

Department of Social Services Boards & Commissions Meeting Guidelines



It is the expectation of the Department of Social Services that public information and meeting materials for board and commission meetings be transparent, timely and accurate.

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What is South Dakota Open Meetings Law?

South Dakota Open Meetings Law embodies the principle that the public is entitled to the greatest possible information about public affairs and is intended to encourage public participation in government. [SDCL 1-25](#) requires that official meetings of public bodies must be public and noticed in advance of the meetings.

While the open meetings law does not define "official meeting," specific statutes relating to cities, townships, counties, and school districts define what constitutes an official meeting. The State of South Dakota Office of the Attorney General also takes the position that a meeting must be open to the public if:

- 1) A legal quorum of the public body is present at the same place at the same time; and
- 2) Official business, meaning any matter relating to the activities of the entity, is discussed.

Who Does the Open Meetings Law Apply To?

South Dakota Open Meetings Law applies to all public bodies "of the state or its political subdivisions" that exercise "sovereign power derived from state law." This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to actually exercise sovereign power.

Open Meetings

In-person Meetings

In addition to statutory requirements, the Department of Social Services is fully committed to transparency and would like to provide some additional information regarding public accessibility of official board meetings. DSS requires in-person meetings to be accessible both in person and via telephone (as a minimum method) or via the internet or web-meeting.

Boards and Commissions can facilitate these meetings using a variety of methods including:

- 1) Utilizing tools like Skype or Livestream which may still require a phone line; OR
- 2) Establishing a dial in number or conference line for people to participate by phone.

Meeting notices and agendas should clearly indicate how interested persons can arrange for meeting access via telephone. How to dial in to the meeting, or who to call for the RSVP process, should be clearly stated in the same place in the notice or agenda as meeting location information.

Teleconferences

Teleconference meetings are allowed. These meetings can be an information exchange conducted by audio or video if a place is provided for the public to participate by phone. If less than a quorum is present at the location open to the public, arrangements must be made for the public to listen by telephone or internet. The public must be notified of teleconference meetings under the same notice requirements as any other meeting. Members are deemed in attendance if the member answers present to the roll call for the purpose of determining a quorum. All votes shall be taken by roll call.

Meetings Closed to the Public

Executive Sessions

The requirement to provide one or more places for the public to listen to the teleconference does not apply to an executive or closed meeting. Executive or closed meetings may be held for the sole purposes of:

- 1) Discussing personnel issues pertaining to officers or employees;
- 2) Consideration of the performance or discipline of a student, or the student's participation in interscholastic activities;
- 3) Consulting with or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;
- 4) Employee contract negotiations; or
- 5) To discuss marketing or pricing strategies of a publicly-owned competitive business.

The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings.

Procedure for Executive Sessions

Motions for executive sessions must refer to the specific state law allowing for the executive session (e.g. "pursuant to [SDCL 1-25-2\(3\)](#)). To avoid public confusion a best practice would be for a board to explain the reason for going into executive session. An example would be: "Motion to go into executive session pursuant to [SDCL 1-25-2\(1\)](#) for the purpose of discussing a personnel matter," or "Motion to go into executive session pursuant to [SDCL 1-25-2\(3\)](#) for the purpose of consulting with legal counsel." Executive session discussion must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken.

Meeting Notices

[SDCL 1-25-1.3](#) Notice of meetings of the state and its boards, commissions, and departments shall provide public notice of a meeting by posting a copy of the proposed agenda at the principal office of the board, commission, or department holding the meeting. The proposed agenda shall include the date, time, and location of

the meeting; it must be visible, readable, and accessible to the public. The Department of Social Services values public input. Effective July 1, 2018, and in accordance with [SDCL 1-25-1](#), the chair of the board shall reserve a period for public comment during each meeting. The agenda shall be posted at least three business days before the meeting is scheduled to start according to the agenda. 3 business days does not include the day the agenda is posted, Saturdays, Sundays, or legal holidays.

The Department of Social Services will post all meeting notices to the South Dakota Boards and Commissions Portal at <http://boardsandcommissions.sd.gov/>. To meet meeting notice requirements, meeting notices must be submitted electronically to the following email address: DSSBoards&Commissions@state.sd.us 48 hours before the notice must be posted.

The public must be notified of teleconference meetings under the same notice requirements as any other meeting. All votes shall be taken by roll call.

Sample Meeting Timeline

Scheduled meeting date	Monday, May 22, 2017
Date to post the agenda / notice	Tuesday, May 16, 2017
Date to post meeting documents if available	Tuesday, May 16, 2017
Date to post approved agenda & *draft minutes	Tuesday, June 6, 2017

*Approved minutes are posted the day following the meeting they were accepted as final.

