage similar to that?"

(R) "it wasn't just because of that, it was because the meeting was becoming very disruptive. I mean, it wasn't going anywhere because of all the conversation was about the recording. So, I just wanted him to stop recording that way we could get through our meeting and then hash it out. And the next meeting, I allowed him to record. I told him that I was wrong and...."

In addition, in terms of Myers' recording the meeting and any disruption, Mohr denied even knowing that Myers had been recording the meeting until Myers mentioned that he was. Myers had told this writer he had been recording the meeting from the beginning (for about five minutes) and that he had the recorder in front of him, in plain view.

Jangula has denied having a memory of any conversation at the meeting about the recording. Lewton denied the meeting had became disruptive when Myers had announced he was recording the meeting.

Finally, I have copied the 5-8-24 meeting minutes that were posted on the RVSD website. There is no mention of Myers recording the meeting or that the meeting had became disruptive. There is verbiage, "Considerable conversation followed the public comment." However, this is not defined in the minutes. See attached 5-8-24 meeting minutes.

Give the above information, and a review of the applicable statute, there <u>does</u> appear to have been a violation of SDCL 1-25-11 on the part of Mohr.

Item #2

Myers second complaint in GVSD #3 appears to have two components. Myers wrote, "May 29, 2024, GVSD had a "Public Hearing." No agenda was posted and no draft minutes have been posted. Maybe because it was called a hearing? Either way, it doesn't seem right."

In his complaint, Myers had attached the public notice flyer for the 5-29-24 meeting labeled, "Notice of Public Hearing for the Green Valley Sanitary District Sewer System Project."

First, it must be noted that the meeting on 5-29-24 would be considered a special meeting, as the normal monthly meeting was held 5-8-24. Second, given Myers' verbiage in GVSD #2, it is reasonable to believe that when he used the word, "posted," in both components of his complaint, he is referring to the RVSD website.

The interviews of Myers, Jangula, Mohr, Reitz and Lewton reasonably well establish that the flyer for the 5-29-24 special meeting were sent out to the residents of Green Valley. Lewton thought she sent out 311 flyers. The notice was also sent to <u>www.sdpublicnotices.com</u> on 5-14-24. I verified the notice was sent to the public notice website. The notice is included below from the website:

Notice Content

Green Valley Sanitary District submitted an application to secure funding from the South Dakota Board of Water and Natural Resources (BWNR) to address the sanitary sewer needs of the residents served by GVSD. The application requested funding assistance in the amount of $9,322,000 and the project received $5,000,000 in grants and a loan with 100 percent principal forgiveness for the project. Additional funding is being sought from USDA Rural Development grants and loans.

Green Valley Sanitary District (GVSD) consists of about 284 homes located just east of Rapid City on the south side of Hwy. 44. GVSD has central water from Rapid Valley San. District (RVSD) but each home has a septic system. The area has high groundwater with some septic systems failing and possible contamination of Rapid Creek. The proposed project is a pressurized sewer collection system. Each home will have its own pumping unit that will pump sewage into the main. Once homes are connected to the system, septic systems will be abandoned. Treatment will be provided by the Rapid City Waste Water Treatment Plant. RVSD will operate/maintain the new system. All of GVSD will be served by the project with approx. 284 connections. The new system will include 2", 3", 4" & 6" sewer main with 1¼" services. Main will be placed along the road section to avoid existing utilities in ditches. The benefit of this

system type is that most of the system can be directionally bored & not disturb road above the line. There is one connection point to the adjacent RVSD main line.
The purpose of the public hearing is to discuss the need for the project, project alternatives, proposed alternatives, proposed financing, source of repayment for the loan, and the impact to the users. The public is invited to attend and comment on the project. The public hearing will be held on May 29, 2024 at 7:00pm at Creative Arts Building at the Central States Fairgrounds, 800 San Fransisco St., Rapid City, South Dakota. Questions about this notice can be directed to Loretta Jangula, Secretary, at gvsd13@gmail.com.
Dated this 6th day of May, 2024
Published once on 5/14/2024 at the total approximate cost of $47.41

(Published May 14, 2024 for a total approximate cost of $47.41 and may be viewed for free at www.sdpublicnotices.com)Legal No: COL-SD-0151

In reviewing the flyer and the notice on the public notice website, I noted the relevant verbiage: *"The purpose of the public hearing is to discuss the need for the project, project alternatives, proposed alternatives, proposed financing, source of repayment for the loan, and the impact to the users.* The public is invited to attend and comment on the project." This does appear to be a stated agenda.

In reviewing SDCL 1-25-1.1 – Notice of meeting of political subdivision – Agenda, the applicable verbiage appears to be, *"....The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exits. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit."*

In addressing the first component of Myers' complaint, as mentioned in GVSD #1, RVSD posts information from GVSD on their website as a courtesy. GVSD does not have its own website.

However, the flyer that was sent out to the residents of Green Valley and the notice on the public notice website appears to state an agenda, as noted above.

Black's Law Dictionary defines agenda as, "The order of items discussed in a meeting. The topics must be listed, past knowledge must be heard and the outcome guessed."

In addressing the second component of Myers' complaint, I would refer to my conclusion in item 3 in GVSD #2 in which it was determined that draft minutes are not required to be posted to a website, and that this was not a violation of law.

It must also be mentioned that there was a unique circumstance for the 5-29-24 special meeting in that it was held at the Central State's Fairgrounds. Given the information provided, it appears GVSD went above and beyond by distributing the flyers to the residents of Green Valley and by posting the notice on the public notice website.

Given the above information, there does not appear to be a clear and unambiguous violation of law.

Conclusion: GVSD complaint #2

Given the information obtained during this investigation, there does not appear to have been a violation of law in any of the five items.

Conclusion: GVSD complaint #3

Given the above information obtained during this investigation, **there does appear to have been a violation by Mohr of SDCL 1-25-11** when he had directed Myers to discontinue recording the 5-8-24 meeting.

There does not appear to have been a violation of law in regard to Myer's second item in GVSD #3.

* **Defendant:** Scott Aaron Mohr, dob 10-26-70, 5949 Green Tree Dr., Rapid City, SD 57703, 605-858-2955, SD OLN 00608488

Note: the above audio recording and other e-mails sent by Myers and Olson's office have been saved in the investigations file.

Steve Neavill
Investigator

Public Comment:
Rich Sterkel has talked to Rusty at RVSD, going through the engineering steps on his development acreage. GVSD may not be able to make the e2022 deadline on the sewer, but the City needs assurance that the project is ongoing. Rusty provided a letter to Sterkel to that effect.

New more realistic timeline will probably be start and completion in 2023. It appears things are now once again moving forward after the past 5 month lengthy delay regarding the Letter of Opinion from the attorney.

We should also hopefully have a response from Co Bank by the end of November.

We need to the RD final approval and make sure the DANR grant is sufficient to [ay for the service lines.

There being no further business, A motion to adjourn by Lex Burgers and seconded by Leonard Lee, no further discussion, motion passed. Meeting adjourned at 19:34

Respectfully Submitted,
Lorretta Jangula, Secretary

Sec. Lorretta M Jangula

Pres. Jason Reitz

Old Business:

Sen. John Thune's Office-Jason finally made contact with Thune's office and explained the GVSD sewer project and the issues at hand, and explained the hang-ups with RD. Thune asked what he could do for us and Jason explained we need help getting through the red tape. Hopefully Thune's office will be able to assist us in getting through the red tape so we c an press on.

Erika Olson-Letter of Opinion Progress: A phone call about a week ago with Erika, attorney for GVSD, Ron Bengs, Leonard Lee, and Pres Jason Reitz resulted in a Letter of Opinion for DANR, which was drafted today and sent off to DANR. Upon receipt of the letter, DANR should then be able to release funding on the project.

NEW BUSINESS:

Sign Contract with Interstate Engineering-All of the surveying has been complete, the preliminary report has been received. All is in process as it pertains to the original survey.

Conversation with Denny Haag (MAP)-Denny is our new point of contact between GVSD and RD. Denny replaced RJ, he lives in Sioux City. He questioned the hang ups with RD and Jason advised him of the issues. He said he would get to work on it, so things may be looking up.

Short Term Loan-GVSD is working with the credit union to obtain a short term loan to pay the bills until the funding comes through. RD wants interim financing in place which will then be paid off by RD. Jason has been in touch with Co Bank this week and forwarded required paperwork to them with more paperwork to follow as required. Jason is also working on getting additional funding due to price increases on materials, construction costs, etc.

RVSD/GVSD Tab on Website-RVSD has now got an additional tab on their website for GVSD. This tab will contain information for the public such as ordinances, meeting minutes, and other information of public interest.

Green Valley Sanitary District

PO Box 1105 · Rapid City, SD 57709
Phone (605) 484-7237
E-mail gvsd13@gmail.com

Rapid Valley Water Department Meeting Room
4611 Teak Drive Rapid City, SD 57703
MONTHLY MEETING MINUTES
November 08, 2021

The monthly meeting of the Green Valley Sanitary District was called to order at 19:05 by Trustee, Marlin Kelly. Present at the meeting were board members Jason Reitz (via phone), Leonard(Lucky) Lee, Lorretta Jangula, Marlin Kelly and Lex Burgers in addition to a number of Green Valley residents.

A motion was made by Lex Burgers, seconded by Leonard Lee to approve the October 13, 2021 meeting minutes.

A motion to approve the treasurer's report was made by Lorretta Jangula and seconded by Marlin Kelly. No further discussion, motion carried.

Bills presented:

Interstate Engineering-	$44,730.
" "	2,840.
" "	1,474.
Lynn, Jackson, Schultz & LeBrun	1,591.
USPO (Box Rent1 yr)	204.

A motion to approve the bills by Lorretta Jangula and seconded by Marlin Kelly. No further discussion, motion passed.

Green Valley Sanitary District

PO Box 1105 · Rapid City, SD 57709
Phone (605) 484-7237
E-mail gvsd13@gmail.com

Rapid Valley Water Department Meeting Room
4611 Teak Drive Rapid City, SD 57703

SPECIAL MEETING MINUTES
August 17, 2021

A special meeting of the Green Valley Sanitary District was held via TEAM at 10:00 am on 08.17.21. Present were board members Jason Reitz, Pres. and Lorretta Jangula, Sec. along with Ron and Zach of Interstate Engineering.

PURPOSE OF MEETING: Review of where we are currently on different areas and aspects of the GVSD sewer project.

Interim Financing-Probably not needed with having the ability to use the RD grant monies sooner than what we originally anticipated. Final checklist is being checked to make sure all is in order and hopefully by Sept 30, we can obtain authorization to utilize the Rural Development grant money.

