

**OPEN RECORDS AND MEETINGS OPINION
2020-O-05**

DATE ISSUED: July 7, 2020

ISSUED TO: Williams County School District #8 and Williston School District #1

CITIZEN'S REQUEST FOR OPINION

This office received requests for opinions under N.D.C.C. § 44-04-21.1 from Penny Soiseth and Jenny Jorgenson asking whether Williams County School District #8 and Williston School District #1 violated N.D.C.C. § 44-04-20 by failing to properly notice special meetings.

FACTS PRESENTED

The Williams County School District #8 is a kindergarten through eighth grade district, whose students attend high school at Williston School District #1. At the time of the meetings at issue in this opinion, the districts were considering the future of the two schools, due to overcrowding issues, and thus engaged in discussions regarding various potential options, including redistricting, reorganizing, building expansions, redrawing boundary lines, etc.

On April 22, 2020, the Williams County School Board held a special meeting with the following agenda topics: (i) public comment; (ii) superintendent listing with NDSBA; (iii) Superintendent position.¹ At the time of this meeting, Williams County School District employed an interim superintendent, and the School Board was considering a permanent superintendent position. During the meeting, the Board discussed how to advertise the position and define the scope of duties.² In this discussion, the Board recognized that it needed a better understanding on the future of the school before it could adequately set the scope of duties and therefore decided to request a meeting with the Williston School Board.³

On April 24, 2020, the Williams County School Board and Williston School Board held a joint special meeting with the following agenda topics: (i) joint employment of

¹ Agenda, Williams Cnty. Sch. Bd. (Apr. 22, 2020).

² Minutes, Williams Cnty. Sch. Bd (Apr. 22, 2020). A recording of the April 22, 2020, meeting was also reviewed by this office.

³ *Id.*

Superintendent for District 1 and District 8 discussion; (ii) County commission decision to postpone joint funding project; (iii) WHS enrollment of outside district residents for 2020-2021 school year.⁴

ISSUE

Whether the Williams County School Board and Williston School Board properly noticed special meetings.

ANALYSIS

Notice of School Board meetings must be posted in substantial compliance with N.D.C.C. § 44-04-20, which requires an agenda listing the date, time, and location of the meeting, a list of topics to be discussed, and any executive session.⁵ “The purpose of an agenda is to provide sufficient ‘information to interested members of the public concerning the governing body’s anticipated business in order that they may attend the meeting or take whatever other action they deem appropriate.’”⁶ However, once a topic is clearly identified, the notice does not need to include a detailed itemization of every potential statement or position of the members of the governing body.⁷ To do so would be infeasible and speculative.⁸

Because special or emergency meetings may be called on very short notice, the topics that may be considered at such meetings are limited to those specifically listed in the notice.⁹ A recent opinion issued by this office recognized that statements made by a governing body that relate and are within the scope of a topic listed on a special meeting notice do not violate open meetings law.¹⁰

Recordings of the April 22 and April 24, 2020, special meetings were reviewed by this office.

⁴ Agenda, Williams Cnty. Sch. Bd. and Williston Sch. Bd. (Apr. 24, 2020).

⁵ N.D.C.C. § 44-04-20(1), (2).

⁶ N.D.A.G. 2020-O-04 *citing* N.D.A.G. 2011-O-15 and N.D.A.G. 2009-O-03.

⁷ N.D.A.G. 2020-O-04; N.D.A.G. 2011-O-15; *see also* N.D.A.G. 2014-O-01 (a brief reference to a topic not specifically included in the agenda, when the governing body immediately ceased its discussion upon recognizing it was not appropriate to discuss at the special meeting, did not violate open meetings law).

⁸ N.D.A.G. 2020-O-04.

⁹ N.D.C.C. § 44-04-20(6); N.D.A.G. 2010-O-05. Therefore, notice of special meetings cannot contain general terms that may have multiple meanings or “catch-all” phrases, such as “new business.” N.D.A.G. 2018-O-07.

¹⁰ N.D.A.G. 2020-O-04.

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Williams County School Board April 22, 2020, Special Meeting

The notice for this meeting included agenda items of advertising for and discussing a superintendent position. During the meeting, the Williams County School Board considered the duties that would be required of the superintendent position but recognized this would be largely determined by the future direction of the school and its interaction with Williston School District, which may include a possible joint superintendent position. The Board was also waiting on a report that would detail the financial position of the school moving forward with the various options. The School Board ultimately determined it needed a better understanding of its finances and future direction before it could adequately advertise the superintendent position and therefore decided to request a meeting with the Williston School Board. It is my opinion that the discussions regarding the financial report and future of the school, discussed within the context of the superintendent position, were within the scope of the posted agenda items. Therefore, no violation of open meetings law occurred.

Williams County and Williston School Boards joint April 24, 2020, Special Meeting

The notices for this meeting included agenda topics of a potential joint superintendent for the two schools, the County Commission's decision to postpone a joint funding project, and enrollment of residents in the Williston High School for the upcoming school year. During the meeting, the school boards discussed the future direction of the school districts and anticipated financial report within the context of the posted agenda items. Therefore, no violation of open meetings law occurred.

CONCLUSION

The Williams County and Williston School Boards did not violate open meetings law in discussions regarding agenda items posted in compliance with N.D.C.C. § 44-04-20.

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sld

cc: Penny Soiseth (vis email only)
Jenny Jorgenson (via email only)