

**OPEN RECORDS AND MEETINGS SUMMARY OPINION
2020-O-09**

DATE ISSUED: September 23, 2020

ISSUED TO: County of Billings

CITIZEN'S REQUEST FOR OPINION

This office received a request for an opinion under N.D.C.C. § 44-04-21.1 from JJ England asking whether the County of Billings violated N.D.C.C. § 44-04-20 by failing to properly notice meetings.

FACTS PRESENTED

The Billings County Commission held four meetings between March 14, 2020, and June 12, 2020.¹ Agendas were posted online and sent to the County's official newspaper.² The requestor for this opinion alleges that the Commission entered into executive sessions during these meetings that were not included in the meeting notices.³

ISSUE

Whether the Billings County Commission violated open meetings law by failing to notice executive sessions.

ANALYSIS

A public entity must provide notice of meetings in substantial compliance with N.D.C.C. § 44-04-20, which includes "the general subject matter of any executive session expected to be held during the meeting."⁴ Billings County Commission denies having

¹ Letter from Tami Norgard, Att'y at Law, to Att'y Gen.'s Office (July 2, 2020).

² *Id.*

³ Letter from JJ England, Att'y at Law, to Att'y Gen.'s Office (June 12, 2020). Among the many allegations contained within the request for an opinion, failing to properly post notice of meetings is the only allegation this office can review under the timelines set forth in N.D.C.C. § 44-04-21.1(1).

⁴ N.D.C.C. § 44-04-20(2).

any executive sessions during the meetings at issue in this opinion.⁵ Opinions issued pursuant to N.D.C.C. § 44-04-21.1 must be based on the facts given by the public entity.⁶

CONCLUSION

Because no executive sessions were held, Billings County Commission's meeting notices did not violate open meetings law.

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Attorney General

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cc: JJ England (via email only)

⁵ Letter from Tami Norgard, Att'y at Law, to Att'y Gen.'s Office (July 2, 2020). No executive sessions were noted in minutes of the meetings.

⁶ N.D.C.C. § 44-04-21.1(1).