

N.D.A.G. Letter to Farland (Feb. 12, 1987)

February 12, 1987

Mr. Darrell Farland
Executive Director
Governor's Council on Human Resources
State Capitol
Bismarck, ND 58505

Dear Mr. Farland:

Thank you for your letter of January 29, 1987, inquiring as to whether the open meetings law applies to the accessibility of the room in which the meeting is being held.

By its very terms, the open meetings law requires meetings of public bodies, boards, bureaus, commissions, departments, and agencies to be open to the public unless otherwise specifically provided by law. Thus, the emphasis of the open meetings law is on the meeting itself as opposed to the physical space in which the meeting is being held. The strict terms of the open meetings law, therefore, do not discuss the accessibility of the room in which the meeting is being held.

However, the primary objective of the open meetings law is to allow the public an opportunity to observe and participate in the manner in which public business is conducted or public monies are spent. Very little is accomplished by the open meetings law if meetings are open for public observation and participation, but the manner in which the meeting is held prevents or restricts public accessibility to the meeting.

Thus, the spirit of the open meetings law requires that the room in which the meeting is held be accessible to the general public. So as to further the spirit of the open meetings law, public entities would be encouraged to ensure that their meetings occur in rooms which are generally accessible to the public.

Finally, N.D.C.C. § 48-02-19 requires public buildings and facilities constructed in whole or in part from state or political subdivision funds shall be accessible to and useable by the physically handicapped. There are several exceptions to this accessibility requirement. Your letter does not describe the nature of a particular room which may be posing a problem. I can only suggest that reference to the statute be made to determine whether such an area is required to be generally accessible pursuant to North Dakota law.

Sincerely,

Nicholas J. Spaeth

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