

**OPEN RECORDS AND MEETINGS SUMMARY OPINION  
2019-O-03**

DATE ISSUED: April 11, 2019

ISSUED TO: City of Arnegard

**CITIZEN'S REQUEST FOR OPINION**

This office received a request for an opinion under N.D.C.C. § 44-04-21.1 from Chief of Police Troy White Owl asking whether the City of Arnegard violated N.D.C.C. § 44-04-20 by failing to notice committee meetings.

**FACTS PRESENTED**

On October 16, 2018, the City Council of Arnegard formed an employee committee to assess and report on the City's personnel policies and employee conduct.<sup>1</sup> As of the date for the request of the opinion, the committee had held two meetings via teleconference, on October 24 and October 30, 2018.<sup>2</sup> No meeting agendas were prepared nor were notices provided for these two meetings.<sup>3</sup>

**ISSUE**

Whether the City of Arnegard violated open meetings law by failing to post notice of its employee committee meetings.

**ANALYSIS**

"Meetings"<sup>4</sup> of a "governing body"<sup>5</sup> of a "public entity"<sup>6</sup> must be open to the public with notice provided in substantial compliance with N.D.C.C. § 44-04-20.<sup>7</sup> Committees

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<sup>1</sup> Min., City Council, Arnegard (Oct. 16, 2018); see *also* Letter from Jordon Evert, Arnegard City Att'y, to Att'y Gen.'s Office (Jan. 9, 2019).

<sup>2</sup> Letter from Jordon Evert, Arnegard City Att'y, to Att'y Gen.'s Office (Jan. 9, 2019).

<sup>3</sup> Letter from Jordon Evert, Arnegard City Att'y, to Att'y Gen.'s Office (Jan. 9, 2019); see *also* Email from Jordon Evert, Arnegard City Att'y, to Att'y Gen.'s Office (Jan. 16, 2019, 11:58 AM).

<sup>4</sup> N.D.C.C. § 44-04-17.1(9) (definition of "meeting").

<sup>5</sup> N.D.C.C. § 44-04-17.1(6) (definition of "governing body").

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delegated any part of public business by governing bodies are subject to the same open meetings law, including the notice requirements of N.D.C.C. § 44-04-20.<sup>8</sup> The employee committee failed to provide an agenda or post notice of its meetings and therefore violated open meetings law.

### CONCLUSION

The City of Arnegard violated open meetings law when it failed to post notice of its employee committee meetings.

### STEPS NEEDED TO REMEDY VIOLATION

The employee committee must provide copies of the employee committee minutes to Mr. White Owl, and anyone else requesting them, free of charge. The City Council should also review the open meetings law information, available on the Attorney General's website, to familiarize itself with the requirements of the law.

Failure to take the corrective measures described in this opinion within seven days of the date this opinion is issued will result in mandatory costs, disbursements, and reasonable attorney fees if the person requesting the opinion prevails in a civil action under N.D.C.C. § 44-04-21.2.<sup>9</sup> It may also result in personal liability for the person or persons responsible for the noncompliance.<sup>10</sup>

Wayne Stenehjem  
Attorney General

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cc: Troy White Owl (via email only)

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<sup>6</sup> N.D.C.C. § 44-04-17.1(13) (definition of "public entity").

<sup>7</sup> N.D.C.C. §§ 44-04-19, 44-04-20.

<sup>8</sup> N.D.A.G. 2018-O-19; N.D.A.G. 2018-O-17; N.D.A.G. 2018-O-09; N.D.A.G. 2018-O-07; N.D.A.G. 2016-O-15; N.D.A.G. 2016-O-09; N.D.A.G. 2016-O-05.

<sup>9</sup> N.D.C.C. § 44-04-21.1(2).

<sup>10</sup> *Id.*