



CITY OF RAPID CITY

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MEMORANDUM

TO: Mayor and City Council

FROM: Joel P. Landeen, City Attorney

DATE: 1/7/12

RE: Request For Attorney General Opinion

The Council has requested that my office request an opinion from the Attorney General's Office regarding the legality of the Compass Committee holding meetings in closed session. At the end of last week I became aware that in 2009 the City of Sioux Falls requested and received a letter opinion from the Attorney General's Office on whether the meetings of its audit committee were legally required to be open to the public. It was the Attorney General's opinion that the meetings of the Sioux Falls audit committee were not required to be open to the public. The rationale relied on by the Attorney General is virtually identical to the rationale I relied on when I provided my opinion. A copy of the opinion has been attached. This opinion was provided as a letter opinion and was not published which is why we were not previously aware of it. The only change in the law since the time this opinion was issued is consistent with the opinion and would not alter its conclusion. In light of the validity of this opinion, it would be redundant to request another opinion at this time.

I would also note that the Open Meetings Commission is bringing forward proposed legislation for this legislative session which would change state open meetings law in such a way that any opinion requested at this time which is based on the current statutory language would no longer be valid. A copy of the proposed legislation has also been attached.