

Bond Case Briefs

Municipal Finance Law Since 1971

OPEN MEETINGS LAW - SOUTH DAKOTA

Lee v. Driscoll

United States Court of Appeals, Eighth Circuit - September 7, 2017 - F.3d - 2017 WL 3910129

Property owners, one of whom was township board clerk, filed § 1983 action alleging that members of township's board of supervisors violated their constitutional rights and state law by excluding them from meetings regarding culvert construction project.

The United States District Court dismissed some claims, entered summary judgment in defendants' favor on other claims, but denied supervisors' motion for summary judgment on qualified immunity grounds. Parties filed cross-appeals.

The Court of Appeals held that:

- Supervisors were not entitled to qualified immunity from liability on clerk's claim that her exclusion from township board meetings violated her First Amendment right to freedom of association, and
- Supervisors' exclusion of plaintiffs from non-public board meetings did not violate their First Amendment right to petition.