

OPEN MEETING COMMISSION  
November 18, 2024  
TRANSCRIPT

**ES: Emily Sovell, Sully County**  
**KH: Katelynn Hoffman, Turner County**  
**AH: Austin Hoffman, McPherson County**  
**LR: Lance Russell, Fall River/Oglala Lakota County**  
**MS: Michael Smith, Clay County**  
**SB: Steven Blair, Attorney General's Office**  
**SM: Steven Myers, Complaint against Green Valley Sanitary District**  
**EO: Erika Olson, Attorney for Green Valley Sanitary District**

---

Transcript starts when meeting starts

ES: I will say good morning to everyone and introduce myself again Emily Sovell, Chairman of the South Dakota Open Meeting Commission. I would like to welcome everybody on this lovely morning. I know Mondays are – why did we do Monday morning Steve? That seemed smart.

SB: You know I'm wondering that I think this was the time that worked best for everybody.

ES: It's cause we all block it off because we had – we know how Monday mornings go. That was silly. Anyway, welcome anyway to this Monday morning as a reminder we're holding this remotely by a TEAMS for the benefit of all those listening I ask that ever speaker including us as a Commission, and I'll try to do good job of that I have failed in the past. Please identify yourself when you are speaking. Also, please mute yourself unless you are speaking so that we don't get all that background noise and makes it difficult for us to hear everyone else. If you are someone who is joining us for the public comment period, please do identify yourself and also please spell your name for the record so that we can ensure we have that correct. So, with that Mr. Blair I think I'll rely on you to run through and do a roll call to establish a quorum.

SB: Sure. Chair Sovell?

ES: Here

SB: Mister Kate Hoffman

1 AH: You may have flipped a Mr. and Mrs. there, but we won't take it against  
2 you.  
3  
4 SB: Kate, I see you there. Austin, I see you there.  
5  
6 AH: Yep  
7  
8 SB: Commissioner Smith is here. We're missing Commissioner Russell.  
9 Madam Chair you have a quorum.  
10  
11 ES: Alright very good with that having us establish a quorum first item on  
12 the agenda is to approve the agenda and one thing that we did not have  
13 on this one is that we are holding this via Teams link so I would ask for a  
14 motion to approve the agenda with the addition that we're proving this  
15 being held via Teams.  
16  
17 AH: So, moved.  
18  
19 SB: Madam Chair may I interrupt  
20  
21 ES: Yep  
22  
23 SB: I would also ask that the agenda be amended to include a discussion at  
24 the end of your next meeting date. That was inadvertently left off.  
25  
26 ES: Alright I would ask for someone to motion with those two additions. The  
27 TEAMS link, as well as, adding at the end a discussion for our next  
28 meeting.  
29  
30 AH: So, moved.  
31  
32 MS: And I would second that.  
33  
34 ES: We have a first, we have a second. With it being Teams Steve do you  
35 prefer that you do a roll call on each motion?  
36  
37 SB: You are not required to unless somebody votes in the negative.  
38  
39 ES: Okay with that all those in favor signify by saying aye.  
40  
41 AH: Aye  
42  
43 KH: Aye  
44  
45 MS: Aye  
46

