

**ATTORNEY GENERAL'S OPEN RECORDS AND MEETINGS OPINION
No. 98-O-19**

DATE ISSUED: August 12, 1998

ISSUED TO: Foster County Water Resource District Board Chairman Duane Mullenberg and Attorney Fabian Noack

CITIZEN'S REQUEST FOR OPINION

On June 12, 1998, this office received a request for an opinion under N.D.C.C. § 44-04-21.1 from Jim Seitz asking whether the Foster County Water Resource District Board (Board) violated N.D.C.C. § 44-04-18 by failing to provide a copy of the minutes of the July 8, 1997, Board meeting.

FACTS PRESENTED

At its July 8, 1997, meeting, the Board denied a drainage complaint by Mr. Seitz. Mr. Seitz first requested a copy of those minutes sometime in late April or early May of 1998 from the Board's attorney, Fabian Noack. Because Mr. Seitz had not yet received the requested copy of the minutes, he sent a letter dated June 2, 1998, again requesting the minutes. Mr. Seitz made an additional request for the minutes in a letter dated June 11, 1998.

ISSUE

Whether the Board violated N.D.C.C. § 44-04-18 by failing to provide copies the minutes of a Board meeting upon request within a reasonable time.

ANALYSIS

The minutes of a meeting of a water resource district board are records that are open to the public, and copies of the minutes must be provided upon request. N.D.A.G. 98-O-11. A public entity violates N.D.C.C. § 44-04-18 if it fails to grant a person's request for copies within a reasonable time. N.D.C.C. § 44-04-18(7).

In response to an inquiry from this office, the Board's attorney acknowledged that a copy of the minutes was not provided as quickly as it should have been, due in part to some early confusion on which minutes Mr. Seitz was requesting. Because the Board does not dispute that failing to provide the requested copy of the minutes until June 16 was unreasonable, it is my opinion that the Board violated N.D.C.C. § 44-04-18.

CONCLUSION

The Foster County Water Resource District Board violated N.D.C.C. § 44-04-18.

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STEPS NEEDED TO REMEDY VIOLATION

The Board's attorney has remedied the Board's failure to provide a copy of the minutes, as much as possible, by mailing Mr. Seitz the requested copy in a letter dated June 16, 1998.

Heidi Heitkamp
ATTORNEY GENERAL

Assisted by: James C. Fleming
Assistant Attorney General