

**OPINION**  
**45-68**

June 20, 1945(OPINION)

CITIES

RE: Publishing Proceedings of Council Mandatory

This will acknowledge your letter of June 16, in which you ask for an opinion concerning the requirement of a city under a mayor-council form of government to publish its proceedings.

Section 40-0812 of the North Dakota Revised Code of 1943 provides:

"The City council shall publish a complete record of all its proceedings in ts official newspaper."

This statute is mandatory. The city council is required by it to publish its official proceedings. No discretion is left to the officers of the city to determine whether or not the proceedings should be published. The purpose of the statute is very evident. Publication of the proceedings is for the benefit of the public, to apprise them of the actions of the city council and give them a chance to check on its actions.

I believe the city council of any city can be compelled to publish its official proceedings. There is no penalty provided for failure to do so, as far as I can determine, except the general law which makes an officer subject to removal for failure and neglect to perform the duties required of him by law.

NELS G. JOHNSON  
Attorney General