Posting Meeting Documents

[SDCL 1-25-1.4](#) State boards, commissions, or departments required to provide public notice shall make the notice available on a state website designated by the commissioner of the Bureau of Finance and Management, if the information exists:

1. Financial statements;
2. Audit reports;
3. A list of the members of the board or commission;
4. A schedule of future meetings;
5. Public meeting materials that are available before a public meeting;
6. Meeting minutes; and
7. Annual reports

The Department of Social Services will post all required information to the South Dakota Boards and Commissions Portal at http://boardsandcommissions.sd.gov. Required documents must be submitted electronically to the following email address: DSSBoards&Commissions@state.sd.us.

Meeting Agenda
Name of Board, Commission or Advisory Council
Building/Location, City, SD Zip Code
Month Day, Year
Time AM/PM to Time AM/PM (Time Zone)

Call In Number: (605-XXX-XXXX)
Access Code: (XXXXXXXX)

Member Listing

- | | |
|------------------|------------------|
| 1. <Member Name> | 6. <Member Name> |
| 2. <Member Name> | 7. <Member Name> |
| 3. <Member Name> | 8. <Member Name> |
| 4. <Member Name> | 9. <Member Name> |

Others in attendance:

Purpose: Summary statement of the Board, Commission or Advisory Council (shall be to guide or advise the ...)

	When	Agenda Item	Who
1.	<Time>	Call to Order/Welcome and Introductions	<Name>
2.	<Time>	Roll Call	<Name>
3.	<Time>	Approval of Agenda	<Name>
4.	<Time>	Approval of Minutes	<Name>
5.	<Time>	Action Item	<Name>
6.	<Time>	Action Item	<Name>
7.	<Time>	Executive Session	<Name>
8.	<Time>	Other business	<Name>
9.	<Time>	Public Testimony/Public Comment Period	<Name>
10.	<Time>	Set Next Meeting Date	<Name>
11.	<Time>	Adjourn	<Name>

Individuals requiring assistive technology or other services in order to participate in the meeting should submit a request to <Contact Person> by phone or email at least **1 day prior to the meeting** in order to make accommodations available.

Taking Meeting Minutes

State of South Dakota [Bureau of Human Resources](#) offers a 2.5 hour class on the art of taking meeting minutes for a nominal fee. The course covers subjects such as preparing to take minutes, the scope and focus of minutes, how to take minutes at a board meeting, recording action items, transcribing minutes, administrative duties and accountability.

Draft Minutes

[SDCL 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](#).

The Department of Social Services will post all meeting minutes to the South Dakota Boards and Commissions Portal at <http://boardsandcommissions.sd.gov>. To meet meeting minute requirements, draft minutes must be submitted electronically within 9 days after the meeting to the following email address: DSSBoards@Commissions@state.sd.us.

Meeting Minutes Example

Meeting Minutes
Name of Board, Commission or Advisory Council
Building/Location, City, SD Zip Code
Month Day, Year
Time AM/PM to Time AM/PM (CST) / (MST)

Call Information:
Call In Number: (605-XXX-XXXX)
Access Code: (XXXXXXX)

Members Present:

Members Absent:

DSS Staff Present:

Others in Attendance:

Purpose: Summary statement of the Board, Commission or Advisory Council
(The purpose of the board shall be to guide or advise the ...)

- I. **Call to Order/Welcome and Introductions** <Name>
<Member Name> called the meeting to order at <Time> <AM/PM> and welcomed members to the meeting.
- II. **Roll Call** <Name>
<Member Name> called the roll. A quorum was present.
- III. **Approval of Agenda** <Name>
<Member Name> made a motion to approve the meeting agenda.
<Member Name> seconded the motion. **MOTION PASSED.**
- IV. **Approval of Minutes** <Name>
<Member Name> made a motion to approve the <Date> meeting minutes.
<Member Name> seconded the motion. **MOTION PASSED.**
- V. **Action Item** <Name>
- VI. **Action Item** <Name>
- VII. **Executive Session** <Name>
<Member Name> made a motion to go into executive session pursuant to SDCL 1-25-2(1) for the purpose of discussing a personnel matter. **OR**
<Member Name> made a motion to go into executive session pursuant to

SDCL 1-25-2(3) for the purpose of consulting with legal counsel. **MOTION PASSED.**

VIII. **Public Testimony/Public Comment Period** <Name>

IX. **Set Next Meeting Date** <Name>

X. **Adjourn** <Name>

<Member Name> made a motion to adjourn the meeting at <Time>
<AM/PM>. <Member Name> seconded the motion. **MOTION PASSED.**

Meeting Adjourned at (Time of day AM/PM).

Disclaimer

The information contained in this document is provided as a quick reference guide, intended to help DSS boards and commissions comply with open public meeting requirements; it is exemplary in nature and is not intended to be comprehensive.