***Surveying**-Hoping to begin the last week of August and in full swing the week of Sept 13. The first invoice for surveying will not be billed until Oct and we will receive in Nov. Estimated to be in the $10,000. range.

New RV Subdivision-Rusty visited with Ron yesterday in regards to a new development north and east of 44 which will be serviced by RVSD. This is a positive for GVSD as we will just connect to the new development via a manhole and not have to temporarily connect to the city sewer system at all. The environmental study may have to be expanded a bit.

Three Residences on Reservoir-Erika is working on this and looking at maybe those residents tapping into the city sewer individually which would be a cost savings to us. We will know by next week.

Lift Stations-There continues to be a question on number of lift stations and until a more complete engineering and survey study is completed, the engineers are currently planning for two lift stations.

1030am-Ron had to exit the meeting to catch another meeting but said we will be meeting with RD next week for further discussion

Special Meetings on short notice during the construction period may occur, but we would have at least a 1-2 day notice, so to put the board on notice.

Unsavory Residents-This is an all or nothing project requiring 100% participation. Erika is handling the legalities of this and everyone will be assessed up front

Assessment Timeline-Erika and Jason decided on next year to begin the assessments as we will have the final numbers at that time and not have to make any adjustments, etc.

Katie Email- Planning and PR Proposals-Zach will resend the Rural Development paperwork to Jason. Rural Development has issues that require discussion regarding consolidation with RVSD. . Our lawyers were all good with everything and now RD has questions????? We were told all "good to go", now questions/issues???

Engineer on site-An engineer will be on the construction site at any time that the contractor is on site per requirements

Zach will get with Katie and put together another meeting tentatively set for next Tues am and send invites to Jason, Lorretta, Lucky and RJ

The meeting concluded at 10:45am

Respectfully Submitted,

Lorretta Jangula, Sec.

Jason Reitz, Pres.

GREEN VALLEY SANITARY DISTRICT
SANITARY SEWAR COLLECTION SYSTEM PROJECT
SPECIAL TEAMS MEETING MINUTES-November 17, 2021 - 3:00 PM

A special Teams meeting was held November 17, 2021 with the following present: Jason Reitz Pres., Lucky Lee, Treas., Loretta Jangula, Sec, Ron Bengs, and Zachary Grapentine, Engrs.

The meeting was called primarily for the purpose of determining where we are and what to expect down the road as things still up in the air as far as RD funding as they will not be releasing funds until the project is completed which is putting a financial crunch on the project ongoing at this point.

It is frustrating at this point after the ton of time and effort that went into forcing the hands to obtain the Letter of Opinion from the attorney, and now it is not required of RD! The issue of the service lines has now put us back to square one again! So now we are sitting with 0 funding as per RD withholding funds until the project is completed and additionally want the Interim Financing in place at this time before they will approve for funding. Hopefully Dennis will help us get worked through this fiasco. As it stands now, RD needs the PER and will then review for approval and issue a Letter of Condition and upon our furnishing Interim Financing commitment, the project can proceed. With the current survey data, Ron can now come up with an actual cost for the service lines from the main trunk to the residences to finalize the PER and submit.

Ron has concerns as to whether or not RC will be requesting a tapping fee at such time as GVSD/RVSD hook into the RC line? It appears not as per Rusty, but Jason has emailed Rusty for confirmation as we do not want to have to come up with a huge unexpected tap fee and not have the funding to pay for it down the road. Rusty has considerable leverage with the City, so hopefully no additional tapping fees.

Jason visited with Denny in regards to RD possibly funding the service lines, based on HH incomes, etc., but many residents are reluctant to divulge incomes. Denny will visit with Katie and research any additional/possible resources that might be available for installation of the service lines.

Bill Lass will be contacted to see if the grant funding can be increased due to inflation and increased costs since the inception of this project.

Jason will also check to see if perhaps the County has any funding available, as they may have some extra money if they do not have any available road or bridge projects at this time. Another funding possibility is (J_K???) Foundation.

The engineers need to know how far to proceed at this point with finances being the critical issue. Do bare bones for now until we get the Interim Financing figured out.

Luck has visited with our Credit Union regarding short-term financing to pay current bills They are willing to work with us and have obligated $200,000 at this time for 6 months to pay our bills up through January and will visit further if more money is needed. Lucky is proceeding with the paperwork(Audits, PER, and funding docs) which they are requiring to set up the short-term financing.

Jason will coordinate a virtual or personal meeting ASAP with Denny.

The assessment process, resolutions, etc will begin after the first of the year.
There being no further discussion, the meeting concluded at 4:20 PM

Respectfully Submitted,

Lorretta Jangula, Sec.
Green Valley Sanitation District

GREEN VALLEY SANITARY DISTRICT
SANITARY SEWAR COLLECTION SYSTEM PROJECT
SPECIAL TEAMS MEETING MINUTES-December 22, 2021 - 1 PM

A special Teams meeting was held December 22, 2021 with the following present: Jason Reitz Pres., Lucky Lee, Treas., Loretta Jangula, Sec, Zachary Grapentine, Ron Bengs Denny Haag, Katie Hammer, Marlin Kelly, and Brian Ring

The meeting was called for the purpose of discussing additional funding on the sewer project and staying within the $100/month cost to the individual households. Due to the delay and increased costs, there is great concern about the final cost of the project and the annual special assessment to the individual households. That amount has to be kept at $100. per month or less or it is no longer feasible or affordable. If it's going to run in excess of the $100., we may as well quit now after spending a ton of money!

The question was asked in regard to residents using individual septic tanks. The fact that Rapid Creek runs through Green Valley, the county will no longer allow septic tanks, only mound systems which due to the type of soil, only last 5-10 years at a cost of $30,000 which is totally prohibitive to the property owners, therefore, as initially planned when the water system was installed in 2012, a sewer system would follow at a later date. This sewer project got off the ground in 2018, now 4 years later, we are experiencing time delays and increased costs.

In developing the sewer project, it was felt by the board that each household would hook up to the sewer regardless and GVSD would pay for the service line from the main trunk line to the property connection point. This would satisfy RVSD who will be operating and maintaining the system, and also be a positive for the residents. At the time the water was put installed in 2012, curb stops were placed at every property with a home on it and each of those properties was assessed, however, not all of them have hooked up to the water which has created concern on behalf of Rapid Valley who supplies the water.

Discussion followed with Brian Ring, Katie Hammer, and Denny Haag about further possible funding due to increased costs; however, keeping in mind the $100. monthly cost to the residents using possible lower interest rates, other grants, etc. No concrete solutions, but Brian and Katie will play with the numbers and make some phone calls to come up with some estimates on a ballpark monthly cost to the residents. This would not include the additional monthly billing for sewer and O&M charged by RVSD.

The updated PER is ready to go, just need an affirmative which is a "yes", to send it in with a later amendment regarding any environmental changes in regards to the additional lift station.

There were questions and concerns as to whether and how interim financing played into the scenario as no bidding or obligatory decision as yet due to remaining outstanding requirements to satisfy OGC: 1)Updated signed agreement between RC/RV with the total scope of the project, 2) Updated PER (which is ready to go), 3)DANR(?) , 4)RV

extending service beyond its district, 5) Does Green Valley qualify for the Health and Sanitation program at lower interest rates.

Requirements still outstanding and required by Katie:
*Written agreement between RC/RV that there is no additional charge by RC to have the three household south of the creek on Reservoir road hook up directly to RC(as per Rusty) as GV would have to install nearly a mile of sewer line additional for just the 3 households. Rusty feels it's not a problem, but RD needs written agreement.
*Reliable Treatment Source
*Current agreement between RC/RV in providing the O&M to GVSD
*Written agreement allowing RV to extend service beyond their district

There being no further discussion, the meeting concluded at 2:28M

Respectfully Submitted,

Lorretta Jangula, Sec.
Green Valley Sanitation District

GREEN VALLEY SANITARY DISTRICT
SANITARY SEWAR COLLECTION SYSTEM PROJECT
SPECIAL WORKING MEETING MINUTES-
June 2, 2022 - 12:22 PM

A special working meeting was held June 2, 2022 with the following present: Jason Reitz Pres., Lucky Lee, Treas., Loretta Jangula, Sec., Marlin Kelly, and Lex Burger

The meeting was called for the purpose signing the amended contract between Rapid Valley Sanitation District and Green Valley Sanitation District.

The reason for the amendment to the contract being some of the verbiage which was not favorable to Rural Development. The wording was corrected to the satisfaction of both Rapid Valley Sanitation District and Green Valley Sanitation District.

Marlin Kelly made a motion seconded by Leonard(Lucky)Lee. No further discussion and motion passed. The contract will be signed by Pres. Jason Reitz and notarized, and forwarded to Rural Development.

Jason informed the board of the meeting held the previous week at the city, with Rapid Valley, Green Valley and the attorneys in regard to the cost of the connections to Rapid City lines. Green Valley will be paying for fees and connection costs and not being exempt under the Rapid Valley-Green Valley contract as initially assumed. There is still discussion ongoing so far as the second lift station placement.

There being no further business or discussion, the meeting concluded. A motion to adjourn by Lex Burger and seconded by Leonard(Lucky)Lee. No discussion. Motion passed and meeting adjourned.

Respectfully Submitted,

Loretta Jangula, Sec.
Green Valley Sanitation District

Jason Reitz, Pres
Green Valley Sanitation District

Original

GREEN VALLEY SANITARY DISTRICT
SANITARY SEWAR COLLECTION SYSTEM PROJECT
SPECIAL WORKING MEETING MINUTES-
June 14, 2022 - 2:00 PM

A special TEAMS working meeting was held June 14, 2022 with the following present: Jason Reitz Pres., Loretta Jangula, Sec., Ron Bengs, Int Eng., Katie RD, Zach Grapentine, Int. Eng., Lucky, and Erika Olson, Atty.

The purpose of the meeting was to discuss the plan going forward with no money to continue the engineering plans and schematics to move forward on the timeline which is becoming very challenging to meet at this point.