1 ES: Aye. Anyone opposed? Hearing none, unanimous vote approves our  
2 agenda with the two amendments that were stated. With that we will  
3 move into agenda item number 2 which is the public comment period  
4 required by SDCL 1-25-1 we would invite any member of the public to  
5 provide comments at this time. Please note that if there is someone  
6 making public commentary, we will track your time and we will limit that  
7 to five minutes. Is anyone here for the public comment portion? Okay  
8 hearing none we will then simply move on to agenda item number 3  
9 which is approval of the minutes of the Commission meeting from both  
10 November 18 and 25 show we will consider those separately. I guess I  
11 should make sure that everyone on the Commission received draft  
12 minutes from Mr. Blair's office I know they're posted publicly as well.  
13 Maybe I'll do it this way. Has anyone not received them? Jump in and  
14 scream and holler if you did not receive those. Okay its my  
15 understanding we've all had the opportunity to reviews those in advance.  
16 Is anyone inclined to make a motion to approve the November 18, 2024,  
17 minutes as written or is there anyone that has further discussion on any  
18 amendments that we need to make.  
19  
20 AH: I motion to approve those.  
21  
22 ES: Motion someone want second that.  
23  
24 KH: I would second that.  
25  
26 ES: Kate has the second. Any further decision? All those in favor please  
27 signify by saying aye.  
28  
29 AH: Aye  
30  
31 KH: Aye  
32  
33 MS: Aye  
34  
35 ES: I also vote aye. Anyone opposed please signify by stating nay at this time.  
36 Hearing no votes in the negative we will have that motion pass by  
37 unanimous vote of those present and we will then move on to the  
38 November 25, 2024, minutes. Does anyone have any corrections or  
39 notations for update the November 25, 2024, minutes. Hearing no  
40 corrections or changes to the drafts that have been provided I would ask  
41 for a motion on the November 25, 2024, minutes as written.  
42  
43 MS: So, moved.  
44  
45 ES: Okay  
46

1 AH: Second.  
2  
3 ES: Mr. Smith and Mr. Hoffman. Any further discussion or questions? All in  
4 favor please signify by saying aye.  
5  
6 AH: Aye  
7  
8 KH: Aye  
9  
10 MS: Aye  
11  
12 ES: I also vote aye. Anyone opposed please signify by saying nay. Hearing  
13 none motion passed by unanimous vote of those present. We will move  
14 on to agenda item number 4 In consideration of the pending complaints.  
15 We still have the one complaint that remains for consideration with the  
16 Green Valley Sanitary Sewer District. It was complaint 2024-10  
17 complainant Steve Myers present.  
18  
19 SM: Yes, I am.  
20  
21 ES: Okay with that we'll make sure we have Erika Olson is also on with us,  
22 correct?  
23  
24 EO: Yep  
25  
26 ES: And so, we will go ahead and proceed I know we've had – we've had  
27 information in the past when this is continuation of our last hearing but  
28 we will still give Mr. Myer the fifteen minutes to present anything further  
29 on the petition and again you may reserve a portion of that time for  
30 rebuttal if you so choose. Is there anything further you would like to add  
31 to your complaint?  
32  
33 SM: Yes, I've got a letter that I'd like to read.  
34  
35 ES: Go ahead.  
36  
37 SM: I am Steve Myers. I trust that you have received and read my two letters  
38 dated December 1, 2024, and December 4, 2024. Keloland reported that  
39 Erika Olson questioned whether open meeting laws apply to Sanitary  
40 Districts. Green Valley Sanitary District checks all the boxes including  
41 having the authority to exercise sovereign power. As I wrote in the email  
42 dated February 20, 2025, in the January 11, 2023, minutes there is no  
43 motion and no vote on paying interest or renewing that loan. And still,  
44 we did have Leonard Lee, Marlen Kelly and Jason Reitz go in and pay the  
45 interest on that loan and renew it. I'm going to read a little bit of the  
46 January 2024 minutes that Erika Olson has submitted in that email. It

