

**OPEN RECORDS AND MEETINGS SUMMARY OPINION
2018-O-26**

DATE ISSUED: December 10, 2018

ISSUED TO: Bismarck-Mandan Mayors' Committee for People with Disabilities

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 Bismarck-Mandan Mayors' Committee for People with Disabilities violated N.D.C.C. § 44-04-20(3) by failing to provide personal notice of upcoming meetings.

FACTS PRESENTED

The Bismarck-Mandan Mayors' Committee for People with Disabilities (Committee) works to "educate the public and initiate projects to establish a receptive climate for the involvement of people with disabilities in all aspects of life within the communities of Bismarck-Mandan."¹ Members of the Committee are appointed by the Mayors of Bismarck and Mandan.² The Committee holds regular meetings on the second Tuesday in January, May, and September.³

ISSUE

Whether the Bismarck-Mandan Mayors' Committee for People with Disabilities 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

¹ Email from DesaRae Berreth, Chairperson, Bismarck-Mandan Mayors' Comm. For People with Disabilities, to Att'y Gen.'s Office (Oct. 1, 2018, 8:55 AM).

² *Id.* The Bismarck and Mandan City Councils do not have any authority over the Committee. *Id.*

³ <https://cityofmandan.com> (follow "City Government." then "Boards & Committees" then "Bismarck-Mandan Mayors' Committee for People with Disabilities").

receive such notice.⁴ No one from the Committee received a request from Mr. Jordan for personal notice of any upcoming meeting.⁵

CONCLUSION

The Bismarck-Mandan Mayors' Committee for People with Disabilities 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

sld
cc: S. Paul Jordan

⁴ 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."

⁵ Email from DesaRae Berreth, Chairperson, Bismarck-Mandan Mayors' Comm. For People with Disabilities, to Att'y Gen.'s Office (Oct. 1, 2018, 8:55 AM). Opinions issued pursuant to N.D.C.C. § 44-04-21.1 must be based on the facts of the public entity.