* If we use DANR funding for these engineering costs, will there be sufficient money to pay for the service lines? It appears Andy Bruell will allow draws on the DANR $$ for the engineering, keeping in mind that the DANR funding expires April 2024.
*How do we coordinate the DANR/RD money based on the 80/20 % for engineering and still leave enough in the pot to pay for the service lines? It appears based on projected remaining engineering costs, there will be sufficient DANR money to cover the remaining engineering costs and service lines.
* collecting Special Assessments in 2023 will allow enough money to pay the 1st loan payment which will be due approximately June 2025
*Per Erika, no construction can begin until the Special Assessment is approved, in the event that the project is put to a Special Referendum and killed.
*No way to avoid the $253,000. the City will charge to hook up and deliver waster, in addition to a monthly fee of approximately $5. added to each consumers monthly sewer charge.
*If plans and schematics are not completed on schedule, and at this point it looks very challenging, it would push the Special Assessment out and construction would not begin until 2025. Erika pointed out that the Special Assessment could begin at any time, so long as the hearings and final approval of the assessment are completed by Oct 1, to get on the tax rolls by April of the next year and available to make the following June loan payment.
*Katy needs final agreements with City of Rapid in the final file. She does not need anything for the Special Assessment before obligation, just needs assurance. She will also get approval for RD to participate in the service lines, which are considered ineligible expense, as the DANR dollars will deplete quicker than RD based on the 80/20 payment structure. Perhaps use DANR funds first based on the April 2024 deadline.
*A decision has to be made in regard to connecting with the City, how many connection points, how many lift stations and then get the info to engineering to begin finalizing the plans and schematics in time for bidding in Feb 2023. Also thought must be given to future possibility of connecting to RVSD if/when they build a treatment plant.
*Another factor is that interest rates are increasing effective July 1, 2022 which will have a bearing on the S/A and the final loan repayment figures.

Erika informed us that a Special Meeting of GVSD Board is needed ASAP to come to a decision to move forward and give the go ahead to Interstate Engineering to proceed with the final surveying, plans and schematics.

There being no further business or discussion, the meeting concluded at 3:30PM.
Respectfully Submitted,

Lorretta Jaguda, Sec.
Green Valley Sanitation District

Jason Renz, Pres
Green Valley Sanitation District

GREEN VALLEY SANITARY DISTRICT
SANITARY SEWAR COLLECTION SYSTEM PROJECT
SPECIAL MEETING MINUTES
May 18, 2023- 19:38 PM

A special meeting was held May 18, 2023 with the following present: Jason Reitz Pres., Lucky(Leonard) Lee, Treas., Loretta Jangula, Sec., Marlin Kelly, and Steve Myers

The meeting was called for the purpose of approving the Pennington County Commission's approval of the Resolution for Annexation of the 5811 Sparrow Hawk property into the Green Valley development. This property was inadvertently omitted from the platting originally.

Steve made a motion seconded by Marlin to approve of the Pennington County Commission's Approval of the Resolution for the annexation of the 5811 Sparrow Hawk property into the Green Valley development. No further discussion and motion passed.

There being no further business, the meeting concluded. A motion to adjourn by Lucky and seconded by Steve. No further discussion. Motion passed and meeting adjourned.

Respectfully Submitted,

Loretta Jangula, Sec.
Green Valley Sanitation District

Jason Reitz, Pres
Green Valley Sanitation District

Green Valley Sanitary District

PO Box 1105 · Rapid City, SD 67709
Phone (605) 484-7237
E-mail gvsd13@gmail.com
Rapid Valley Water Department Meeting Room
4611 Teak Drive Rapid City, SD 57703

MONTHLY MEETING MINUTES
May 10, 2023

The monthly meeting of the Green Valley Sanitary District was called to order at 19:06 by President Jason Reitz. Present at the meeting were board members Jason Reitz, Pres., Lorretta Jangula, Sec., Marlin Kelly, Lucky(Leonard) Lee, Treas., Steve Myers and several Green Valley residents.

A motion was made by Lucky, seconded by Steve to approve the April, 2023 meeting minutes. No further discussion, motion passed.

A motion by Lorretta and seconded by Marlin to approve the treasurer's report for February. No further discussion, motion passed.

Bills presented:

Attorney $114.49

Motion by Steve and seconded by Marlin to approve the bills. No further discussion, motion passed.

Old Business:

PER Update-One item missing, the 5811 Sparrow Hawk annexation paperwork. Upon County Commissioners approval of the Resolution of annexation, GVSD board will hold a special meeting for final approval and then Erika will get with the city for the required paperwork to send to Zach who will then submit the PER.

Jason had a conversation with Bill Lass relative to the DENR de-obligation/re-obligation of their grant. No change in the dollar amount. The PER will be given to Bill to submit to the state water plan for reallocation to us. Bill is trying to work with Andy Bruell at DENR to set aside monies to pay the bank note.

Election Results-Lucky will submit tomorrow

Erika Special Assessment Issue-We are going to start that conversation.

New Business:

Resolution for Annexation of 5811 Sparrow Hawk-This annexation was necessary for the RC/GVSD Agreement. Inadvertently this parcel and 2 others were left out of the platting of the Green Valley development

Bill Lass Mtg-Jason met with Bill Lass recently relative to the de-obligation/re-obligation of the DENR grant. Andy Bruell feels a public meeting is warranted to bring the public up to speed on the project. Hopefully we will have more info from DENR by that time. As it now stands, it appears that the project is prohibitive from an affordability standpoint of the residents due to the estimated doubling of the cost of the project at this point. Therefore, it will be imperative that we find additional or other funding dollars. We will continue to work on the project until that time so we are ready to go when that time arrives.

Public Comment-New development in Green Valley will be prohibited from installing septic tanks, only the mound systems will be allowed.

There being no further business, a motion to adjourn by Steve, seconded by Lucky, no further discussion and the meeting adjourned at 19:54.

Respectfully Submitted,
Lorretta Jangula, Secretary

Sec. Lorretta M Jangula

Pres. Jason Reitz

GREEN VALLEY SANITARY DISTRICT
SANITARY SEWAR COLLECTION SYSTEM PROJECT
SPECIAL MEETING MINUTES
June 22, 2023- 19:15 PM

A special meeting was held June 22, 2023 with the following present: Jason Reitz Pres., Loretta Jangula, Sec., and Steve Myers. Absent: Lucky Lee and Marlin Kelly

The meeting was called for the purpose of the board's approval of the signing of the Sanitary/Storm Sewar application for the de-obligation/re-obligation funding process.

Steve made a motion to sign the Funding Application Forms required for the DeObligation/ReObligation of funding for the Green Valley Storm Sewar project. The motion was seconded by Lorretta, No further discussion and motion passed.

There being no further business, the meeting concluded. A motion to adjourn by Steve and seconded by Lorretta. No further discussion. Motion passed and meeting adjourned.

Respectfully Submitted,

Lorretta Jangula, Sec.
Green Valley Sanitation District

Jason Reitz, Pres
Green Valley Sanitation District

Aug 28th 2 pm

Kris Hammon
Bryan Ring
Jack Lee
Andrea Bruels
Tina McFarling — E1 pressure system
Abby Larson
Zack Carpenter
Kristen
Bill Lee

Grant will expire April 2024

Andy — concerned that with the hydro costs — over $200 a month assessment — not possible.

Chris Apex — Zack explained about Rusty + new system $40.00

Tim Pate — monthly sewer bill at 3/4 1st thousand + 14 + 8 + 3.75 = 48.75

Andy — can't put all our eggs in 1 basket only have $600 million + request for over 2 Bill

Andy — withdraw Lochloy area + wait until at least June

Shawn — corp of engineers - possible

need update on costs new system

Andy — Grant - loan fundraiser 100%

#2-4

Green Valley Sanitary District

PO Box 1105 · Rapid City, SD 57709
Phone (605) 484-7237 E-mail gvsd13@gmail.com

Rapid Valley Fire Dept Meeting Room
3760 Reservoir Rd, Rapid City, SD 57703

Special Public Meeting
February 27, 2024

A public informational update meeting of the Green Valley Sanitary District was held at Rapid Valley Volunteer Fire Dept, 3760 Reservoir Rd, RC,SD @ 6:30 PM on February 27, 2024. The meeting was called to order at 6:41 PM by Jason Reitz, Pres. Present were board members Jason Reitz, Scott Mohr, VP/Treas, and Lorretta Jangula, Sec. along with a capacity crowd of Green Valley residents.

PURPOSE OF MEETING: An informational meeting for the Green Valley residents in regards to the current status and estimated costs of a pressurized versus gravity fed sewer system for Green Valley.

AGENDA:

1. Zach Grapentine, Engineering Associates, presented an overview of the sewer project and costs from its inception in 2017 to present. Based on a pressurized system on a 40 year loan at 3% with a 40% max grant, the monthly estimated cost per household would be approximately $108. or an annual assessment of approximately $1300. This estimated cost is approximately half of the cost of the gravity fed system that was originally proposed.

2. Will, Minnesota Pump Works, gave a presentation on the E-One pressurized pump system. This is a system requiring boring of the sewer pipe rather than massive excavation required for a gravity fed system which greatly reduces the cost of the entire project by half.

This system would be a turn key installation; the property owner would be responsible for future costs of pump repair or replacement. Pump life is estimated at 10-15 yrs if care is taken by the household in what products they flush.

3. Blaine Eilts, wastewater technician for South Dakota Association of Rural Water Systems, is working with GVSD to assist in obtaining the system. He is collecting information on the pollution in Rapid Creek, and the failing septic systems in Green Valley to date. Currently we have 37 out of 284 septic systems failing in Green Valley.

Public Comment:

There were eight residents who spoke during the public comment, with pros and cons in regards to the sewer project. The attendees were encouraged to attend the monthly meetings of GVSD held the second Wed of every month at 7:00 PM, 4611 Teak Dr, (RVSD meeting room) Rapid City, SD to stay informed on the project.

There being no further business, a motion by Scott Mohr and seconded by Lorretta Jangula to adjourn; no further discussion and the meeting adjourned at 7:59PM.

Respectfully Submitted,

Lorretta M Jangula, Sec
Green Valley Sanitation District

Jason Reita, Pres

#5-4

GREEN VALLEY SANITARY DISTRICT
Meeting Agenda
February 27, 2024
1830 pm
RAPID VALLEY FIRE DEPARTMENT MEETING ROOM
3760 RESERVOIR RD
Rapid City, SD 57703

CALL MEETING TO ORDER:

ROLL CALL: Jason Reitz___ Scott Mohr___ Lorretta Jangula___

APPROVAL OF AGENDA:_____ 2nd _____

This is an informational meeting by GVSD to the Residents of the district on the sewer project.

NEW BUSINESS:

The district is looking at going away from the gravity feed system to a pressurized system. When this project began, we couldn't do a pressurized system as no one would take our waste water. Now with the better pump systems, RVSD will be able to handle the pressurized system now.

Scott Swenson with Minnesota Pump Works and E-ONE pumps wants to give a presentation

Blaine Eilts with SD Association of Rural Water Systems presentation on how he can help Green Valley Sanitary District moving forward.

Items that need consensus from public include,
1. The community is in support of pressurized system and knowledgeable that tanks will be located on property, septics will be abandoned, and homeowners will be responsible for tank maintenance.
2. The community is aware of mandatory hook-up to the system.
3. The community is knowledgeable about the expected user costs, including special assessment and monthly billing.