1 says motion by Loretta, seconded by Scott to approve January 2024  
2 meeting agenda. No further discussion motion passed. Motion by Scott,  
3 second by Jason to approve the December 2023 minutes. No further  
4 discussion. Motion passed. So, to me so far it looks like there familiar  
5 with parliamentary procedure. The next paragraph says a motion by  
6 Scott, seconded by Loretta to approve the treasurer's report. There's  
7 discussion Jason asked the board to meet with Black Hills Federal Credit  
8 Union to discuss transferring some of the accumulated funds which  
9 cannot be used for routine business 2-, 3-, 6- and 9-month CDs at 5%  
10 rate and renew the \$200,000 note for another 12 months. A 3 pm  
11 meeting at 3 pm on January 11 was scheduled motion passed. I'd like to  
12 point out that there was no motion to go to the bank, no motion to pay  
13 the interest, no motion to renew the loan and of course there was no  
14 vote. Yet the three of them Scott Moore, Jason Reitz and Lorette Jangula  
15 all went to Black Hills Federal Credit Union paid the interest and  
16 renewed that loan. The GVSD board missed the January 11, 2025,  
17 interest payment on the \$200,000.00 loan. At the February 12, 2025,  
18 meeting, Secretary Loretta Jangula made a motion, and I quote to extend  
19 the short-term loan of \$200,000 for another 12 months with the  
20 assumption that we will be paying it early end quote. She asked the  
21 question when is that going to be handled? President Scott Moore  
22 replied, and I quote I'll go down their tomorrow and take care of that. The  
23 motion was voted on and unanimously passed. I'll point out there was no  
24 motion to pay the interest. The past two renewals were done with three  
25 signatures as was the loan. This leaves me with more questions and  
26 President Scott Moore do this on his own or did all three board members  
27 go to the bank and sign. As of today, we've paid \$28,259.07 in interest  
28 on this loan. I've given you all a lot of information, but the simple facts  
29 are on January 4, 2022, three Green Valley Sanitary District board  
30 members went to Black Hills Federal Credit Union, and each signed for  
31 the \$200,000 loan. The GVSD minutes support the fact there was no  
32 resolution, no motion and consequently, there could not be a vote, and  
33 there was not a vote on that loan. For two years, 2023 and 2024,  
34 interest was paid, and the loan was renewed without a motion and  
35 without a vote. I can only assume that the 2025 interest was paid and if  
36 so, it was done without a motion or a vote. The GVSD board members  
37 who signed are responsible for this loan and all the interest paid by  
38 GVSD resident taxes. I'd like to introduce a copy of this presentation into  
39 the record. Thank you.

40  
41 ES: Okay thank you and you have not used all of your time. Steve how much  
42 time does he have left for rebuttal if he so choses?

43  
44 SB: It's about 11 minutes.  
45

1 ES: Okay very good. So, you'll have additional time to respond if you desire to  
2 do so. So, we thank you and we'll move over to the respondent's and  
3 Erika Olsen is present for that.  
4

5 EO: Thank you, madam chair. Members of the Commission thank you for  
6 your time today. Can you all hear me?  
7

8 ES: Yep. Your good.  
9

10 EO: Thank you. Green Valley objects to the extent that the materials which  
11 Mr. Myers has submitted include additional issues, allegations, and  
12 evidence which are – were not a part of the original Pennington County  
13 State's Attorneys Office investigation or which were determined to have  
14 no merit by the State's Attorney. In addition, there was a document  
15 submitted marked Kelo pdf which is a misleading exert from media  
16 report in which has no foundation as in – and is inaccurate. The only  
17 issue the State's Attorney has presented to this Commission is to  
18 consider the loan Green Valley Sanitary District (GVSD) obtained with  
19 Black Hills Federal Credit Union in January of 2022 to pay for  
20 engineering costs for its ongoing sewer project. Asking if action was  
21 taken in violation of the GVSD bylaws and state law. A complete review of  
22 the relevant actions and documents and the applicable statutes confirms  
23 that no violation of the open meetings law has occurred, which is the  
24 limited scope and authority of this Commission. The agenda and minutes  
25 confirm that the loan was discussed at regular GVSD meetings which  
26 were open to the public. The affidavits of past and current board  
27 members confirmed that the agendas for monthly board meetings are  
28 posted by the president on the exterior door, the meeting room at Rapid  
29 Valley Sanitary District's Office in advance of the meeting which is where  
30 GVSD meets. Majority of the trustees recalled discussing the loan at  
31 various meetings and reaching a consensus that it was needed. I would  
32 like to address the authority of the Open Meetings Commission. Open  
33 Meetings Commission is created by SDCL 1-25. The Commission has  
34 only the jurisdiction and authority granted to it by the legislature, which  
35 is to determine under SDCL 1-25-7 whether the alleged conduct violates  
36 the Open Meetings law under Title 1-25. Other issues are not within the  
37 Commission's statutory authority. When considering the extent of the  
38 open meetings law application it is important to note that not all the  
39 provisions of SDCL 1-25 apply to all types of entities. Based upon the  
40 definitions found in SDCL 1-25-12 and 34A-5 a sanitary district is a  
41 political subdivision under subsection 1 of 1-25-12 and it is a public  
42 body under subsection 2 of the same statute. However, it is not  
43 considered a part of the state as that term is defined in subsection 5 of  
44 1-25-12 this is made clear by the fact that the definition for public body  
45 specifically includes any political subdivision and the state. This  
46 clarification would not be needed if political subdivision and state were

