

EXECUTIVE SESSION FORMAT

The next item on the agenda is _____. This item [must] [may] be discussed in an executive session. The legal authority for closing this portion of the meeting is North Dakota Century Code section(s) _____. The topic or purpose of this executive session is _____.

[Option 1, for meetings that must be closed:] At this time, we will convene in executive session.

[Option 2, for meetings which may be closed at the discretion of the governing body, but which are not required to be closed:] At this time, a motion would be in order to discuss the next topic in executive session rather than in an open meeting. Is there such a motion? . . . Any second? . . . Any discussion on the motion? . . . I'll call the roll. Motion carried.

The executive session will be recorded and all members of the governing body are reminded to limit their discussion during the executive session to the announced topic. Any collective decision, collective commitment, or other final action by the governing body must occur after it reconvenes in an open meeting, unless final action is specifically required by law to be taken during the executive session.

[For meetings which are closed under N.D.C.C. § 44-04-19.1 for attorney consultation or discussion of contract negotiation strategy, add the following statement: The prohibition on taking final action during the executive session does not apply to providing guidance or instructions to our attorney or negotiator.]

We will now ask the members of the public who are attending the meeting to leave the room. We anticipate adjourning the executive session, and reconvening the open portion of the meeting, at approximately _____ [Time].

The minutes will show that the executive session began at _____ [Time] and was attended by _____.

[After the executive session] The minutes will show that the executive session was adjourned at _____ [Time]. The public has been invited to return to the meeting room and we are now back in open session.

This document has been prepared by the Office of Attorney General to assist governing bodies in complying with the procedural requirements in N.D.C.C. § 44-04-19.2 when an executive session is authorized. It is not intended to be the exclusive method by which a governing body may properly convene in executive session. A departure from the format in this document does not necessarily indicate that the governing body's procedure for convening in executive session failed to comply with N.D.C.C. § 44-04-19.2.