PUBLIC COMMENT:
If there are anyone who wishes to voice their opinion, they are required to fill out a speaker request form before the meeting begins, and limited to 3 minutes.

Motion to adjourn_____ _____ 2nd_____ _____ Time:

Neavill Steve

From: march18th@rap.midco.net
Sent: Monday, September 23, 2024 11:38 PM
To: Neavill Steve
Subject: RE: 8/14/2024 meeting

We got back late today, and I double checked on the recording of 5-8-24 meeting. What little, the most important part, was deleted. GVSD however has been recording the meetings since February or March of this year. There are also plenty of witnesses. Every meeting has an attendee sign in list and Commissioner Lasseter asked Scott if he stopped anyone from recording a meeting. Scott's response was something like—I'm not sure if he stopped.
Steve Myers

From: Neavill Steve <Steve.Neavill@pennco.org>
Sent: Tuesday, September 17, 2024 11:54 AM
To: march18th@rap.midco.net
Subject: RE: 8/14/2024 meeting

Steve,

I am typing complaints 2 and 3. I will need a copy of what recording you do have from the 5-8-24 meeting. Would you be able to e-mail this to me?

From: march18th@rap.midco.net <march18th@rap.midco.net>
Sent: Thursday, August 15, 2024 7:31 AM
To: Neavill Steve <Steve.Neavill@pennco.org>
Subject: RE: 8/14/2024 meeting

Absolutely not. I do not want to withdraw any complaints. I almost want to file another one because Scott pulled all the notices from the meeting room door 15 minutes before the meeting. I am not going to file a complaint on that action, but I do want it noted.
Steve Myers

From: Neavill Steve <Steve.Neavill@pennco.org>
Sent: Thursday, August 15, 2024 7:11 AM
To: march18th@rap.midco.net
Cc: Sobczak Tyler <tyler.sobczak@pennco.org>
Subject: RE: 8/14/2024 meeting

Steve,

I am pretty well done with complaints 2 and 3. I only have one more interview to go. From there, I complete my report and send my findings to Tyler to determine what course of action (if any) needs to be taken.

I just want to be clear – at this point, do you wish to withdraw complaints 2 and 3?

Keep in mind, complaint 1 *has* been sent to the Open Meetings Commission and they have responded and are aware of it.

From: march18th@rap.midco.net <march18th@rap.midco.net>
Sent: Thursday, August 15, 2024 6:13 AM
To: Neavill Steve <Steve.Neavill@pennco.org>
Subject: 8/14/2024 meeting

Good morning,
I was standing outside the meeting location, visiting with a neighbor, when 15 minutes before the meeting Scott Mohr came out the door and removed everything (agenda, draft minutes and 2 other pieces of paper) from the door and put them in his pickup. I went into the meeting room and now the only tables are for the board. No longer a place for me to put all my paperwork. I made the decision to leave and have no more confrontations.
Ay 8:30 pm Doug Sternhagen called and asked why I left the meeting. I told him. He told me that the board asked the public, 10 people, if they cared to hear the treasures report. Doug said that he was the only one that raised his hand, yes. The board voted to forgo the treasure report, saying that it can be read in the minutes. That leaves me with a lot of questions.
At this point, I don't care to bring anymore stress into my life. It seems that my complaints have only made the board more defiant.
Thank you for all you've done,
Steve Myers

This e-mail, including any attachments, is confidential, may be legally privileged, and is covered by the Electronic Communications Privacy Act, 18 USC §§ 2510-2521. If you are not the intended recipient, you are hereby notified that any retention, disclosure, distribution, or copying of this information is strictly prohibited. If you are not the intended recipient, please reply to the sender that you have received this message in error and then delete it and any attachments.

Old Business:

The annual loan payment of $101,895. was made on April 11.

Lot Assessment-Current lots to be assessed for the Sanitary Sewer District stands at 284 based on properties with homes on them. Discussion followed relative to additional homes being added and will consult with attorney. Currently bylaws indicate that each member has a vote, discussion on changing to each assessment has a vote to prevent removing lot boundaries.

Sewer Project Schedule-There are lots of hurdles to jump. We need to insure that financial underwriting is complete. This will be handled through CoBank and Scott has been in touch with them. All paperwork has to be completed prior to funding. We are looking at a loan of $3,000,000 on a $11,000,000 project. Looking at approximately $40 monthly assessment in addition to the monthly sewer bill which averages $46., but based on GV water usage, about $38. monthly sewage bill. (Considerable discussion here on the pressure system.)

Elections- There are still two open slots for Trustees. These positions were advertised in the legals of the RC Journal. No nominating petitions were received. If anyone is interested, please let the board know and appointments can be made.

NEW BUSINESS:

Rapid City Contract-There is a possibility that GVSD may have to temporarily hook up to the city system at Southside-$253,000. Will know more on this later.

The funding package is at $7.7 million plus $125,000 from Western SD Water and all should be finalized by June 1, 2024

The special public meeting/hearing is scheduled for May 29-7pm at the Creative Arts Building at the Central States Fairground, 800 San Francisco St., Rapid City, SD with several stakeholders: E-One Rep, Pump Controller with pump model, Zach/Engineer, Katie/RD, Jennifer/DANR, etc. A public Notice in the legal portion of the Rapid City Journal will be published on May 14, 2024.

There being no further business, a motion by Lorretta and seconded by Val for adjournment, no further discussion and meeting adjourned at 9:20pm

Respectfully Submitted,

Lorretta Janguia, Sec

Scott Moll, Pres

Green Valley Sanitary District

PO Box 1105 · Rapid City, SD 57709
Phone (605) 484-7237
E-mail gvsd13@gmail.com

Rapid Valley Water Department Meeting Room
4611 Teak Drive Rapid City, SD 57703

MONTHLY MEETING MINUTES

May 08, 2024

The monthly meeting of the Green Valley Sanitary District was called to order at 7:10 pm by President Scott Mohr. Present at the meeting were trustees: Scott Mohr, Pres., Lorretta Jangula, Sec; Valerie Lewton, VP/Treas. and several Green Valley residents.

Approval of Agenda: Questions were raised as to how to get on the agenda. Contact Scott by phone/email with one week lead time

A motion by Val, seconded by Lorretta to approve the May 2024 meeting agenda. No further discussion, motion passed.

Motion by Val, seconded by Scott to approve the April minutes. Discussion on reading of minutes at the meeting. Scott asked the April minutes be read this time only. Minutes were read. Scott stated a post a rough draft of minutes hereafter. No further discussion, motion passed.

Treasurer's Report:
Scott presented the bank balances from BHFCU, and that CDs were cashed to make annual loan payment. At this time we did not have a complete treas report, but balances from the accounts as follows: (20)$1589.23; (03) $18,135.52; (02) $12,173.53; (60) $-0-; (01) $37.03 Questions on different accounts and balances, a more complete treas report will be available at the next meeting.
Upon presentation, a motion was made by Lorretta to accept the treasurer's report and seconded by Val; no further discussion, motion passed.

Approval of Bills:

Legal Publication/May 29 Public Hearing	$47.41

A motion by Val and seconded by Lorretta to approve the bills; no further discussion, motion passed.

Public Comment: Speaker Forms-3 minute speaking allowance

Frank Henderson
Steve Myers
Bill Lewton
John Buxton

Considerable conversation followed the public comment.

LYNN JACKSON ATTORNEYS

110 N. Minnesota Ave., Suite 400
Sioux Falls, SD 57104
Phone (605) 332-5999 · Fax (605) 332-4249

909 Saint Joseph Street, Suite 800
Rapid City, SD 57701
Phone (605) 342-2592 · Fax (605) 342-5185

10956 SD Highway 34
Belle Fourche, SD 57717
Phone (605) 722-9000 · Fax (605) 722-9001

REPLY TO: Rapid City Office
From the offices of Ty M. Daly
e-mail address: tdaly@lynnjackson.com

August 22, 2025

VIA U.S. MAIL: ~~Steven R. Blair~~ Beverly
Attorney General's Office
1302 E. Highway 14, #1
Pierre, SD 57501

Re: Green Valley Sanitary District/ General Advice - Our File No. 7501.002
Open Meetings Complaint 2024-10

Dear Mr. Blair:

I have enclosed the Response of Green Valley Sanitary District in the matter of Open Meetings Complaint 2025-04. I have referenced the page numbers from the "materials" you provided as the "Record" in the Response. Please advise if this should be done a different way. By copy of this letter, I am mailing copies to Senior Deputy State's Attorney Tyler Sobczak and Mr. Steven Myers. Please let me know when the Commission will be considering this matter. Thank you.

Sincerely,

Lynn, Jackson, Shultz & Lebrun, P.C.

Ty M. Daly
TMD:krk

Encl.

cc: Senior Deputy State's Attorney Tyler Sobczak via U.S. Mail
Mr. Steven Myers via U.S. Mail
GVSD Board of Trustees via email

SOUTH DAKOTA OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN MEETINGS COMPLAINT 2025-04,

GREEN VALLEY SANITARY DISTRICT – PENNINGTON COUNTY

RESPONSE OF GREEN VALLEY SANITARY DISTRICT

Green Valley Sanitary District Board of Trustees, through its undersigned counsel, makes its response to the complaint of Mr. Steven Myers ("Complaint") presented by the Pennington County State's Attorney.

INTRODUCTION

The Pennington County State's Attorney, based upon the complaint filed by Steven Myers, asks this Commission to consider (1) whether the motion made by the Green Valley Sanitary District ("GVSD") Board of Trustees to go into executive session violated SDCL § 1-25-1 ("Issue 1"), and (2) whether the Board of Trustees violated SDCL § 1-25-11 when it directed Complaint to quit recording the meeting ("Issue 2"). A complete review of the relevant actions and documents and the applicable statutes confirms that no violation of the South Dakota Open Meetings Law has occurred, which is the limited scope of the authority of this Commission.

STATEMENT OF MATERIAL FACTS

The GVSD Board of Trustees at the time relevant to this matter were Scott Mohr (President), Valerie Lewton (Treasurer), and Lorretta Jangula (Secretary).

Regarding Issue 1, while the Trustees do not recall citing a specific state law to enter into executive session and close the official meeting to the public, the Open Meetings Complaint 2025-04 materials compiled by Assistant Attorney General Steven R. Blair ("Record") support that they did make a motion which stated the specific reasoning for doing so. *See* Record, Pg. 19 and 21. The Complainant notes in his complaint ("Complaint") that the "board and their attorney went into executive session to discuss a complaint by Steve Myers…". *See* Complaint (pg. 9 of Record). As such, the Board of Trustees' motion gave the Complainant and the public clear notice of the Board's purpose and justification for entering into executive session.