1 the same. The provisions of SDCL 1-25-1 which requires that official  
2 meetings be open to the public and 1-25-1.1 requiring the giving of  
3 notice of meetings by posting an agenda at least 24 hours ahead of a  
4 meeting apply to GVSD as a political subdivision and a political body as  
5 those terms are defined under the open meetings law. However, SDCL 1-  
6 25-1.3 requiring giving notice of meeting by posting of an agenda 72  
7 hours ahead of a meeting 1-25-1.4 requiring meeting information to be  
8 posted on a state website, and 1-25-3 setting requirements for meetings  
9 of – for minutes of proceedings apply only to the state and thus do not  
10 apply to a political subdivision such as GVSD. Again, taking in mind the  
11 specific definitions of these terms under the open meetings law. The  
12 record reflects that all meetings in question were open to the public in  
13 compliance with SDCL 1-25-1. Agendas for the meetings were posted in  
14 advance of the meetings and compliance with SDCL 1-25-1.1. The  
15 agendas included information about the loan being considered, giving the  
16 public notice that the loan would be discussed at the meeting, GVSD has  
17 substantially complied with the flickable provisions of 1-25 which applied  
18 to it as a sanitary district in relation to the loan obtained from Black  
19 Hills Credit Union. Well, the minutes from these meetings do not  
20 document a specific vote the trustees acting at the time confirm  
21 consensus on the action as required by the documents – as evidence by  
22 the document signed with the bank. Provisions of SDCL 1-25-3 requiring  
23 the minutes to document the voting do not apply to a sanitary district  
24 but apply only to the state. Other matters which the State's Attorney  
25 and Mr. Myers ask this Commission to consider including compliance  
26 with other state laws are outside the authority and jurisdiction of this  
27 Commission and should not be considered. The GVSD board of Trustees  
28 considered the loan with Black Hills Federal Credit Union at several  
29 meetings which noticed and held as public meetings in compliance with  
30 South Dakota's Open Meetings Laws and there was a consensus reached  
31 at those meetings among the boards of trustees to approve the loan. As  
32 a result, no violation of the South Dakota Open Meetings Law has  
33 occurred. Do you have any questions please let me know.

34  
35 ES: Thank you we will go back to the complainant and offer him the  
36 opportunity to respond with his reserved time. If you are prepared go  
37 ahead.

38  
39 SM: Thank you. As far as the agenda being posted on the door, I have given  
40 you folks a couple letters where people, residents have said that did not  
41 happen. For the year that I was on the board the agenda was emailed to  
42 the board it was never part of public. As far as all of the meetings, we  
43 have a December meeting that was – was not part of the public meeting.  
44 That is – I'm sorry it's a November meeting where they discussed – they  
45 discussed short term financing

1 ES: I think I'm – I am going to interject here I do think we need to focus on  
2 the actual complaint that came in that was proposed by the State's  
3 Attorney so if we're going to veer off into other potential violations, I'd like  
4 to bring us back in if that's okay.

