Index of Open Meetings Opinions - by Subject

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ATTORNEY CONSULTATION

N.D.A.G. 2020-O-06 — July 8, 2020, to Williston Public School District #1
Executive session in which the school board's attorney discussed changes to the policy on enrollment of nonresident schools and the risks, liabilities, costs, and potential legal ramifications was proper under the 2017 expanded definition of "attorney consultation."

N.D.A.G. 2019-O-19 — October 17, 2019, to North Dakota Board of Chiropractic Examiners Attorney
consultation properly held in executive session when the Board received threats of litigation and wanted its attorney's advice on legal risks associated with making a decision on amending its administrative rules.

N.D.A.G. 2016-O-13 — July 26, 2016, to Griggs County Commission
Before proceeding into an executive session for attorney consultation, a governing body must not only announce the topics to be considered and the legal authority, but must also take a recorded roll call vote.

N.D.A.G. 2015-O-15 — October 12, 2015, to Morton County Commission
The Commission held a proper executive session for an attorney consultation in which it received its attorney's advice regarding reasonably predictable litigation.

N.D.A.G. 2015-O-13 — August 7, 2015, to Pembina County Water Resource District Board of Directors
When opposing counsel is privy to the governing body and its attorney's conversation, no attorney consultation can take place because the governing body's bargaining or litigation position would not be adversely affected.

N.D.A.G. 2015-O-01 — January 21, 2015, to Circle of Friends Humane Society
An impending review by the Office of Attorney General for alleged open meeting violations is not considered an "adversarial administrative proceeding" that would allow a public entity to close a meeting under the guise of "attorney consultation."

N.D.A.G. 2014-O-09 — August 8, 2014, to Belfield City Council
Part of the executive session in which the City Council received its attorney's advice regarding potential liabilities issues and to consider a memorandum prepared by the attorney containing exempt information including "attorney work product" and active "criminal intelligence information" was properly closed to the public. Discussions beyond the scope allowed for attorney consultation and to consider exempt information were inappropriate for an executive session and should have been
discussed during the open meeting.

N.D.A.G. 2014-O-08	August 8, 2014, to Crosby City Council Merely announcing an executive session will be held for "attorney consultation" is not enough to satisfy N.D.C.C. § 44-04-19.2 because this only identifies the legal authority for holding the executive session and fails to announce the topic to be considered. In order to hold an executive session for attorney consultation, the public entity must seek or receive advice from its attorney regarding pending or anticipated litigation, which requires more than a "fear" of litigation or to discuss "potential" legal consequences.
N.D.A.G. 2013-O-11	August 6, 2013, to State Board of Higher Education A governing body may close an open meeting to receive advice from its attorney if the public entity's attorney is providing a mental impression, litigation strategy, or advice regarding reasonably predictable civil litigation.
N.D.A.G. 2011-O-14	September 23, 2011, to Churchs Ferry City Council and Tax Equalization Board Executive session held to discuss that an attorney had been hired to represent the City Council in a lawsuit and to discuss the status of the court case is not authorized by law.
N.D.A.G. 2011-O-05	March 25, 2011, to Fargo City Commission Governing body may hold executive session "authorized by law" under statute; attorney consultation is one of the legally authorized exemptions to the open meetings law.
N.D.A.G. 2009-O-20	November 13, 2009, to Tioga Airport Authority Airport Authority did not meet with attorney during executive session so attorney consultation did not occur and letter reviewed was not written by its attorney so it was not attorney work product.
N.D.A.G. 2009-O-14	August 14, 2009, to State Department of Health Attorney consultation must pertain to litigation or an adversarial administrative proceeding that is "pending" or "reasonably predictable" which requires more than a simple possibility of litigation or adversarial administrative proceedings. The possibility of litigation or a proceeding by or against the governing body must be realistic and tangible.
N.D.A.G. 2007-O-09	June 25, 2007, to Valley City Commission Once the Commission received the advice from its attorney regarding potential liability issues related to possible disciplinary action, the "attorney consultation" was complete and the open meeting should have reconvened.
N.D.A.G. 2006-L-22	August 16, 2006, to Williston City Attorney Exclusion of governing body member from an executive session.
N.D.A.G. 2006-O-03	February 14, 2006, to Red River Valley Fair Association Mere presence or participation of attorney is not "consultation."
N.D.A.G. 2005-O-04	February 9, 2005, to Cavalier City Council Reasonably predictable litigation.
N.D.A.G. 2004-O-24	November 4, 2004, to Southwest Multi-County Correction Center Realistic and tangible threat of litigation.
N.D.A.G. 2004-O-19	August 10,2004, to Cavalier City Council Tangible threat of litigation.

