

**OPEN RECORDS AND MEETINGS SUMMARY OPINION
2018-O-25**

DATE ISSUED: December 10, 2018

ISSUED TO: Morton-Mandan Public Library Board

CITIZEN'S REQUEST FOR OPINION

This office received a request for an opinion under N.D.C.C. § 44-04-21.1 from S. Paul Jordan asking whether Morton-Mandan Public Library Board of Trustees violated N.D.C.C. § 44-04-20(5) by failing to provide personal notice of upcoming meetings.

FACTS PRESENTED

The Morton Mandan Public Library Board of Trustees held several meetings the past year.¹ Individuals who would like to receive notice of upcoming Library Board meetings may sign up for notification online via the City of Mandan website.²

ISSUE

Whether the Morton-Mandan Public Library Board of Trustees violated open meeting laws by failing to provide personal notice to Mr. Jordan.

ANALYSIS

A governing body must post notice of meetings in compliance with N.D.C.C. § 44-04-20 which includes providing personal notice of meetings to individuals who request to receive a notice.³ Mr. Jordan did not sign up to receive personal notice under the City's

¹ Letter from Jackie Hawes, Dir., Morton-Mandan Pub. Library, to Att'y Gen.'s Office (Sept. 25, 2018).

² *Id.*; see also City of Mandan Website – Email Updates: www.cityofmandan.com.

³ N.D.C.C. § 44-04-20(5). “When a request is made for notice of meetings, the request is effective for one year unless a different time period is specified.”

website.⁴ Mr. Jordan also did not ask to receive personal notice from any member of the Library Board.⁵

CONCLUSION

The Morton-Mandan Public Library Board of Trustees did not violate open meetings law because it never received a request from Mr. Jordan to provide notice of upcoming meetings.

Wayne Stenehjem
Attorney General

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cc: S. Paul Jordan

⁴ Letter from Jackie Hawes, Dir., Morton-Mandan Pub. Library, to Att'y Gen.'s Office (Sept. 25, 2018). The Board was able to access the subscription services requested by Mr. Jordan that lists the meetings and committees Mr. Jordan subscribed to receive personal notice for upcoming meetings. The Library Board was not on the list Mr. Jordan selected.

⁵ Letter from Jackie Hawes, Dir., of the Morton-Mandan Pub. Library, to Att'y Gen.'s Office (Sept. 25, 2018). Opinions issued pursuant to N.D.C.C. § 44-04-21.1 must be based on the facts of the public entity.