5  
6 SM: Okay sure I'm just – just clarifying – Okay – Obviously I disagree I think  
7 she's grasping at straws. I read the open the meeting letter or the  
8 conducting the public's business in public. Who does the open meeting  
9 laws apply to. I know you guys know this inside and out and backwards.  
10 I would just urge you that this is a loan that happened that the public  
11 didn't know about there. There's been renewals that the public doesn't  
12 know about. Renewals that haven't been approved. Haven't been voted  
13 on. I guess that's all I can tell you. Thank you.

14  
15 ES: Thank you. Okay so with that concludes the oral presentation we will  
16 then segway into our deliberation on this particular matter and I think  
17 some of the questions that we left with that resulted in the tabling of our  
18 decision last time focused on the applicability to the sewer district and I  
19 should note as we get into our deliberation I believe at the beginning  
20 when we took the roll call Lance Russell was not present, but I see he  
21 has joined us and I believe he joined us before the evidence started.  
22 Lance, can you confirm that just so that we have that on the record?

23  
24 LR: That is correct. I was able to listen to everything presented.

25  
26 ES: Okay great. Sorry, I didn't mean to leave you out there so with that I  
27 guess I'll open it up to the other commissioners' thoughts, concerns, do  
28 you still have questions on whether the open meeting rules in full apply  
29 to the sanitary sewer district the same as they do other the other state  
30 subdivisions.

31  
32 AH: I can kind of start my train of thought here. I ended up going down a  
33 pretty deep rabbit hole yesterday ultimately more or less trying to prove  
34 Ms. Olson wrong, and I don't think I'm able too. When you look at 34A-5-  
35 14 as was stated specifically states that a sanitary district is a  
36 governmental subdivision and public body. Under 1-25-1 the minutes  
37 requirements only pertain to the state. I kind of dug a little deeper into  
38 that when you look at counties, municipalities, and school boards each  
39 of those have their own statutes that lay out minutes being required.  
40 Counties are 7-18-3, municipalities are 9-18-1, school boards 13-8-35.  
41 That is not found in 34A-5 that governs sanitary district, so I do not  
42 believe that sanitary districts are required to post minutes. The other  
43 ordinance that comes in to play or not ordinance, statute that comes into  
44 play is 34A-5-22 which is already been talked about that last sentence  
45 simply says a concurrence of the majority is necessary to any action of  
46 the board. What a concurrence is – is not defined anywhere else as far as



1 I could find. We have three signed affidavits from each of the board  
2 members at the time saying, you know, they don't necessarily remember  
3 when a formal vote was – when or if a formal vote was taken, but they all  
4 agree that they all agreed that there was a concurrent to move forward  
5 with this loan. Granted I personally believe the rules could probably be  
6 clearer and there maybe some legislative action that needs to be taken,  
7 but we can only go by with – go by what the statutes give us and I believe  
8 that under the statutes that there was a concurrence and GVSD well  
9 they are subject to 1-25-1 they do not have to print minutes and because  
10 of that I don't see that there was a violation here.

11  
12 ES: Mr. Blair have we in the past we have held a sanitary sewer district to  
13 the same standard as other state entities have, we not?

14  
15 SB: I don't – I don't recall a previous file with a sanitary district. I believe  
16 there may have been some early decisions regarding a water district, but  
17 I don't remember – I don't recall a sanitary district.

18  
19 ES: And I think your right I think it was water district, but I'm thinking you  
20 know it was the whole Monday morning thing I was going to ensure that  
21 was available and then fires needed to be put out. You know Mr.  
22 Hoffman's comments I understand where you're coming from I am  
23 concerned I've worked with sanitary sewer districts, I've worked with  
24 water districts, I've worked with counties and cities and when we split  
25 hairs, again I'm readying the same statutes you are I'm – I'm tempted to  
26 say there under the same standard and we need to make sure we still  
27 have that same public information available but I hear exactly where Mr.  
28 Hoffman is coming from. Other commissioners what are you thinking?