N.D.A.G. 2003-O-14	October 22, 2003, to Harvey City Council "Reasonably predictable" requires more than a simple possibility of litigation.
N.D.A.G. 2002-O-10	October 18, 2002, to McKenzie School Board Discussion of legal options in administrative proceedings.
N.D.A.G. 2002-O-01	January 10, 2002, to Wade Enget Exemption is waived if adversary is allowed to attend meeting.
N.D.A.G. 2001-O-15	November 5, 2001, to Mary O'Donnell Meaning of "reasonably predictable."
N.D.A.G. 2000-O-12	October 17, 2000, to Scott Solem Governing body has legal interest but is not a party.
N.D.A.G. 2000-O-03	January 31, 2000, to Duane Schurman Can only be held during a properly noticed open meeting.
N.D.A.G. 99-O-07	June 29, 1999, to Ed Malazdrewicz Discussion regarding a change in a licensing board's decision.
N.D.A.G. 99-O-06	June 14, 1999, to Ed Malazdrewicz License revocation proceeding is "adversarial administrative proceeding.
N.D.A.G. 99-O-04	April 22, 1999, to Gregory Lange Does not include status updates.
N.D.A.G. 98-O-12	June 9, 1998, to Melvin Fischer and Lowell Jensen Discussion directly related to civil action.
N.D.A.G. 98-O-01	January 23, 1998, to Phyllis Ratcliffe Does not include litigation status updates.
N.D.A.G. Letter	September 19, 1991, to Michel McIntee Discussion of disciplinary action against chief of police which is not "attorney consultation" must be open.
N.D.A.G. Letter	July 19, 1977, to Dewel Viker, Jr. Attorney-client privilege.

CITIES

N.D.A.G. 2025-O-10	July 9, 2025, to City of New Town The entity violated North Dakota's open meetings law by asking employees to leave a public meeting during a discussion on salaries. Public entities cannot exclude individuals from open meetings without legal justification, even if the topic is uncomfortable.
N.D.A.G. 2019-O-18	October 17, 2019, to City of Minot When a governing body of a municipality meets outside city limits, the purpose and need for the meeting will be closely scrutinized to determine whether the meeting is accessible.
N.D.A.G. 2005-O-18	November 8, 2005, to Grand Forks City Council City violated the notice requirements by stating the wrong township that was to be discussed in executive session.

