

**OPEN RECORDS AND MEETINGS SUMMARY OPINION
2018-O-18**

DATE ISSUED: October 11, 2018

ISSUED TO: City of Mylo

CITIZEN'S REQUEST FOR OPINION

This office received a request for an opinion under N.D.C.C. § 44-04-21.1 from Crystal Martodam asking whether City of Mylo violated N.D.C.C. § 44-04-20 by failing to post notice of meetings.

FACTS PRESENTED

Crystal Martodam alleges the City of Mylo held meetings without providing public notice.

ISSUE

Whether the City of Mylo violated N.D.C.C. § 44-04-20 by failing to notice meetings.

ANALYSIS

Unless otherwise provided by law, public notice must be given in advance of all meetings of a public entity in substantial compliance with N.D.C.C. § 44-04-20.¹ The Office of Attorney General may review alleged violations of N.D.C.C. § 44-04-20 “within ninety days of the alleged violation.”² The City denies having any meetings within this time frame.³ Rather, the mayor, individually and without City Council participation, contacted the Sheriff’s Office and State Highway Patrol on what he believed to be some safety matters⁴ involving complaints that the requestor’s horses were running at large.

¹ N.D.C.C. §§ 44-04-19, 44-04-20.

² N.D.C.C. § 44-04-21.1(1).

³ Opinions must be based on the facts given by the public entity. N.D.C.C. § 44-04-21.1(1).

⁴ See Letter from Kent Pearson, Mayor, City of Mylo, to Att’y Gen.’s Office (received Sept. 13, 2018).

CONCLUSION

The City did not violate N.D.C.C. § 44-04-20 by holding meetings without public notice.

Wayne Stenehjem
Attorney General

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cc: Crystal Martodam (via email only)