29  
30 MS: Yeah, this is Michael Smith. I kind of went down a similar route as Mr.  
31 Hoffman did, I come to the same conclusion. I would struggle to  
32 categorize the sanitary district under the definition of state under 1-25-  
33 12 and for that reason I think although its compelling and have a lot of  
34 concern about making this finding. I would agree that I believe that  
35 maybe a loophole, but I think ultimately, I tend to believe that Ms.  
36 Olson's argument as to the applicability of the statutes to the sanitary  
37 district likely are going to lead me to believe that there has not been a  
38 violation.

39  
40 ES: Kate or

41  
42 LR: Lance here. I tend to agree. I looked at it as much as it troubles me what  
43 happened I don't believe that we have jurisdiction based upon the  
44 reading of the statutes.

1 KH: And this is Kate and I would follow. I understand the research that both  
2 Mr. Hoffman and Mr. Smith have conducted, but I still fall in line with a  
3 lot of the thought process that you've had Emily and I have great concern  
4 that you allow this to not be considered a violation that it's a slippery  
5 slope for other entities to just allege by affidavit after the fact that there  
6 has been a concurrence. I struggle with it still after having the  
7 opportunity to have additional time to look at it.  
8  
9 AH: I just – I want to include that, you know, kind of following what has  
10 already been said by everybody else. I'm not happy to come to the  
11 conclusion that I came to at all. I think there absolutely needs to be some  
12 work done in the legislature to change some of this because this isn't  
13 how it should be done. There should have to be a formal vote on the  
14 record, and I believe minutes should have to be posted for these  
15 meetings. They're spending a significant amount of taxpayer money and  
16 there for a reason, but at the end of the day you know the statutes are  
17 what the statutes are and I think hopefully if anything this brings some  
18 awareness to an issue that needs to be fixed.  
19  
20 ES: Okay  
21  
22 LR: Lance, Lance Russell one more time and this for the complainant. Our  
23 jurisdiction is limited and that's why you're going to probably be  
24 disappointed in today's decision, but I would tell you that the courts, the  
25 circuit court has much more jurisdiction in areas of this nature than we  
26 do and so you're not completely foreclosed from bringing your issues  
27 before other venues.  
28  
29 ES: Somebody inclined to make their motion?  
30  
31 AH: I will make a motion that on both issues – issue one and issue two no  
32 violations were found per the open meeting – there were no open meeting  
33 violations found.  
34  
35 ES: Anyone inclined to second that motion?  
36  
37 MS: This is Michael Smith I would second that motion.  
38  
39 ES: And on this one – I'm going to well I guess we'll just go ahead and do a  
40 vote. Any further discussion? We have a first, we have a second. All  
41 those in favor of the motion signify by saying aye.  
42  
43 LR: Aye  
44  
45 AH: Aye  
46

1 MS: Aye  
2  
3 KH: Aye  
4  
5 ES: K those opposed signify by saying nay and I will say I'm going to vote  
6 nay. K, motion passes and – I'm sorry was there  
7  
8 SB: Ms. Sovell, I think technically under the statutes you have to do a roll  
9 call if there's a nay vote.  
10  
11 ES: Oh, I'm sorry. Yep, okay. So, we'll go ahead on – those who voted aye  
12 please do that roll call for us Mr. Blair.  
13  
14 SB: Kate Hoffman  
15  
16 KH: Aye  
17  
18 SB: Austin Hoffman  
19  
20 AH: Aye  
21  
22 SB: Michael Smith  
23  
24 MS: Aye  
25  
26 SB: Lance Russell  
27  
28 LR: Aye  
29  
30 SB: Emily Sovell  
31  
32 ES: Nay  
33  
34 SB: 4 to 1 the motion passes.  
35  
36 ES: Okay thank you for that Mr. Blair and for keeping me on track as always.  
37  
38 SM: Can I ask one question well I have you here?  
39  
40 ES: Sure  
41  
42 SM: So, am I to understand that this commission has no jurisdiction at all  
43 over the sanitary district?  
44

1 ES: The – they found that there was no violation because of the  
2 inapplicability of the statutes that were described and therefore with no  
3 jurisdiction they have found that there is no violation.  
4