N.D.A.G. 2005-O-15	September 19, 2005, to Bismarck City Commission Meeting held by city consultant who was not under contract with city not open meeting.
N.D.A.G. 2005-O-08	May 13, 2005, to Napoleon City Council City must give notice of its meetings to the public at the same time the governing body's members are notified.
N.D.A.G. 2005-O-07	May 12, 2005, to Rolla City Council City auditor must actually file the notice of meetings in the auditor's office.
N.D.A.G. 2005-L-14	April 29, 2005, to Mary Ekstrom Delegation of authority from a governing body to one person.
N.D.A.G. 2004-O-16	July 16, 2004, to Gladstone City Council City auditor's duty to attend all governing body meeting and keep minutes.
N.D.A.G. 2004-O-12	June 16, 2004, to Medora City Council Delegation must be to group of persons.
N.D.A.G. 2003-O-18	November 3, 2003, to Minto Planning and Zoning Committee Planning and zoning committee must take minutes of meetings.
N.D.A.G. 2003-O-13	October 22, 2003, to Minto City Council Committees of a city council are subject to same notice requirements as the city council.
N.D.A.G. 2003-O-12	September 8, 2003, to Fargo City Commission Governing body free to discuss any item of public business at regular meeting.
N.D.A.G. 2003-O-05	April 11, 2003, to Glen Ullin City Council No delegation of authority to three members of seven member council to act or speak on its behalf of the council.
N.D.A.G. 2003-O-03	February 21, 2003, to Minto City Council No legal requirement to announce when the open meeting will reconvene after the completion of an executive session.
N.D.A.G. 2002-O-09	September 17, 2002, to Nevin Van de Streek, et al City funds to reimburse Minot Area Chamber of Commerce Task Force.
N.D.A.G. 92-08	April 8, 1992, to Mary Nordsven Publication of minutes.
N.D.A.G. Letter	August 28, 1986, to David Nething Procedures for city council meetings.
N.D.A.G. 58-186	November 17, 1958 Publication and content of minutes.
N.D.A.G. 51-20	January 15, 1951 Publication and content of minutes.
N.D.A.G. 45-68	June 20, 1945 Publication and content of minutes.

CONTRACT STRATEGY

SEE NEGOTIATION STRATEGY SESSIONS

COUNTIES

N.D.A.G. 2023-O-03	August 22, 2023, to Wells County Commission Attendance of a quorum of the members of the Commission at a departments meeting was a meeting of the Commission which should have been noticed and minutes taken.
N.D.A.G. 98-L-113	August 25, 1998, to Wayne Jones Delegation of duty to keep minutes.
N.D.A.G. 98-F-25	August 11, 1998, to Cynthia Feland Commissioners have no power to change accurate minutes; publication.
N.D.A.G. 98-F-11	April 30, 1998, to Mark Blumer Group responsible for filling vacancies on county commission.
N.D.A.G. Letter	December 24, 1985, to Gail Hagerty Publication and content of minutes; roll call voting.
N.D.A.G. 72-78	February 23, 1972, to Robert Eckert State's attorney's inquests.
N.D.A.G. 69-124	November 28, 1969, to L.J. Schirado Content of published minutes.
N.D.A.G. 46-62	July 25, 1946 Publication and content of minutes.

ECONOMIC DEVELOPMENT

N.D.A.G. 2019-O-12	July 2, 2019, to Linton Industrial Development Corporation The Linton Industrial Development Corporation properly met in executive session to discuss protected economic development and financial information.
N.D.A.G. 2002-O-09	September 17, 2002, to Nevin Van de Streek, et al Trade secrets and commercial information are of a privileged nature, competitive disadvantage if disclosed.
N.D.A.G. 2001-O-11	September 13, 2001, to Greg Selbo Economic development.
N.D.A.G. 2001-O-01	February 13, 2001, to Michael Maus Discussion of efforts to recruit a business.
N.D.A.G. 2000-O-07	June 26, 2000, to Tim Priebe Discussion of economic development records.
N.D.A.G. 95-L-253	November 8, 1995, to Bryan Dvirnak Commercial and financial information.

N.D.A.G. Letter — December 19, 1991, to Paul Govig
Discussions of commercial and financial information.

EXECUTIVE SESSION, PERSONNEL MATTERS

N.D.A.G. 2020-O-03 — May 18, 2020, to City of Napoleon
Generally, personnel matters, including discussion on employment issues, termination of public employees, and job performance and evaluations, are not proper for executive session, even though it may be uncomfortable to discuss at an open meeting.

N.D.A.G. 2018-O-16 — October 11, 2018, to Williston Public School Board District # 1
Although N.D.C.C. § 44-04-18.27 protects applications for employment, designated finalists' records are open records and discussions regarding the finalists qualifications are required to be held in public.

