

GOVERNMENT ACCOUNTABILITY BOARD

MINUTES OF MEETING

December 20, 2022, at 2:00 p.m. Central Time
Sioux Falls, SD

BOARD MEMBERS PRESENT: Lori Wilbur, David Gienapp, Gene Kean,

CALL MEETING TO ORDER: Wilbur called the meeting to order at 2:07 p.m. Central Time. A quorum was present. Zoom was initiated prior to meeting being called to order.

OTHERS PRESENT: Caroline Srstka, assisting the Board
Mark Haigh, legal counsel for the Board
Paul Bachand
Media

The following is a summary (not verbatim) of the matters discussed.

APPROVE AGENDA: Agenda was approved.

APPROVAL OF MINUTES: Motion by Gienapp, seconded by Kean, to approve the minutes of the November 14, 2022, meeting. Motion carried unanimously.

NEW BUSINESS: There was no new business to discuss.

DISCUSSION OF PENDING COMPLAINTS:

The Board noted that Chief Justice Gilbertson previously recused himself from sitting on Complaint 2021-04.

Motion by Gienapp, seconded by Kean, to move into executive session pursuant to SDCL 1-25-2 and 3-24-4 to discuss Complaints 2022-02 and 2021-04. Motion carried unanimously. Board proceeded to executive session.

Executive Session ended and the meeting was again open to the public.

COMPLAINT 2021-04

Gienapp moved that the Board dismiss Complaint 2021-04. In making the motion, Gienapp noted that the complaint relates to an analysis of the factual investigation as to whether there is sufficient information pursuant to SDCL 3-4-7 for a contested case hearing relating to actions contrary to the dictates of SDCL 5-25-1.1. There may or may not have been actions contrary to the dictates of SDCL 5-25-1.1, however, to decide pursuant to SDCL 3-4-7 a definition of the term "State Business" as referenced in SDCL 5-25-1.1 is necessary. The Board does not feel it has the authority to establish a definition of the term "State Business" as embodied in SDCL 5-25-1.1. The authority for such a definition is the responsibility of the State Legislature. From the Board's research there is no statutory definition. That prohibits the Board from making a finding of sufficient information pursuant to SDCL 3-4-7. Kean seconded the motion. Motion carried unanimously.

PUBLIC COMMENT: Time was allowed for public comment. No comment was made by members of the public.

DISCUSSION REGARDING FUTURE MEETINGS:

The next meeting will be scheduled at a later date.

ADJOURNMENT

Motion by Kean, seconded by Gienapp, to adjourn the meeting. Motion carried unanimously and the Board adjourned.

Approved on _____ day of _____, 2023.

On Behalf of the Government Accountability Board

** Members of the public were provided an option to appear at the meeting in person or via Zoom. The information on how to appear via Zoom was listed on the Agenda.