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OPEN RECORDS AND MEETINGS SUMMARY OPINION
2022-O-08

DATE ISSUED: September 1, 2022

ISSUED TO: City of Mandan Board of Equalization

CITIZEN'S REQUEST FOR OPINION

S. Paul Jordan requested an opinion under N.D.C.C. § 44-04-21.1 from this office asking whether the City of Mandan Board of Equalization violated N.D.C.C. § 44-04-20(3) by not providing personal notice of a meeting.

FACTS PRESENTED

Mr. Jordan did not receive a notice from the City of Mandan (City) for a Board of Equalization (Board) meeting he alleges was held on April 6, 2022.¹ The Board held a meeting on April 5, 2022, which Mr. Jordan properly received notice of,² but no Board meeting was held on April 6, 2022.³

ISSUE

Whether the City of Mandan Board of Equalization violated open meetings law by not providing personal notice of a meeting.

ANALYSIS

A public entity must provide notice of meetings in substantial compliance with N.D.C.C. § 44-04-20, which includes giving the notice "to anyone requesting the information."⁴ The City denies that the Board held a meeting on April 6, 2022.⁵ Opinions issued pursuant to N.D.C.C. § 44-04-

¹ Letter from S. Paul Jordan to Drew Wrigley, Att'y Gen. (June 24, 2022).

² *Id.*

³ E-mail from Jim Neubauer, City Adm'r, City of Mandan, to Annique M. Lockard, Asst. Att'y Gen. (July. 12, 2022).

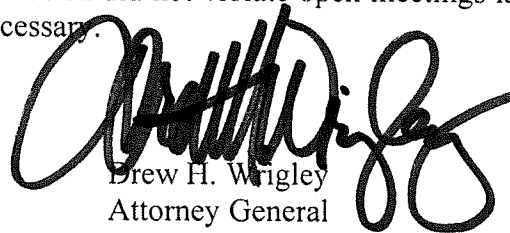
⁴ N.D.C.C. § 44-04-20(5).

⁵ E-mail from Jim Neubauer, City Adm'r, City of Mandan, to Annique M. Lockard, Asst. Att'y Gen. (July. 12, 2022).

21.1 must be based on the facts given by the public entity.⁶ Therefore, no meeting was held on April 6, 2022, and no notice was required.

CONCLUSION

The City of Mandan Board of Equalization did not violate open meetings law because it did not hold a meeting and no notice was necessary.



Drew H. Wrigley
Attorney General

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cc: S. Paul Jordan (via email only)

⁶ N.D.C.C. § 44-04-21.1(1).