N.D.A.G. 2017-O-03 — May 12, 2017, to Devils Lake Commission
Unauthorized executive session for reviewing job performance evaluations.

N.D.A.G. 2016-O-12 — July 26, 2016, to Sargent County Social Service Board
Generally, discussions relating to personnel matters and job performance should be made during an open meeting. However, when such discussions cannot take place without revealing closed and confidential information, an executive session is authorized.

N.D.A.G. 2011-O-10 — August 10, 2011, to Cass County Historical Society
Executive session held to discuss personnel matters of potential candidate to hire and to discuss letter regarding Attorney General request, was not authorized by law.

N.D.A.G. 2008-O-02 — February 4, 2008, to Burke County Board of County Commissioners Executive session held to discuss personnel matters that arose during budget process.

N.D.A.G. 2007-O-09 — June 25, 2007 to Valley City Commission
Once the legal advice about the liability related to a personnel issue had been received, the commission should have deliberated about the disciplinary action in open meeting.

N.D.A.G. 2006-O-03 — February 14, 2006, to Red River Valley Fair Association
N.D.C.C. 44-04-18.1(3).

N.D.A.G. 2004-O-21 — October 8, 2004, to Fort Totten Public School District
Personnel matter discussed in executive session.

N.D.A.G. 2004-O-19 — August 10, 2004, to Cavalier City Council
Statements about job performance.

N.D.A.G. 2003-O-14 — October 22, 2003, to Harvey City Council Job evaluation in executive session.

N.D.A.G. 2001-O-17 — December 24, 2001, to Ronald Reichert
Employee reviews and negotiation strategy sessions.

N.D.A.G. 2001-O-09 — August 31, 2001, to Gabe Plante and Wanda Bergarde
Personnel matters are generally not closed.

N.D.A.G. Letter	September 19, 1991, to Michael McIntee Discussion of disciplinary action against chief of police which is not "attorney consultation" must be open.
N.D.A.G. Letter	August 10, 1989, to Sparb Collins Job interviews are open.
N.D.A.G. 82-63	August 20, 1982, to Joe Crawford Executive session for nonrenewal of teacher.
N.D.A.G. 78-174	March 15, 1978, to Evan Lips Teacher renewal meeting.

EXECUTIVE SESSION, PROCEDURAL REQUIREMENTS

N.D.A.G 2025-O-05	March 7, 2025, to Stanley Rural Ambulance District The entity violated open meetings laws by failing to announce the legal authority and topics for its executive session and by not taking a required roll call vote. Additionally, most of the executive session was not authorized by law
N.D.A.G 2025-O-01	January 2, 2025, to Lincoln City Council An entity unlawfully held an executive session, due to improper notice, vague announcement, and lack of legal justification for attorney consultation.
N.D.A.G. 2025-O-09	June 10, 2025, to Tioga Airport Authority The entity violated North Dakota law by failing to properly notify required parties of a special meeting and by not responding to a records request in a timely manner.
N.D.A.G. 2024-O-05	July 15, 2024, to Tioga City Commission A governing body must provide proper notice of an anticipated executive session. A governing body's discussion must stay within the scope of the reason the executive session was originally called, in this case attorney consultation
N.D.A.G. 2023-O-05	October 12, 2023, to Williston Basin School District #7 Executive session requires announcing the topic to be discussed during executive session and the legal authority for the executive session. Discussions within the executive session must be limited to the topics announced.
N.D.A.G. 2022-O-04	May 13, 2022, to Stark County Board of Commissioners The announcement in open session was insufficient because it failed to state the legal authority. Having a phone connection available after the executive session was sufficient access to the open portion of the meeting.
N.D.A.G. 2022-O-02	January 19, 2022, to Hettinger Public School Announcement prior to entering the executive session was insufficient because it failed to convey the topic for discussion.
N.D.A.G. 2020-O-03	May 18, 2020, to City of Napoleon Announcements regarding the topic to be considered before proceeding into executive session is not an isolated statement and it is reasonable to consider discussions before and after the announcement to determine whether it adequately apprises the public of what will be discussed in executive session.

