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December 5, 2017

Chris Holmes
1011 9th Ave. NE
Aberdeen, SD 57401

Edmunds County Board of
Commissioners
Care of: Edmunds Co. Auditor
210 2nd Ave.
Ipswich, SD 57451

Re: In the Matter of Open Meeting Complaint 2017-03, Edmunds County
Board of Commissioners – Edmunds County

Dear Mr. Holmes & Edmunds County Board of Commissioners,

Enclosed please find a copy of the Findings of Fact and Conclusions of Law proposed in the above referenced matter. The Commission at its December 21 meeting will consider the findings and conclusions. A Notice of Hearing, and proposed agenda, regarding the December 21 meeting is also enclosed. As you can see from the agenda, consideration of the proposed findings and conclusions will begin at 2:30 p.m. central time or as soon thereafter as matters may be heard.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "SRB", with a horizontal line extending to the right.

Steven R. Blair
Assistant Attorney General

SRB/jm
Enclosures

Cc: Vaughn Beck – Edmunds County State's Attorney

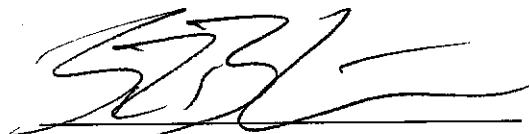
STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2017-03
MEETINGS COMPLAINT AGAINST)	
EDMUNDS COUNTY BOARD OF)	NOTICE OF HEARING
COMMISSIONERS – EDMUNDS)	
COUNTY)	

TO: Chris Holmes, 1011 9th Ave. NE, Aberdeen, SD 57401; Edmunds County Board of Commissioners, Care of: Edmunds County Auditor, 210 Second Avenue, Ipswich, South Dakota 57451:

Please take notice that the final action to adopt the Findings of Fact, Conclusions of Law and Decision regarding the above referenced open meetings complaint will be held before the South Dakota Open Meetings Commission, telephonically, on Thursday, December 21, 2017. You are not required to be present, however, if you would like to be present the hearing will commence at 2:30 P.M. central time, and proceed in the order noted in the attached agenda. The information necessary to access the teleconference can be found in the attached agenda.

Dated this 5th day of December, 2017.



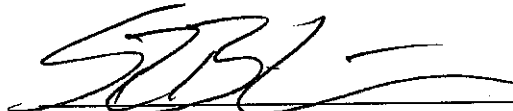
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STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2017-03
MEETINGS COMPLAINT AGAINST)	
EDMUNDS COUNTY BOARD OF)	CERTIFICATE OF SERVICE
COMMISSIONERS – EDMUNDS)	
COUNTY)	

The undersigned hereby certifies that true and correct copies of the proposed Findings of Fact and Conclusions of Law and Notice of Hearing issued in the above-captioned matter, was served by United States mail, first class, postage prepaid upon Chris Holmes, 1011 9th Avenue Northeast, Aberdeen, South Dakota 57401; and the Edmunds County Board of Commissioners, Care of: Edmunds County Auditor, 210 Second Avenue, Ipswich, South Dakota 57451.

Dated this 5th day of December, 2017.



Steven R. Blair
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501
Telephone: (605) 773-3215

STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2017-03
MEETINGS COMPLAINT AGAINST)	
THE EDMUNDS COUNTY BOARD)	FINDINGS OF FACT,
OF COMMISSIONERS)	CONCLUSIONS OF LAW AND
)	DECISION

The above captioned matter was heard before the South Dakota Open Meetings Commission (Commission) on November 3, 2017. Complainant Chris Holmes, appeared in person. The Edmunds County Board of Commissioners did not appear personally or through counsel. Prior to the hearing, the Commission reviewed the written submissions of the parties as well as any other exhibit, pleading or paper on file herein. Based upon the materials submitted and the arguments of the parties, the Commission enters the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Commission takes official notice that Edmunds County is a political subdivision of the State of South Dakota created by the Legislature and duly organized and operated according to applicable provisions of South Dakota Codified Law.

2. On July 14, 2017, Chris Holmes submitted an open meetings complaint regarding the Edmunds County Board of Commissioners.

3. On July 18, 2017, Edmunds County States Attorney Vaughn Beck, forwarded the complaint to the Commission pursuant to SDCL 1-25-6.1(3) for the Commission's review and action.

4. In the complaint, Mr. Holmes alleged that the Edmunds County Board of Commissioners violated SDCL 1-25-1.1 by not posting notice of a special meeting held on May 19, 2017.

5. SDCL 1-25-1.1 requires that all public bodies (except that state and its boards, commissions or departments) provide notice of their meetings by posting a proposed agenda that is "visible, readable, and accessible for at least and entire continuous twenty-four hours immediately preceding" the meeting.

6. During review of this matter by State's Attorney Beck, Bob Olson, chair of the Edmunds County Board of Commissioners, admitted that no agenda for the May 19, 2017, meeting was posted. The Edmunds County Board of Commissioners submitted no further response to the complaint.

22. Any Finding of Fact more appropriately labeled as a Conclusion of Law is hereby re-designated as such and incorporated below therein.

CONCLUSIONS OF LAW

1. The Edmunds County Board of Commissioners is a public body subject to the open meeting requirements of SDCL ch. 1-25. The Open Meeting Commission has jurisdiction over this matter pursuant to SDCL ch. 1-25.

2. Based upon the materials in the record, and the testimony presented at the hearing of this matter, the Commission concludes the Edmunds County Board of Commissioners did violate the South Dakota Open Meetings Laws when notice, including a proposed agenda, was not posted for a special meeting held on May 19, 2017 as required by SDCL 1-25-1.1.

3. Any Conclusion of Law more appropriately labeled as a Finding of Fact is hereby re-designated as such and incorporated above therein.

DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the South Dakota Open Meetings Commission hereby REPRIMANDS the Edmunds County Board of Commissioners in that the Board of Commissioners failed to post notice, including a proposed agenda, for a meeting of the public body as required by SDCL 1-25-1.1.

Decision entered by Commissioners **Krull**, (Chair), **Reedstrom**, **Rothschadl**, **Sovell**, & **Steele**.

SOUTH DAKOTA OPEN MEETING COMMISSION

AGENDA

Teleconference Meeting
December 21, 2017
2:30 p.m. Central Time

1. Approval of the Agenda
2. Approval of the Minutes of November 3, 2017 meeting.
3. Consideration of Pending Complaints

A. *In the Matter of Open Meeting Complaint 17-01 South Dakota Water Management Board*

Consideration of motion filed by Associated School Boards of South Dakota for leave to file as *amicus curiae*

Oral Presentations:

Complainant George W. Ferebee -15 minutes (a portion of this time may be reserved for rebuttal)

South Dakota Water Management Board -15 minutes

4. Consideration of Findings of Fact and Conclusions of Law

A. *In the Matter of Open Meeting Complaint 17-03, Edmunds County Board of Commissioners*

All items are scheduled for 02:30 P.M. Central Time. Scheduled items may be delayed or moved to a later agenda item at the discretion of the OMC.

If you wish to join this meeting by conference call please dial (312) 757-3121. You may attend the meeting in person at the Office of Attorney General, at 1302 E. Highway 14, Pierre, South Dakota.

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Attorney General's Office, 605-773-3215, at least 48 hours before the meeting if you have a disability for which special arrangements must be made.