Regarding Issue 2, as a result of the Complainant's video recording of the May 8, 2024 meeting a distraction or disruption of the meeting occurred. It also potentially made certain

other members of the public in attendance uncomfortable. Whether the recording itself or the disagreement about the recording was the cause of the distraction or disruption remains unclear. In addition, the Trustees only directed the Complainant to quit recording because they were uncertain of the applicable South Dakota law. *See* Record, Pg. 30. In fact, Mohr testified that the purpose of stopping the meeting was to determine whether recording was permitted, not simply to prevent Complainant from recording. *See Id.* Whether a violation occurred or not, it is important to note that Mohr's intention was essentially to pause the meeting until the Board of Trustees could decide how to proceed, not to prohibit Complainant from recording indefinitely. As evidence of that, Mohr testified that once the Trustees discovered their actions could be perceived to have violated SDCL § 1-25-11, the Trustees apologized for the perception the action created and have since permitted Complainant to record meetings. *Id.* Whether their actions violated SDCL § 1-25-11 or not, they acted in good faith as their intentions were to avoid a violation of law, and the distraction and the disruption the video recording caused or could cause. The Board of Trustees then promptly took action to address the potential issue and ensure similar misunderstandings would not occur.

LEGAL ISSUES

1. **The GVSD Board of Trustees did not violate SDCL § 1-25-1 by making a motion to go into executive session without citing specific law to close the official meeting to the public.**

The Supreme Court succinctly reiterated its canons of statutory interpretation in Martinmaas. It stated:

> Questions of law such as statutory interpretation are reviewed by the Court de novo.... The purpose of statutory construction is to discover the true intention of the law which is to be ascertained primarily from the language expressed in the statute. The intent of a statute is determined from what the legislature said, rather than what the courts think it should have said, and the court must confine itself to the language used. Words and phrases in a statute must be given their plain meaning and effect. When the language in a statute is clear, certain and unambiguous, there is no reason for construction, and the Court's only function is to declare the meaning of the statute as clearly expressed. Since statutes must be construed according to their intent, the intent must be determined from the statute as a whole, as well as enactments relating to the same subject. But, in construing statutes together it is presumed that the legislature did not intend an absurd or unreasonable result. When the question is which of two enactments the legislature intended to apply to a particular situation, terms of a statute relating to a particular subject will prevail over the general terms of another statute.

Martinmaas v. Engelmann, 2000 S.D. 85, ¶ 49, 612 N.W.2d 600, 611 (citing Moss v. Guttormson, 1996 SD 76, ¶ 10, 551 N.W.2d 14, 17).

While SDCL § 1-25-1 states, "An official meeting of a public body is open to the public unless a specific law is cited by the public body to close the official meeting to the public", as the Pennington County State's Attorney Investigator notes, SDCL § 1-25-2, the statute specific to executive or closed meetings, has no similar requirement. *See* Record, Pg. 29-30. SDCL § 1-25-2 simply provides the permissible purposes of executive or closed meetings, one being "consulting with legal counsel... about proposed or pending litigation..." and what the a public body must do to enter into executive session. It states, "An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion." SDCL § 1-25-2. Again, SDCL § 1-25-2 articulates no such requirement to cite a specific law. The contradiction between SDCL § 1-25-1 and § 1-25-2 creates an ambiguity that should be construed in favor of SDCL § 1-25-2, as it is the statute that specifically discusses the reasons that a public body can enter into executive session and the actions a public body must take to properly do so. All evidence suggests that the GVSD Board of Trustees met the requirements of SDCL § 1-25-2 by passing the closure motion by majority vote, expressing a permissible purpose for entering into executive session in the closure motion (discussing Complainant's Complaint) and limiting their discussion to that permissible purpose. Whether the GVSD Board of Trustees complied with SDCL § 1-25-1 becomes immaterial, because the Board complied with SDCL § 1-25-2, the more specific (and applicable) statute, and SDCL ch. 1-25 as a whole. As such, it should not be deemed an Open Meetings Violation.

Even if SDCL § 1-25-1 controls, and a specific law must be cited by the public body to close the official meeting to the public, the GVSD Board of Trustees' motion, at the least, substantially complied with that requirement. The open meetings statutes, SDCL ch. 1-25, are designed to ensure transparency by requiring public bodies to state a valid legal reason before entering executive session, not to impose a rigid, technical recitation of statute citations. Here, the GVSD Board of Trustees expressly stated it was entering executive session to discuss proposed or pending litigation (Complainant's Complaint) with its legal counsel—one of the permissible purposes under SDCL § 1-25-2(3). This statement identified the legal basis for closure and gave the public the transparency the law intends.

Reading SDCL §§ 1-25-1 and 1-25-2 together, the requirement to "cite a specific law" should be considered satisfied when the public body articulates a reason that directly matches a statutory exception, even if the section number itself is not recited. The law should not require form over substance. In fact, in its "Guide to South Dakota's Open Meetings Laws (Revised 2023) ("Guide"), the South Dakota Attorney General's Office itself notes that "best practice to avoid public confusion would be that public bodies explain

the reason for going into executive session." See Guide, Pg. 3. By making a motion to enter into executive session for the reason of discussing Complainant's Complaint, it sought to avoid public confusion in a way that a simple statutory citation could not do.

Read without SDCL § 1-25-2, all SDCL § 1-25-1 requires is that the public body cite a "specific law". It does not even state that it must be an applicable law. Arguably, the public body could cite a statute from SDCL 47-34A, and technically meet the requirement of SDCL § 1-25-1, but violate the spirit of SDCL ch. 1-25 as a whole. So, under this interpretation, the GVSD Board of Trustees failure to cite a specific state law may have technically violated SDCL § 1-25-1, but their actions met the spirit of SDCL ch. 1-25 by notifying the public of the permissible reason they were entering into executive session. Simply put, SDCL § 1-25-1's requirement to cite a "specific law" is an inconsequential and unnecessary procedural step, and the valid purpose required by SDCL § 1-25-2 is what matters. It would be unreasonable for the Board of Trustees to be deemed to have violated the SDCL ch. 1-25 when it performed the Guide's Best Practice, but missed a procedural technicality. Therefore, no Open Meeting Violation occurred.

Even assuming that the GVSD Board of Trustees' failure to recite the exact statutory section number constituted a technical violation of § 1-25-1, any such error was harmless. The stated reason, consultation with legal counsel regarding proposed or pending litigation, matches the enumerated purpose in § 1-25-2(3), and there is no evidence the executive session strayed beyond that subject. The public therefore received the essential information the statute is intended to convey: why the meeting was being closed and that it was for a lawful reason. In fact, the public received more information than it would have if the GVSD Board of Trustees simply cited SDCL § 1-25-2(3) without further context. As previously described above, according to the Guide, the GVSD Board of Trustees actually followed "best practice". See Guide, Pg. 3. GVSD should not be penalized for a procedural defect that did not impair transparency or prejudice the public in any way. Here, the substance of the SDCL ch. 1-25 was fully satisfied, and no harm resulted from the absence of a specific statutory citation.

In sum, under the rules of statutory interpretation, SDCL ch. 1-25 does not require a public body to cite a specific law to enter into executive session. Even if it does, the GVSD Board of Trustees substantially complied with the letter of the open meetings statutes, and fully complied with their spirit. It announced a clear, lawful reason for entering executive session that falls squarely within § 1-25-2(3), thereby providing the public with the transparency the law is designed to ensure. Whether viewed through a strict textual lens, a substantial compliance approach, or a harmless error analysis, no Open Meetings Violation occurred.

2. **The applicable Member(s) of the GVSD Board of Trustees did not violate SDCL § 1-25-11 when the they directed the Complainant to quit recording the meeting.**

SDCL § 1-25-11 allows the public to record an official meeting so long as the recording is reasonable, obvious, and not disruptive. In this instance, the Board's directive to the Complainant to quit recording was based on a reasonable and legitimate concern that the Complainant's recording method could disrupt the orderly conduct of the meeting. The action was not intended to prevent public access or conceal information, but to ensure the meeting could proceed efficiently and without interference and to avoid the potential of other members of the public being recorded without their consent. The Board acted reasonably, in good faith, and in accordance with its responsibility to maintain order during official proceedings. The mere fact no one said anything for the first five minutes the Complainant was recording should not be deemed determinative that no disruption or distraction occurred or reasonably could have occurred. When Complainant's recording was discovered, disruption and distraction of the meeting ensued.

Even if the Complainant's recording did not, in fact, cause any disruption, the Board's action, while mistaken, was reasonable and taken in good faith. The directive was intended to avoid potential distraction or interference with the meeting and to protect members of the public who may not have wished to be recorded. The Board acted out of a reasonable concern for maintaining the orderly conduct of the meeting, not to public prevent transparency or access. Furthermore, the Board never intended to prohibit or prevent Complainant from recording indefinitely. Its purpose was to pause the meeting, evaluate the law and facts, and make an informed decision on how to move forward. Evidencing this is that fact that the Board recognized the public perception that its action could have been construed to be mistaken under SDCL § 1-25-11. Upon this realization, the Board promptly took steps to ensure that future meetings fully comply with this statute, and apologized for the perception it created. This demonstrates the Board's commitment to acting reasonably and in good faith and maintaining full compliance with South Dakota open meetings laws.

CONCLUSION

Regarding Issue 1, The GVSD Board of Trustees made a formal motion to enter into executive session for the purpose of discussing legal issues relating to complaints made by Complainant, which satisfies SDCL ch. 1-25. Even if a technical violation did occur, the GVSD Board of Trustees actions substantially complied with the SDCL ch. 1-25, fully complied with the spirt of that statute, and resulted in no prejudice to the public.

Regarding Issue 2, the Complainant's recording of the meeting was or could have disruptive, which warrants the Trustees' direction to Complainant to quit recording under

SDCL ch. 1-25. Even if the Trustee's direction was mistaken and no disruption occurred, under SDCL ch. 1-25 their actions were taken in good faith and were reasonable under the circumstances. In addition, the GVSD Board of Trustees took prompt action thereafter in an effort to limit any harm done, and to avoid future misunderstandings or the perception of a violation of SDCL ch. 1-25.

As a result, no violation of the South Dakota Open Meetings Laws has occurred.

Dated: August 22, 2025.