N.D.A.G. 2020-O-02	April 29, 2020, to Bismarck Public School District #1 and Bismarck Public School Board Even if greater detail could potentially be provided, or an individual would prefer a different description, it does not mean that an announcement before proceeding into executive session fails to meet the minimum requirements of N.D.C.C. § 44-04-20(2).
N.D.A.G. 2016-O-22	December 14, 2016, to Fargo City Commission Action that goes beyond guidance given to a negotiator, where the governing body authorizes its negotiator to finalize a deal, was "final action" that should have been taken in an open meeting.
N.D.A.G. 2016-O-02	January 13, 2016, to Langdon City Commission A governing body must include notice sufficient to identify the topic and legal authority of any executive session in its notice if the governing body knows it will be entering into an executive session at the time the notice is prepared.
N.D.A.G. 2016-O-01	January 12, 2016, to South Central Dakota Regional Council To determine whether an announcement provides sufficient notice of the topic of an executive session so that a member of the public could understand what the governing body was planning to discuss, it is reasonable to consider the discussions occurring immediately before the announcement.
N.D.A.G. 2015-O-16	October 19, 2015, to Stark County Before proceeding into an executive session for an attorney consultation, the governing body must first pass a motion by recorded roll call vote.
N.D.A.G. 2015-O-15	October 12, 2015, to Morton County Commission A governing body must pass a motion by recorded roll call vote before proceeding into an executive session for an attorney consultation and negotiation strategy session.
N.D.A.G. 2015-O-13	August 7, 2015, to Pembina County Water Resource District Board of Managers The mere reference to "negotiations" does not give the public sufficient notice of the legal authorization for holding an executive session.
N.D.A.G. 2013-O-09	June 12, 2013, to Turtle Lake-Mercer School Board Mere reference to "personnel matters" or a "background check" is insufficient to identify the legal authority required by law to proceed into executive session.
N.D.A.G. 2013-O-05	April 16, 2013, to State Parole Board It is not sufficient to generally announce legal authority once at the beginning of the meeting for any executive session that will follow throughout the course of the meeting. Instead, the governing body must announce legal authority and topics to be discussed before every executive session. Although this may seem redundant in instances where a governing body enters into numerous executive sessions throughout the course of a meeting, this is of no consequence as this is a technical requirement with the practical purpose of providing sufficient information for the benefit of the attending public.

N.D.A.G. 2011-O-14 — September 23, 2011, to Churchs Ferry City Council and Tax Equalization Board
Executive sessions must be electronically recorded. A governing body must first convene in open session, announce topics and be discuss and legal authority for holding an executive session, before entering into an executive sessions authorized by law.

N.D.A.G. 2011-O-05 — March 25, 2011, to Fargo City Commission
Sufficiency of announcement for attorney consultation. The public should clearly understand why citizens cannot attend that portion of the meeting. There is no presumption in the law that an executive session will include attorney consultation, or that a session will include attorney consultation if the announcement is made by the governing body's attorney.

N.D.A.G. 2010-O-13 — October 27, 2010, to City of Grand Forks
A governing body may hold an executive session to consider or discuss closed or confidential records or to discuss negotiating strategy or provide negotiating instructions to its attorney or other negotiator regarding litigation, adversarial administrative proceedings, or contracts. If an executive session is anticipated at the time the notice is drafted, the
agenda must include the general subject matter of the executive session.

N.D.A.G. 2010-O-01 — February 5, 2010, to Ward County Commission
Before a governing body may close a meeting to discuss exempt information, it must first convene in open session and, unless a meeting to discuss confidential information is required, pass a motion to hold an executive session. Must also provide notice of executive session, announce topics and legal authority for the executive session, record the executive session, and take final action in open portion of meeting.

N.D.A.G. 2009-O-20 — November 13, 2009, to Tioga Airport Authority
Airport Authority failed to comply with procedural requirements when it failed to take a recorded roll call vote on motion to go into executive session, failed to announce proper legal authority and topic of executive session, and failed to record or tape the executive session.

