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OPEN RECORDS AND MEETINGS SUMMARY OPINION
2022-O-10

DATE ISSUED: September 29, 2022

ISSUED TO: Lewis & Clark Public School Board

CITIZEN'S REQUEST FOR OPINION

Traci Braaflat requested an opinion under N.D.C.C. § 44-04-21.1 from this office regarding whether the Lewis & Clark Public School Board violated N.D.C.C. § 44-04-20 by failing to provide notice of special meetings.

FACTS PRESENTED

On October 22, 2021, Traci Braaflat requested notice “of all future board meetings” from the Lewis & Clark Public School Superintendent, Marc Ritteman, and Board President, Shane Erickson, via text.¹ Mr. Ritteman responded with the following: “School board meeting information is posted on the district website. Meetings are held on the second Monday of every month at 7:00. The next meeting is scheduled for 11/8 in Berthold. Currently, there are no special meetings scheduled. We post special meetings on the website and notify the official newspaper. We also post the notice at both schools. All in accordance with century code.”² Mr. Erickson replied, “All meetings are posted [a]s required by law.”³

The Lewis & Clark Public School Board (Board) held a special meeting on October 27, 2021, via Zoom, and a regular meeting on November 8, 2021.⁴ Traci Braaflat alleges the Board failed to provide personal notice of the October 27, 2021, and November 8, 2021, meetings.

ISSUE

Whether the Lewis & Clark Public School Board provided notice of its October 27, 2021, and November 8, 2021, meetings in compliance with N.D.C.C. § 44-04-20.

¹ E-mail from Traci Braaflat to Att’y Gen.’s Off. (Nov. 13, 2021, 6:03 PM).

² *Id.*

³ Letter from Shane Erickson, President, Lewis & Clark Pub. Sch. Board, to Annique M. Lockard, Ass’t Att’y Gen., Att’y Gen.’s Off. (Dec. 7, 2021).

⁴ *Id.*

ANALYSIS

Notice must be given before all meetings of a public entity to anyone requesting such information.⁵ At the time of Ms. Braaflat's request, the Board believed it had a duty to provide notice and a schedule of its regular board meetings to anyone who requested the information.⁶ Mr. Ritteman provided personal notice of the November 8, 2021, regular meeting by informing Traci Braaflat of the date, time, and location of the next regular meeting via text on October 22, 2021.

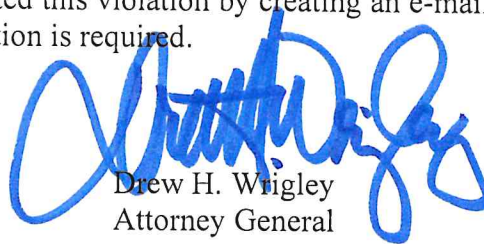
The Board agrees it did not provide proper personal notice to Traci Braaflat of its October 27, 2021, special meeting.⁷ The Board has since "created an email list for individuals who wish to be individually notified of board meetings."⁸ The Board intends to e-mail notice of meetings to everyone on the list when the Board posts meeting notices.⁹ The Board was clear in communication with this office that "Traci Braaflat and any other individual who wishes to receive individual notification will be notified via this procedure for all future meetings."¹⁰

CONCLUSION

The Lewis & Clark Public School Board failed to provide notice of its October 27, 2021, special meeting in substantial compliance with N.D.C.C. § 44-04-20.

STEPS NEEDED TO REMEDY VIOLATION

Because the Board already remediated this violation by creating an e-mail list for future personal notice of its meetings, no further action is required.



Drew H. Wrigley
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cc: Traci Braaflat (via email only)

⁵ N.D.C.C. § 44-04-20(5).

⁶ Letter from Shane Erickson, President, Lewis & Clark Pub. Sch. Board, to Annique M. Lockard, Ass't Att'y Gen., Att'y Gen.'s Off. (Dec. 7, 2021).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*