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

By: Ty M. Daly

Ty M. Daly
Attorneys for Green Valley Sanitary District
909 St. Joseph Street, Suite 800
Rapid City, SD 57701
(605) 342-2592

From: Katz, Beverly
To: Neyhart, Melissa
Subject: FW: [EXT] GVSD Green Valley Open Meetings Complaint 2025-4
Date: Thursday, September 11, 2025 3:17:19 PM

Melissa, please make this part of the file. Beverly

From: Katz, Beverly
Sent: Thursday, September 11, 2025 3:17 PM
To: march18th@rap.midco.net; tdaly@lynnjackson.com
Cc: tyler.sobczak@pennco.org; steve.neavill@pennco.org
Subject: RE: [EXT] GVSD Green Valley Open Meetings Complaint 2025-4

Steve, Thanks for the email and its receipt is acknowledged. Beverly Katz

From: march18th@rap.midco.net <march18th@rap.midco.net>
Sent: Thursday, September 11, 2025 3:09 PM
To: Katz, Beverly <Beverly.Katz@state.sd.us>; tdaly@lynnjackson.com
Cc: tyler.sobczak@pennco.org; steve.neavill@pennco.org
Subject: RE: [EXT] GVSD Green Valley Open Meetings Complaint 2025-4

Beverly,
I understand your position, but please know that there is no Green Valley Sanitary Board. They all resigned last night. If a new board is established, they will be broke. The resolution for the opt-out of the tax limitations was not published. If a board is established, and if they remember to do the opt-out correctly, they will have no income for the day-to-day expenses until April of 2027. I do not wish to put anymore burden on them.
Steve Myers

From: Katz, Beverly <Beverly.Katz@state.sd.us>
Sent: Thursday, September 11, 2025 9:54 AM
To: tdaly@lynnjackson.com
Cc: march18th@rap.midco.net; tyler.sobczak@pennco.org; steve.neavill@pennco.org
Subject: FW: GVSD Green Valley Open Meetings Complaint 2025-4

Good morning Mr. Daly,

Just keeping you in the loop.

Mr. Myers sent an email this morning, and I am now including you. Please see below.

I believe since the State's Attorney referred this Complaint to the Open Meetings Commission, it will remain on the agenda.

We are in the process of setting this matter for a November 2025 meeting date and will advise everyone of the scheduled meeting date once set.

Thanks,

Beverly Katz – Assistant Attorney General

From: Katz, Beverly
Sent: Thursday, September 11, 2025 8:22 AM
To: march18th@rap.midco.net
Cc: Steve Neavill <steve.neavill@pennco.org>; Tyler Sobczak <tyler.sobczak@pennco.gov>
Subject: RE: [EXT] GVSD

Thank you for your email. Acknowledged.

Beverly J. Katz

Assistant Attorney General
JD, MBA, CPA
Phone (605) 773-3215
Email beverly.katz@state.sd.us
1302 East Hwy 1889, Ste. 1, Pierre, SD 57501

From: march18th@rap.midco.net <march18th@rap.midco.net>
Sent: Thursday, September 11, 2025 7:02 AM
To: Katz, Beverly <Beverly.Katz@state.sd.us>
Cc: Steve Neavill <steve.neavill@pennco.org>; Tyler Sobczak <tyler.sobczak@pennco.gov>
Subject: [EXT] GVSD

Good morning,

At last night's Green Valley Sanitary District meeting, the whole board resigned. All three, president Scott Mohr, vice president/treasure Val Lewton and Secretary Lorretta Janjula. There is no need to continue with my complaint.
Steve Myers

LYNN JACKSON ATTORNEYS

110 N. Minnesota Ave., Suite 400
Sioux Falls, SD 57104
Phone (605) 332-5999 · Fax (605) 332-4249

909 Saint Joseph Street, Suite 800
Rapid City, SD 57701
Phone (605) 342-2592 · Fax (605) 342-5185

10956 SD Highway 34
Belle Fourche, SD 57717
Phone (605) 722-9000 · Fax (605) 722-9001

REPLY TO: Rapid City Office
From the offices of Ty M. Daly
e-mail address: tdaly@lynnjackson.com

August 22, 2025

VIA U.S. MAIL: ~~Steven R. Blair~~ Beverly
Attorney General's Office
1302 E. Highway 14, #1
Pierre, SD 57501

Re: Green Valley Sanitary District/ General Advice - Our File No. 7501.002
Open Meetings Complaint 2024-10

Dear Mr. Blair:

I have enclosed the Response of Green Valley Sanitary District in the matter of Open Meetings Complaint 2025-04. I have referenced the page numbers from the "materials" you provided as the "Record" in the Response. Please advise if this should be done a different way. By copy of this letter, I am mailing copies to Senior Deputy State's Attorney Tyler Sobczak and Mr. Steven Myers. Please let me know when the Commission will be considering this matter. Thank you.

Sincerely,

Lynn, Jackson, Shultz & Lebrun, P.C.

Ty M. Daly
TMD:krk

Encl.

cc: Senior Deputy State's Attorney Tyler Sobczak via U.S. Mail
Mr. Steven Myers via U.S. Mail
GVSD Board of Trustees via email

SOUTH DAKOTA OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN MEETINGS COMPLAINT 2025-04,

GREEN VALLEY SANITARY DISTRICT – PENNINGTON COUNTY

RESPONSE OF GREEN VALLEY SANITARY DISTRICT

Green Valley Sanitary District Board of Trustees, through its undersigned counsel, makes its response to the complaint of Mr. Steven Myers ("Complaint") presented by the Pennington County State's Attorney.

INTRODUCTION

The Pennington County State's Attorney, based upon the complaint filed by Steven Myers, asks this Commission to consider (1) whether the motion made by the Green Valley Sanitary District ("GVSD") Board of Trustees to go into executive session violated SDCL § 1-25-1 ("Issue 1"), and (2) whether the Board of Trustees violated SDCL § 1-25-11 when it directed Complaint to quit recording the meeting ("Issue 2"). A complete review of the relevant actions and documents and the applicable statutes confirms that no violation of the South Dakota Open Meetings Law has occurred, which is the limited scope of the authority of this Commission.

STATEMENT OF MATERIAL FACTS

The GVSD Board of Trustees at the time relevant to this matter were Scott Mohr (President), Valerie Lewton (Treasurer), and Lorretta Jangula (Secretary).

Regarding Issue 1, while the Trustees do not recall citing a specific state law to enter into executive session and close the official meeting to the public, the Open Meetings Complaint 2025-04 materials compiled by Assistant Attorney General Steven R. Blair ("Record") support that they did make a motion which stated the specific reasoning for doing so. *See* Record, Pg. 19 and 21. The Complainant notes in his complaint ("Complaint") that the "board and their attorney went into executive session to discuss a complaint by Steve Myers…". *See* Complaint (pg. 9 of Record). As such, the Board of Trustees' motion gave the Complainant and the public clear notice of the Board's purpose and justification for entering into executive session.

Regarding Issue 2, as a result of the Complainant's video recording of the May 8, 2024 meeting a distraction or disruption of the meeting occurred. It also potentially made certain

other members of the public in attendance uncomfortable. Whether the recording itself or the disagreement about the recording was the cause of the distraction or disruption remains unclear. In addition, the Trustees only directed the Complainant to quit recording because they were uncertain of the applicable South Dakota law. *See* Record, Pg. 30. In fact, Mohr testified that the purpose of stopping the meeting was to determine whether recording was permitted, not simply to prevent Complainant from recording. *See Id.* Whether a violation occurred or not, it is important to note that Mohr's intention was essentially to pause the meeting until the Board of Trustees could decide how to proceed, not to prohibit Complainant from recording indefinitely. As evidence of that, Mohr testified that once the Trustees discovered their actions could be perceived to have violated SDCL § 1-25-11, the Trustees apologized for the perception the action created and have since permitted Complainant to record meetings. *Id.* Whether their actions violated SDCL § 1-25-11 or not, they acted in good faith as their intentions were to avoid a violation of law, and the distraction and the disruption the video recording caused or could cause. The Board of Trustees then promptly took action to address the potential issue and ensure similar misunderstandings would not occur.

LEGAL ISSUES

1. **The GVSD Board of Trustees did not violate SDCL § 1-25-1 by making a motion to go into executive session without citing specific law to close the official meeting to the public.**

The Supreme Court succinctly reiterated its canons of statutory interpretation in Martinmaas. It stated:

> Questions of law such as statutory interpretation are reviewed by the Court de novo.... The purpose of statutory construction is to discover the true intention of the law which is to be ascertained primarily from the language expressed in the statute. The intent of a statute is determined from what the legislature said, rather than what the courts think it should have said, and the court must confine itself to the language used. Words and phrases in a statute must be given their plain meaning and effect. When the language in a statute is clear, certain and unambiguous, there is no reason for construction, and the Court's only function is to declare the meaning of the statute as clearly expressed. Since statutes must be construed according to their intent, the intent must be determined from the statute as a whole, as well as enactments relating to the same subject. But, in construing statutes together it is presumed that the legislature did not intend an absurd or unreasonable result. When the question is which of two enactments the legislature intended to apply to a particular situation, terms of a statute relating to a particular subject will prevail over the general terms of another statute.

Martinmaas v. Engelmann, 2000 S.D. 85, ¶ 49, 612 N.W.2d 600, 611 (citing Moss v. Guttormson, 1996 SD 76, ¶ 10, 551 N.W.2d 14, 17).

While SDCL § 1-25-1 states, "An official meeting of a public body is open to the public unless a specific law is cited by the public body to close the official meeting to the public", as the Pennington County State's Attorney Investigator notes, SDCL § 1-25-2, the statute specific to executive or closed meetings, has no similar requirement. *See* Record, Pg. 29-30. SDCL § 1-25-2 simply provides the permissible purposes of executive or closed meetings, one being "consulting with legal counsel… about proposed or pending litigation…" and what the a public body must do to enter into executive session. It states, "An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion." SDCL § 1-25-2. Again, SDCL § 1-25-2 articulates no such requirement to cite a specific law. The contradiction between SDCL § 1-25-1 and § 1-25-2 creates an ambiguity that should be construed in favor of SDCL § 1-25-2, as it is the statute that specifically discusses the reasons that a public body can enter into executive session and the actions a public body must take to properly do so. All evidence suggests that the GVSD Board of Trustees met the requirements of SDCL § 1-25-2 by passing the closure motion by majority vote, expressing a permissible purpose for entering into executive session in the closure motion (discussing Complainant's Complaint) and limiting their discussion to that permissible purpose. Whether the GVSD Board of Trustees complied with SDCL § 1-25-1 becomes immaterial, because the Board complied with SDCL § 1-25-2, the more specific (and applicable) statute, and SDCL ch. 1-25 as a whole. As such, it should not be deemed an Open Meetings Violation.

Even if SDCL § 1-25-1 controls, and a specific law must be cited by the public body to close the official meeting to the public, the GVSD Board of Trustees' motion, at the least, substantially complied with that requirement. The open meetings statutes, SDCL ch. 1-25, are designed to ensure transparency by requiring public bodies to state a valid legal reason before entering executive session, not to impose a rigid, technical recitation of statute citations. Here, the GVSD Board of Trustees expressly stated it was entering executive session to discuss proposed or pending litigation (Complainant's Complaint) with its legal counsel—one of the permissible purposes under SDCL § 1-25-2(3). This statement identified the legal basis for closure and gave the public the transparency the law intends.