5 SM: Okay I'll – I've got several others in the works so I'll let the state's  
6 attorney's office know that they can stop on it. Quit wasting their time.  
7

8 ES: And I will say, and I don't know if you're planning on staying we'll have  
9 we're going to discuss at the end. Establishing agenda for future  
10 meetings and with that there's going to be some requests for additional  
11 things on the agenda from me anyway so you're welcome to stay and  
12 listen further, but this particular matter has concluded so.  
13

14 SM: Okay I'll just tell them I don't see any reason to stay if you guys have no  
15 jurisdiction over the sanitary district. We won't be meeting again it looks  
16 like.  
17

18 AH: (inaudible)  
19

20 SB: Mr. Myers if I may. Sorry Mr. Hoffman, so the commission has  
21 jurisdiction over the sanitary district to extent there's an open meeting  
22 violation. Today based on the facts of this complaint and what was  
23 forwarded by the state's attorney the commission found that there was  
24 no violation. So, to the extent there maybe other complaints that the  
25 state's attorney deems warranted and forwards to the commission. The  
26 commission could review those. It's not a blanket statement of no  
27 jurisdiction there's clearly jurisdiction the sanitary district admitted sort  
28 of waved any argument that there not a public body that the open  
29 meetings statutes apply to. So, there is jurisdiction to that extent. It's  
30 just on these facts of this complaint they found there was no violation.  
31

32 SM: Alright. Thank you.  
33

34 ES: Okay thank you for that clarification we – need to find my agenda. I've  
35 lost it. Okay I think that we have concluded that and that will take us  
36 then to discussing our next meeting date. We'll ask first I guess that the  
37 Attorney General's Office will prepare the findings of fact and conclusions  
38 of law for the matters that were heard today. There's a notation here we  
39 do have the state's attorney conference coming up in April. Mr. Blair's  
40 not going to be available on April 1 which is the date of that meeting I  
41 know we had some discussion before about holding our next meeting on  
42 that date. I guess time will tell whether we have matters that we need to  
43 address.  
44

45 SB: I should clarify I am not available the first part of that week. Through  
46 Wednesday so it would April 28, 29, 30 I'm not available but I am

1 available – I'm actually traveling I get back late on I think it's late on that  
2 Wednesday, so I'd probably be available on Friday if the Commission  
3 wanted to meet then at the tail end of the state's attorneys conference.  
4

5 ES: Is everyone going to be out there for the state's attorneys conference?  
6

7 MS: I'll be out there. Go ahead Lance.  
8

9 LR: Yeah, and I will be present also. So, Friday afternoon probably would  
10 work very well to do it there in Deadwood for me anyway.  
11

12 MS: And I would say – well Kate and I probably have well about equally as far  
13 of a drive, you've got a little less than me, but only by about 30 minutes  
14 so the more time the better to prepare for that because generally I like to  
15 hit the road as soon as I can Friday to come back here depending on  
16 when we're going to meet Friday I may need to get accommodations to  
17 stay out there Friday evening as well just given the amount 5 ½ hour  
18 driving time back to Clay County. So, that being said I will be available  
19 just as much time as you can give us on notice would be appreciated.  
20

21 AH: And it's I would second that as well I've got about a 5 – 5 ½ hour drive  
22 home depending on how much I may or may not speed allegedly so.  
23

24 ES: Alright, well Steve do we want tentatively plan on that? And we can do it  
25 when you can herd the cat so to speak.  
26

27 SB: Well, so typically what would be on the agenda is adopting findings for  
28 the files that have been heard over the last three meetings now. Which is  
29 a number of them, but they typically don't take very long. I don't know  
30 that we've – My memory might be failing I don't recall anybody that's  
31 showing up at the time of adopting findings. Although we do provide  
32 that as an option the parties are given notice of the proposed findings  
33 and are told that they can file a written objection or they may appear at  
34 the time the matters scheduled to be heard. So, but again nobody I don't  
35 think anybody has ever done that – that I recall. So, it'd be adopting  
36 findings in those 12 -13 files and then minutes from today and then  
37 whatever Emily I think you said you had some things you wanted to  
38 maybe put on the agenda.  
39

