

**OPEN RECORDS AND MEETINGS SUMMARY OPINION
2019-O-05**

DATE ISSUED: April 12, 2019

ISSUED TO: Crystal Lake Township Board of Supervisors

CITIZEN'S REQUEST FOR OPINION

This office received a request for an opinion under N.D.C.C. § 44-04-21.1 from Kyra Hill asking whether the Crystal Lake Township Board of Supervisors violated N.D.C.C. § 44-04-20 by failing to post notice of a meeting.

FACTS PRESENTED

The Crystal Lake Township Board of Supervisors held a special meeting on March 1, 2019, in preparation of their upcoming annual meeting.

ISSUE

Whether the Crystal Lake Township Board of Supervisors provided notice in substantial compliance with N.D.C.C. § 44-04-20 for its March 1, 2019, special meeting.

ANALYSIS

A governing body of a public entity must post notice for its meetings in substantial compliance with N.D.C.C. § 44-04-20 which includes preparing an agenda with the date, time, location, topics to be considered, and notice of any executive session.¹ Section 44-04-20, N.D.C.C., also mandates where this agenda must be posted.² "Filing a yearly schedule of upcoming meetings does not relieve a public entity from its obligation to post an agenda for each meeting as required [by N.D.C.C. § 44-04-20]."³ "Topics that may be considered at an emergency or special meeting are limited to those included in the notice."⁴

¹ N.D.C.C. § 44-04-20(2).

² N.D.C.C. § 44-04-20(4), (6).

³ N.D.C.C. § 44-04-20(3).

⁴ N.D.C.C. § 44-04-20(6).

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The Board of Supervisors published the date of the meeting in its local newspaper and provided a text message informing a member of the public who requested personal notice of the date of the meeting.⁵ However, the Board of Supervisors did not prepare an agenda for the March 1, 2019, special meeting, and did not post notice of the agenda prior to the meeting.⁶

CONCLUSION

The Crystal Lake Township Board of Supervisors failed to provide notice for its March 1, 2019, special meeting in compliance with N.D.C.C. § 44-04-20.

STEPS NEEDED TO REMEDY VIOLATION

I urge the members of the Crystal Lake Township Board of Supervisors to review its obligations under the open meetings law by utilizing the materials available on the North Dakota Attorney General's website, particularly the notice requirements of N.D.C.C. § 44-04-20.⁷ The Board of Supervisors should also review its March 1, 2019, meeting minutes and update them to reflect detailed recollections of any conversation held during the meeting. The updated meeting minutes must be provided to Kyra Hill, and anyone else requesting them, free of charge.

Failure to take the corrective measures described in this opinion within seven days of the date this opinion is issued will result in mandatory costs, disbursements, and reasonable attorney fees if the person requesting the opinion prevails in a civil action under N.D.C.C. § 44-04-21.2.⁸ It may also result in personal liability for the person or persons responsible for the noncompliance.⁹

Wayne Stenehjem
Attorney General

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cc: Kyra Hill (via email only)

⁵ Letter from Crystal Lake Twp. Bd. of Supervisors to Att'y Gen.'s Office (Mar. 21, 2019).

⁶ *Id.*

⁷ www.attorneygeneral.nd.gov.

⁸ N.D.C.C. § 44-04-21.1(2).

⁹ *Id.*