Reading SDCL §§ 1-25-1 and 1-25-2 together, the requirement to "cite a specific law" should be considered satisfied when the public body articulates a reason that directly matches a statutory exception, even if the section number itself is not recited. The law should not require form over substance. In fact, in its "Guide to South Dakota's Open Meetings Laws (Revised 2023) ("Guide"), the South Dakota Attorney General's Office itself notes that "best practice to avoid public confusion would be that public bodies explain

the reason for going into executive session." See Guide, Pg. 3. By making a motion to enter into executive session for the reason of discussing Complainant's Complaint, it sought to avoid public confusion in a way that a simple statutory citation could not do.

Read without SDCL § 1-25-2, all SDCL § 1-25-1 requires is that the public body cite a "specific law". It does not even state that it must be an applicable law. Arguably, the public body could cite a statute from SDCL 47-34A, and technically meet the requirement of SDCL § 1-25-1, but violate the spirit of SDCL ch. 1-25 as a whole. So, under this interpretation, the GVSD Board of Trustees failure to cite a specific state law may have technically violated SDCL § 1-25-1, but their actions met the spirit of SDCL ch. 1-25 by notifying the public of the permissible reason they were entering into executive session. Simply put, SDCL § 1-25-1's requirement to cite a "specific law" is an inconsequential and unnecessary procedural step, and the valid purpose required by SDCL § 1-25-2 is what matters. It would be unreasonable for the Board of Trustees to be deemed to have violated the SDCL ch. 1-25 when it performed the Guide's Best Practice, but missed a procedural technicality. Therefore, no Open Meeting Violation occurred.

Even assuming that the GVSD Board of Trustees' failure to recite the exact statutory section number constituted a technical violation of § 1-25-1, any such error was harmless. The stated reason, consultation with legal counsel regarding proposed or pending litigation, matches the enumerated purpose in § 1-25-2(3), and there is no evidence the executive session strayed beyond that subject. The public therefore received the essential information the statute is intended to convey: why the meeting was being closed and that it was for a lawful reason. In fact, the public received more information than it would have if the GVSD Board of Trustees simply cited SDCL § 1-25-2(3) without further context. As previously described above, according to the Guide, the GVSD Board of Trustees actually followed "best practice". See Guide, Pg. 3. GVSD should not be penalized for a procedural defect that did not impair transparency or prejudice the public in any way. Here, the substance of the SDCL ch. 1-25 was fully satisfied, and no harm resulted from the absence of a specific statutory citation.

In sum, under the rules of statutory interpretation, SDCL ch. 1-25 does not require a public body to cite a specific law to enter into executive session. Even if it does, the GVSD Board of Trustees substantially complied with the letter of the open meetings statutes, and fully complied with their spirit. It announced a clear, lawful reason for entering executive session that falls squarely within § 1-25-2(3), thereby providing the public with the transparency the law is designed to ensure. Whether viewed through a strict textual lens, a substantial compliance approach, or a harmless error analysis, no Open Meetings Violation occurred.

2. **The applicable Member(s) of the GVSD Board of Trustees did not violate SDCL § 1-25-11 when the they directed the Complainant to quit recording the meeting.**

SDCL § 1-25-11 allows the public to record an official meeting so long as the recording is reasonable, obvious, and not disruptive. In this instance, the Board's directive to the Complainant to quit recording was based on a reasonable and legitimate concern that the Complainant's recording method could disrupt the orderly conduct of the meeting. The action was not intended to prevent public access or conceal information, but to ensure the meeting could proceed efficiently and without interference and to avoid the potential of other members of the public being recorded without their consent. The Board acted reasonably, in good faith, and in accordance with its responsibility to maintain order during official proceedings. The mere fact no one said anything for the first five minutes the Complainant was recording should not be deemed determinative that no disruption or distraction occurred or reasonably could have occurred. When Complainant's recording was discovered, disruption and distraction of the meeting ensued.

Even if the Complainant's recording did not, in fact, cause any disruption, the Board's action, while mistaken, was reasonable and taken in good faith. The directive was intended to avoid potential distraction or interference with the meeting and to protect members of the public who may not have wished to be recorded. The Board acted out of a reasonable concern for maintaining the orderly conduct of the meeting, not to public prevent transparency or access. Furthermore, the Board never intended to prohibit or prevent Complainant from recording indefinitely. Its purpose was to pause the meeting, evaluate the law and facts, and make an informed decision on how to move forward. Evidencing this is that fact that the Board recognized the public perception that its action could have been construed to be mistaken under SDCL § 1-25-11. Upon this realization, the Board promptly took steps to ensure that future meetings fully comply with this statute, and apologized for the perception it created. This demonstrates the Board's commitment to acting reasonably and in good faith and maintaining full compliance with South Dakota open meetings laws.

CONCLUSION

Regarding Issue 1, The GVSD Board of Trustees made a formal motion to enter into executive session for the purpose of discussing legal issues relating to complaints made by Complainant, which satisfies SDCL ch. 1-25. Even if a technical violation did occur, the GVSD Board of Trustees actions substantially complied with the SDCL ch. 1-25, fully complied with the spirt of that statute, and resulted in no prejudice to the public.

Regarding Issue 2, the Complainant's recording of the meeting was or could have disruptive, which warrants the Trustees' direction to Complainant to quit recording under

SDCL ch. 1-25. Even if the Trustee's direction was mistaken and no disruption occurred, under SDCL ch. 1-25 their actions were taken in good faith and were reasonable under the circumstances. In addition, the GVSD Board of Trustees took prompt action thereafter in an effort to limit any harm done, and to avoid future misunderstandings or the perception of a violation of SDCL ch. 1-25.

As a result, no violation of the South Dakota Open Meetings Laws has occurred.

Dated: August 22, 2025.

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

By: Ty M. Daly

Ty M. Daly
Attorneys for Green Valley Sanitary District
909 St. Joseph Street, Suite 800
Rapid City, SD 57701
(605) 342-2592

From: Katz, Beverly
To: Neyhart, Melissa
Subject: FW: [EXT] GVSD Green Valley Open Meetings Complaint 2025-4
Date: Thursday, September 11, 2025 3:17:19 PM

Melissa, please make this part of the file. Beverly

From: Katz, Beverly
Sent: Thursday, September 11, 2025 3:17 PM
To: march18th@rap.midco.net; tdaly@lynnjackson.com
Cc: tyler.sobczak@pennco.org; steve.neavill@pennco.org
Subject: RE: [EXT] GVSD Green Valley Open Meetings Complaint 2025-4

Steve, Thanks for the email and its receipt is acknowledged. Beverly Katz

---

From: march18th@rap.midco.net <march18th@rap.midco.net>
Sent: Thursday, September 11, 2025 3:09 PM
To: Katz, Beverly <Beverly.Katz@state.sd.us>; tdaly@lynnjackson.com
Cc: tyler.sobczak@pennco.org; steve.neavill@pennco.org
Subject: RE: [EXT] GVSD Green Valley Open Meetings Complaint 2025-4

Beverly,
I understand your position, but please know that there is no Green Valley Sanitary Board. They all resigned last night. If a new board is established, they will be broke. The resolution for the opt-out of the tax limitations was not published. If a board is established, and if they remember to do the opt-out correctly, they will have no income for the day-to-day expenses until April of 2027. I do not wish to put anymore burden on them.
Steve Myers

From: Katz, Beverly <Beverly.Katz@state.sd.us>
Sent: Thursday, September 11, 2025 9:54 AM
To: tdaly@lynnjackson.com
Cc: march18th@rap.midco.net; tyler.sobczak@pennco.org; steve.neavill@pennco.org
Subject: FW: GVSD Green Valley Open Meetings Complaint 2025-4

Good morning Mr. Daly,

Just keeping you in the loop.

Mr. Myers sent an email this morning, and I am now including you. Please see below.

I believe since the State's Attorney referred this Complaint to the Open Meetings Commission, it will remain on the agenda.

We are in the process of setting this matter for a November 2025 meeting date and will advise everyone of the scheduled meeting date once set.

Thanks,

Beverly Katz – Assistant Attorney General

From: Katz, Beverly
Sent: Thursday, September 11, 2025 8:22 AM
To: march18th@rap.midco.net
Cc: Steve Neavill <steve.neavill@pennco.org>; Tyler Sobczak <tyler.sobczak@pennco.gov>
Subject: RE: [EXT] GVSD

Thank you for your email. Acknowledged.

Beverly J. Katz

Assistant Attorney General
JD, MBA, CPA
Phone (605) 773-3215
Email beverly.katz@state.sd.us
1302 East Hwy 1889, Ste. 1, Pierre, SD 57501

From: march18th@rap.midco.net <march18th@rap.midco.net>
Sent: Thursday, September 11, 2025 7:02 AM
To: Katz, Beverly <Beverly.Katz@state.sd.us>
Cc: Steve Neavill <steve.neavill@pennco.org>; Tyler Sobczak <tyler.sobczak@pennco.gov>
Subject: [EXT] GVSD

Good morning,

At last night's Green Valley Sanitary District meeting, the whole board resigned. All three, president Scott Mohr, vice president/treasure Val Lewton and Secretary Lorretta Janjula. There is no need to continue with my complaint.
Steve Myers

From:	Katz, Beverly
To:	Neyhart, Melissa
Subject:	FW: [EXT]
Date:	Monday, September 22, 2025 10:17:26 AM
Attachments:	September 11- 2025 For or Against.pdf 2025 Commissioners.docx Scotts Flood Plain Development Permit.pdf commissioners.docx System Users.pdf 6-11-2025 certify.m4a

---

From: march18th@rap.midco.net <march18th@rap.midco.net>
Sent: Monday, September 22, 2025 9:28 AM
To: Olson, Russ (DLA) <Russ.Olson@state.sd.us>
Cc: Katz, Beverly <Beverly.Katz@state.sd.us>
Subject: FW: [EXT]

Good morning,
Just in case you haven't seen this.
Thank you,
Steve Myers

From: march18th@rap.midco.net <march18th@rap.midco.net>
Sent: Thursday, September 18, 2025 7:56 AM
To: 'tyler.sobczak@pennco.org' <tyler.sobczak@pennco.org>
Cc: Steve Neavill (steve.neavill@pennco.org) <steve.neavill@pennco.org>
Subject:

Tyler,
Attached are the 'Not in Favor' and 'In Favor' lists. By my count there are 69 family's that are not in favor of the proposed sewer project. It's a good guess that many of these family were at the February 27, 2024, and May 29, 2024, meetings. Both of those meetings had about the same amount of people with nearly the same number of hands raised when I called for a vote. One of our residents is working on a list that will tell us how many properties out here are rentals, and how many of those are out-of-state owners. It's our thought that renters won't come to these meetings and won't forward the meeting notices to the owner.
Also attached is the letter I sent to the commissioners yesterday and Scott's Flood Plain Development Permit.
In the letter I forgot to add that Scott was appointed President and Val was appointed Vice president/Treasure at the April 10, 2024, meeting.
Attached is the System User's pdf. The System Users Agreement is from page 11 of the

Grant Documents. This is something that Katie Hammer, Rural Development, has told me (I have it in an email) that will be enforced. I reminded the GVSD board of this document several months ago. In the meetings that followed, I was told, ‘our attorney says that we don’t have to do this’. At another meeting Scott stated that, ‘It’s not in our Bylaws, so we don’t have to do it’.
You can read my thoughts and see the documents.
Please contact me if you have any questions.
Thank you,
Steve Myers
605-484-1424

Commissioners,

More must know information.