N.D.A.G. 2009-O-15 — August 21, 2009, to Mandan School Board
Executive session relating to negotiations failed to meet minimum requirements of notice.

N.D.A.G. 2009-O-09 — July 1, 2099, to Mandan Board of Park Commissioners
Notice of executive session met the minimum requirements. Sufficiency of announcement.

N.D.A.G. 2008-O-02 — February 4, 2008, to Burke County Board of County Commissioners Governing body failed to follow any procedural requirements for executive session.

N.D.A.G. 2007-O-11 — August 3, 2007, to City of Mandan
When the City of Mandan went into executive session to discuss "negotiations" a discussion of an unrelated property sale was outside the scope of the announced topic of contract negotiation. The announcement must identify the particular contract the governing body is discussing its negotiation in executive session. Final action related to an executive session for negotiation instruction does not have to be taken in open meeting.

N.D.A.G. 2005-O-18 — November 8, 2005, to Grand Forks City Council
Using only the term "negotiations" in the announcement of an executive session is misleading.

N.D.A.G. 2005-O-04	February 9, 2005, to Cavalier City Council The notice of the executive session met the minimum requirements.
N.D.A.G. 2004-O-22	October 12, 2004, to Cavalier City Council Final action not taken during executive session.
N.D.A.G. 2004-O-21	October 8, 2004, to Fort Totten Public School District Failed to record executive session.
N.D.A.G. 2004-O-13	June 28, 2004, to Richland Public School District Announcement supplemented by member's discussion identified legal authority and topic.
N.D.A.G. 2004-O-10	May 3, 2004, to Stutsman County Correctional Center Legal basis for the executive session was stated prior to going into executive session.
N.D.A.G. 2003-O-22	December 1, 2003, to Walsh County Commission Announcement did not refer to negotiation strategy or similar language.
N.D.A.G. 2003-O-15	October 22, 2003, to Fargo Airport Authority No legal authority announced and executive session not recorded.
N.D.A.G. 2003-O-03	February 21, 2003, to Minto City Council No legal requirement to announce when the open meeting will reconvene after the completion of an executive session.
N.D.A.G. 2002-O-10	October 18, 2002, to McKenzie School Board Attendance by non-members.
N.D.A.G. 2002-O-01	January 10, 2002, to Wade Enget Announcement of attorney consultation or negotiation strategy session.
N.D.A.G. 2001-O-17	December 24, 2001, to Ronald Reichert Announcement for contract negotiation strategy.
N.D.A.G. 2001-F-10	December 11, 2001, to Eric Hardmeyer Contents of motion following executive session.
N.D.A.G. 2001-O-15	November 5, 2001, to Mary O'Donnell Announcement for attorney consultation.
N.D.A.G. 2001-O-09	August 31, 2001, to Gabe Plante and Wanda Bergarde Announcement for personnel matters.
N.D.A.G. 2000-O-12	October 17, 2000, to Scott Solem Announcement of attorney consultation.
N.D.A.G. 2000-O-10	July 19, 2000, to Howard Swanson Sufficiency of announcement for attorney consultation.
N.D.A.G. 2000-O-06	May 5, 2000, to Tom Irgens Sufficiency of announcement.
N.D.A.G. 2000-O-05	April 4, 2000, to Larry Gegelman Sufficiency of announcement for negotiation session.
N.D.A.G. 2000-O-04	March 15, 2000, to Larry Gegelman Voting on final action.

N.D.A.G. 2000-O-02 January 31, 2000, to Dan Fremling and Tom Tupa Vote not required to discuss confidential records.

N.D.A.G. 2000-O-01 January 24, 2000, to Donna Black Cloud Announcement is required.

N.D.A.G. 99-L-115 November 18, 1999, to Howard Swanson Rights of absent member.