40 ES: Well and I know I realize this season it's too late, but I do think we  
41 should detail at some point some of our legislation that we should fix and  
42 I think maybe we should put in suggestions for legislative updates at  
43 some point it doesn't have to be now we have time. So, I'll just throw that  
44 out there.  
45

1 SB: I will say that they May period works probably the best for our legislative  
2 schedule and by our I mean the Attorney General's I would assume that  
3 he would primarily sponsor any changes the commission brought  
4 forward to – you know – to make legislative changes and so our  
5 legislature calendar that is sort of the beginning of the time when we  
6 start looking at legislation for next session. So, that would allow time for  
7 the commission between now and then to get any ideas to me. I can put  
8 them in sort of draft form, you can consider them at that meeting then  
9 they could go to the Attorney General for his consideration and comment.

10  
11 ES: Well one in particular is stems directly from our hearing today that that  
12 recommendation will be coming to me just so you know that we rectify  
13 this loophole with the sanitary sewer district. I think that the amount of  
14 dollars being spent with those districts that they should be treated the  
15 same as the others. So, that's I'll just throw that out there for food for  
16 thought.

17  
18 AH: And I haven't done the research on this, but my gut would tell me that  
19 you know the other kind of districts and statutory associations that are  
20 created under that kind of scheme there probably are issues, similar  
21 issues there too that need to be looked at.

22  
23 ES: Right and maybe as simple as expanding the applicability to  
24 subdivisions, political subdivisions and subdivisions of the state I don't  
25 know but. Anyway, so food for thought that's something we can ponder  
26 between now and when Steve does his magic.

27  
28 SB: If everybody's agreeable we can plan on the afternoon of the second of  
29 May or giving the commute time for several of you we can look at an  
30 alternate date. Maybe earlier April or the week or two after that in May.

31  
32 MS: I think the second of May makes the most sense to me. I mean if all of us  
33 are going to be out there anyway I would prefer to meet in person. I mean  
34 today's meeting on Teams made sense and it worked well, but I do think  
35 that giving kind of what we're dealing with I did prefer meeting in person  
36 and for that reason I would rather have a late evening on the second or  
37 have to figure out another accommodations and come back later just so  
38 that we can all be in the same room.

39  
40 KH: I agree with that.

41  
42 ES: And I'll roll with it however I have not – I always find its wonderful time  
43 for me to catch up on paperwork when the state's attorney conventions  
44 going on but I should probably attend because I haven't been there for  
45 like twelve years. So, I haven't fully committed but I should try to get out  
46 there this year and it is nice to be in person so I'm okay with that, but if

1 for some reason I'm not there in person I can jump in there with the rest  
2 of you there.

3  
4 SB: I will add and not to throw a wrench in I apologize it just crossed my  
5 mind, but I was informed over the weekend that the state's attorneys  
6 conference does not coincide with the judicial conference this year. So, to  
7 the extent that they may affect scheduling for some of you I just wanted  
8 to put that on your radar.

9  
10 ES: Who did that? I loved not having my phone ring in those couple of days.  
11 Dang it.

12  
13 SB: I don't – I don't know how that got switched but that's what I've been told  
14 I have not researched it I don't know when the judicial conference is, but  
15 I was informed that over the weekend.

16  
17 MS: I've been told the same, but I checked my calendar it looks like our  
18 judges must have had the memo down for when state's attorney  
19 conference was anyway because it aligned fine for me.

20  
21 SB: Well, we'll plan on the second of May and if for some reason a huge  
22 wrench gets thrown in we can always readjust.

23  
24 ES: Sounds good. Alright is there anything else. If not, this is going to  
25 conclude all the business of the commission. I thank everyone for  
26 participating and somebody want to throw out a motion to adjourn.

27  
28 MS: So, moved.

29  
30 HA: Second.

31  
32 ES: Alright have a great rest of your week.