On December 13, 2021, Scott Mohr purchased 5846 Greenwood Lane. That property includes 7 lots. All in zone AE. Only 1 has an existing home on it.

In August of 2023 the GVSD board began talks about a pressurized sewer system, at the suggestion of GVSD resident Scott Mohr.

On November 8, 2023, Scott Morh accepted the position of Member at Large on the Green Valley Sanitary District (GVSD) board.

At the December 13, 2023, meeting Scott Mohr accepted the position of Vice President on the GVSD board.

Scott Mohr has a Flood Plain Development Permit # COFDP24-0006. The permit is for "concrete columns only". Dated 2/19/2024.

The permit engineer is Interstate Engineering.

The engineer gives the Existing Ground Elevation as 3031.2 – 3032.4.

There are three lots between Scott's property and mine. Scott is to the south. My Fisk Engineering survey has my highest point at 3032. That ground saw no water in both 2015 and 2019, when I saw over 2' of water on 5846 Greenwood Lane. My neighbor directly to the south, with one property between her and Scott' farther to the south, has an elevation on the southern end of her property of 3028.6.

I know that Scott can not get a permit for a septic tank and drain field on those 7 lots. Pressurized sewer is his only option.

I'm wondering—Is the engineering report falsified? Is there a conflict of interest when Scott uses the same engineering company as GVSD? Most importantly, Scott kept pushing for this pressurized sewer when the vast majority didn't want or need it. Was this because the only way for him to develop those 7 lots is with a pressurized sewer system?

Steve Myers 9-17-2025

PENNINGTON COUNTY

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION / AS-BUILT

Tax ID # 67456 2583 67457 2584 67458	For Internal Use Only	Permit # COFDP24-0006

PLEASE READ: *This application must be completely filled out and submitted with the required items listed below before the Planning Department will begin processing. Due to the amount of information usually provided for a Floodplain Development Permit (FDP), the Permit review process may take a minimum of fifteen (15) business days, so please plan your construction project accordingly. A review may take longer if information required was not submitted or is inaccurate and needs to be resubmitted.*

**** INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED ****

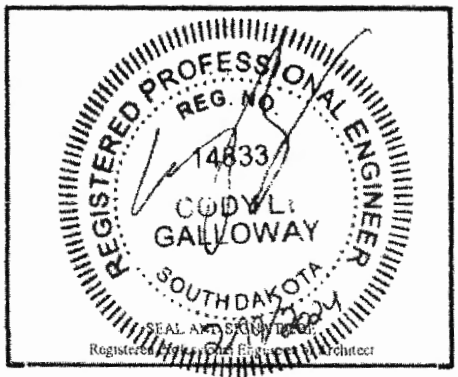
I certify that all information contained within this application form and any other information provided by me in relation to this application is true and accurate to the best of my knowledge; I certify that I will comply with all applicable Federal, State, and local laws and regulations in performing the work for which this permit is intended, and the structure and/or development will meet all applicable requirements of Ordinance #17 (Pennington County Flood Damage Prevention Ordinance) as applicable; and, I FURTHER UNDERSTAND THAT SUBMITTAL OF THIS APPLICATION IS NOT AND DOES NOT CONSTITUTE AN APPROVED PERMIT.

Cody L. Galloway 02/19/2024

Printed name of Registered Professional Engineer or Architect / Date

2/19/2024

Signature of Registered Professional Engineer or Architect / Date



NOTE

1. **No work may start until a FDP is approved.**
2. **The FDP may be revoked by way of a STOP WORK ORDER if any false statements are made herein.**
3. **If revoked, all work must cease until a new FDP and a START WORK ORDER are re-issued.**

LANDOWNER Name: Scott Mohr		
Phone: 605-858-2955		
APPLICANT Name: Scott Mohr		
Address: 5949 Green Tree Dr.		Phone: 605-858-2955
City: Rapid City	State: SD	Zip: 57703
Email: scottmohr57701@gmail.com		

Engineer or Architect Name: Cody L. Galloway		
Address: PO Box 226		Phone: 605-642-4772
City: Spearfish	State: SD	Zip: 57783
Email: cody.galloway@interstateeng.com		

MAIL TO --> Applicant ____ *Landowner X Other____ Pick Up____

*The Permit and associated paperwork will be sent to the Landowner if none of the above are checked.

DESCRIPTION OF PROPOSED WORK

Describe the work being done and indicated clearly on maps/site plans which structure/project/etc is being evaluated for a Floodplain Prevention Permit:

Residential	Nonresidential	Mobile Home	Subdivision
X New Construction	New Construction	X Single Lot	Fill
Addition/Improvements	Addition/Improvement	MHP/MHS	Watercourse Alteration
X Other (explain): FOR COLUMNS ONLY			

REQUIRED INFORMATION (An application will not be accepted without this information):

1. The proposed development is located in: Zone AE ; and, X Floodway or ___ 100-Year Flood Fringe
2. Panel # 46103C0813H Effective Date 06/03/2013
3. Base Flood Elevation 3034.4 Source: FIS
   Existing Ground Elev. 3031.2-3032.4 Source: Ground Survey
   Finish Elev. 3031.2-3032.4 Source: Estimated

POST CONSTRUCTION / AS-BUILT
TO BE COMPLETED AFTER CONSTRUCTION

Elevation of as-built lowest floor (including basement) of structure: _____ **Feet** _____ **Source**
PLEASE INCLUDE SUPPORTING DOCUMENTATION.

Complete or Attach the Following if Applicable to this Project:

1. Describe flood-proofing methods (e.g., elevated on compacted fill; flood proofing using bulkheads, sealers; elevated on poles or columns or concrete walls): Building shall be elevated on concrete columns.
2. If development is a mobile home, refer to section 501(A) of Ordinance #17 for anchoring requirements. Describe anchoring techniques: N/A
3. A description of the extent to which any water course will be altered or relocated;
4. Based on the (100-year) flood elevation data for development or subdivision greater than 50 lots or 5 acres, whichever is less.
5. Attach all relevant engineering data and certificates.

TO BE COMPLETED BY FLOODPLAIN ADMINISTRATOR

✓ **APPROVED.** I have reviewed the plans and materials submitted in support of the proposed development and find them in compliance with applicable Floodplain Management standards.

___ **DENIED.** The proposed development is not in conformance with applicable Floodplain Management Standards.

COMMENTS: APPROVAL FOR COLUMN PLACEMENT ONLY - NO OTHER DEVELOPMENT PERMITTED.

JASON THORNTON, CFM — 4-11-19
Floodplain Administrator or Designee **Date**

My name is Steve Myers.

I was on the Green Valley Sanitary District board for most of 2023. I have written this Commission several times about problems with the Green Valley Sanitary District Board.

The board acted in their own interests, ignoring the wishes of the residents that were completely evident at the September 27, 2024, Special Meeting and again at the May 29, 2024, Special Hearing, where a raise of hands vote was taken. The vote was overwhelming 'no' for this sewer project at both meetings.

The GVSD board put us in debt over $800,000.

When the project estimate somehow went from 9.4 million to 19.6 million, they bailed on September 10, 2025.

These are the resignations of the entire Green Valley Sanitation District Board.

I have brought you all the paperwork that was dumped on a desk by two of the resigned board members. Val Lewton kept everything that she had, including the 2 checkbooks.

Steve Myers 9/15/2025

5648 Greenwood Lane

march18th@rap.midco.net

605-484-1424

instrument(s). Both your bond and legal counsel must comply with these instructions when closing the Agency loan/grant.

18. System Users – This letter of conditions is based upon your indication at application that there will be at least 284 residential users, 0 non-residential users, and 0 bulk / wholesale users on the existing and/or proposed system when construction is completed.

Before the Agency can agree to the project being advertised for construction bids, you must certify that the number of users indicated at application are currently using the system or signed up to use the system once it is operational.

If the actual number of existing and/or proposed users that have signed up for service is less than the number indicated at the time of application, you must provide the Agency with a written plan on how you will obtain the necessary revenue to adequately cash flow the expected operation, maintenance, debt service, and reserve requirements of the proposed project (e.g., increase user rates, sign up an adequate number of other users, reduce project scope, etc.). Similar action is required if there is cause to modify the anticipated flows or volumes presented following approval.

> b. Sewer User Agreements – Users will be required to execute a Sewer Users Agreement prior to advertising for construction bids. The amount of cash contributions required will be set by you and concurred with by the Agency. Contributions should be an amount high enough to indicate sincere interest on the part of the potential user, but not so high as to preclude service to low-income families, and must have a deadline for the contribution to be used or forfeited. RUS Bulletin 1780-9, "Water Users Agreement," or similar agreement may be used.

19. Construction Account – A separate construction account is not required for project funds. However, the recipient must be able to separately identify, report and account for all Federal funds, including the receipt, obligation and expenditure of funds, in accordance with 2 CFR 200.305. These funds must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage. If the balances at the financial institution where federal funds will be deposited exceeds the FDIC insurance coverage, the excess amount must be collaterally secured up to 100 percent of the highest amount of funds expected to be deposited in the account at any one time, per the Department of Treasury regulations and requirements.

20. Interim Financing – The Agency's policy is to utilize interim financing for all loans exceeding $500,000. Prepayment penalties on interim financing are not allowed. Borrowers are required to seek interim financing initially from private or cooperative lenders if funds can be borrowed at reasonable interest rates on an interim basis from those sources for the construction period. The fact that a commercial lender's rates are higher than current Agency interest rates does not necessarily mean that the commercial rate is not reasonable.

21. Proposed Operating Budget – You must establish and/or maintain a rate schedule that provides adequate income to meet the minimum requirements for operation and maintenance