N.D.A.G. 99-O-04 April 22, 1999, to Gregory Lange Announcement must include both the legal authority and the general topic for the session.

N.D.A.G. 99-O-01 February 22, 1999, to Howard Swanson Attendance by non-members.

N.D.A.G. 98-O-25 November 24, 1998, to Douglas Schauer Requirements are not rigidly applied.

N.D.A.G. 98-O-01 January 23, 1998, to Phyllis Ratcliffe Announcement of legal authority.

EXECUTIVE SESSION, RECORDS

N.D.A.G. 2024-O-04 January 9, 2024, to North Dakota Board of Chiropractic Examiners Denial of records of an executive session due to attorney consultation and negotiation strategies is proper. Notice is sufficient when it includes the topics to be discussed and the legal authority for executive session.

N.D.A.G. 2019-O-19 October 17, 2019, to North Dakota Board of Chiropractic Examiners Records of executive session to review exempt records and for attorney consultation cannot be released unless authorized by the governing body.

N.D.A.G. 2016-O-01 January 2, 2016, to South Central Dakota Regional Council N.D.C.C. § 44-04-19.2(1) merely recognizes that closed or confidential records may be considered in an executive session but does not specifically make any records closed or confidential and therefore this statute by itself cannot be used to close a meeting. Personnel records are generally open to the public.

N.D.A.G. 2013-O-09 June 12, 2013, to Turtle Lake-Mercer School Board A criminal history record check conducted by the Bureau of Criminal Investigation that consists of searching confidential law enforcement databases, is confidential and must be discussed in executive session.

N.D.A.G. 2006-O-14 October 4, 2006, to Williston Family Crisis Shelter The topic of an executive session must be included in the minutes of an open meeting.

N.D.A.G. 2004-O-13 June 28, 2004, to Richland Public School District Recording of an executive session not required to be released.

N.D.A.G. 2004-O-10 May 3, 2004, to Stutsman County Correctional Center Recording of a closed portion of a meeting is a closed record.

N.D.A.G. 2003-O-15 October 22, 2003, to Fargo Airport Authority Power-point presentation viewed in executive session.

N.D.A.G. 2000-O-06	May 5, 2000, to Tom Irgens Discussion of letter from bus driver based on observations as a parent.
N.D.A.G. 2000-O-04	March 15, 2000, to Larry Gegelman Executive session for discussion of FERPA records.
N.D.A.G. 2000-O-02	January 31, 2000, to Dan Fremling and Tom Tupa Person with access to records is entitled to attend executive session to discuss those records.
N.D.A.G. 98-F-22	June 23, 1998, to Lois Delmore Portion of administrative hearing must be closed when confidential records are discussed.
N.D.A.G. 98-O-06	April 14,1998, to Les Jensen Discussion during executive session must be limited to the confidential records.
N.D.A.G. 94-F-28	September 2, 1994, to Bill Oban Executive session to discuss educational records under FERPA.
N.D.A.G. Letter	January 21, 1988, to Alan Person Meeting may be closed to consider confidential records.
N.D.A.G. Letter	April 23, 1986, to Joseph Lamb Discussion of customer information.
N.D.A.G. Letter	May 17, 1985, to Orville Hagen Confidential records and wage claim hearings.
N.D.A.G. 79-210	November 30, 1979, to Irvin Riedman Discussion of parole board records.
N.D.A.G. Letter	May 3, 1978, to Thomas Clifford Discussion of confidential student records.

GOVERNING BODY

N.D.A.G. 2022-O-13	September 29, 2022, to Minot Public School District No. 1 The School District did not violate the open meetings law because the committee was formed by the Superintendent under his administrative duties pursuant to School Board policy and; therefore, does not meet the statutory requirement of a governing body.
N.D.A.G. 2021-O-02	April 16, 2021, to the City of Grand Forks If a panel is not created by a public entity nor delegated authority by the governing body, it is not subject to the open meetings law.
N.D.A.G. 2016-O-15	July 27, 2016, to Fargo Park District Committees are formed when a governing body delegates any part of its public business to two or more people, regardless of whether the individuals who make up the committee are members of the governing body. Committees are subject to open meetings law.

N.D.A.G. 2011-O-04 — February 7, 2011, to McKenzie Township Board of Supervisors and McKenzie Township Zoning Commission
The board of township supervisors is the governing body of a township. A township zoning commission may be created by a board of township supervisors to allow a township to exercise authority, and it also is a governing body of the township because it exercises authority delegated to it by the board of township supervisors.

N.D.A.G. 2011-O-03 — January 26, 2011, to Towner County Ambulance Service Board
Definition of governing body includes a committee delegated authority to perform any function on behalf of a governing body. A committee appointed by the Board is subject to open meetings law.

N.D.A.G. 2010-O-13 — October 27, 2010, to City of Grand Forks
Grand Forks Events Center Commission, also known as the Alerus Center Commission, is a committee of the Grand Forks City Council and therefore a governing body subject to open meetings law.

N.D.A.G. 2010-O-10 — July 1, 2010, to Kindred City Council
Committee of a City Council, exercising authority delegated to the committee by its council, is a governing body.

N.D.A.G. 2010-O-01 — February 5, 2010, to Ward County Commission
"Governing body" includes any group of persons, regardless of membership, acting collectively pursuant to authority delegated. Even though only one county commissioner served on committee, security committee was still subject to open meetings law because it was created by the County Commission.

N.D.A.G. 2009-O-12 — July 17, 2012, to Williams County Commission
A "governing body" includes any group of persons, regardless of membership, acting collectively pursuant to authority delegated to that group by the governing body to perform any function. Appointing two member portfolios creates a committee of the governing body. These meetings must be noticed.

N.D.A.G. 2009-O-05 — March 12, 2009, to Mandan City Commission
Appointing two member portfolios creates a committee of the governing body.

N.D.A.G. 2009-O-03 — February 23, 2009, to Rugby City Council and Rugby Public Safety Committee
Meetings of the City's Public Safety Committee must be noticed.

N.D.A.G. 2008-O-21 — August 24, 2008, to Workforce Safety and Insurance
It was a "meeting" when a quorum of the governance committee of the WSI Board met and discussed the public business of the committee.

N.D.A.G. 2007-O-15 — December 5, 2007, to City of Bottineau
When a governing body delegates part of its public business to a committee of two or more people, the committee must follow open meetings law including providing notice of its meetings.

N.D.A.G. 2007-O-13 — October 8, 2007, to Grand Forks School Board
A committee consisting of the president and vice president of the school board is a committee of a governing body subject to the open meetings requirements.

N.D.A.G. 2005-O-03	February 8, 2005, to City of Fargo A committee appointed by the mayor at the direction of the city commission that reports to the commission is a governing body.
N.D.A.G. 2005-O-02	January 12, 2005, to Cass County Historical Society An executive committee authorized by a board is a governing body.
N.D.A.G. 2004-O-15	July 9, 2004, to Fargo School District Committee delegated authority to perform any function on behalf of a governing body subject to law.
N.D.A.G. 2004-O-12	June 16, 2004, to Medora City Council Delegation to one person doesn't create a governing body.
N.D.A.G. 2003-O-15	October 22, 2003, to Fargo Airport Authority Committees set up by governing bodies subject to open meetings law.
N.D.A.G. 2001-O-15	November 5, 2001, to Mary O'Donnell County social service board.
N.D.A.G. 2001-O-04	May 16, 2001, to Laurel Forsberg Committee of city council.
N.D.A.G. 99-O-05	May 5, 1999, to Bonnie Johnson and Birch Burdick Single individual.
N.D.A.G. 98-O-13	June 11, 1998, to Edward Urness Group appointed by county commission is a governing body.
N.D.A.G. 98-F-12	May 7, 1998, to Bill Oban A single individual is not a governing body.
N.D.A.G. 98-O-09	May 7, 1998, to Nick Zaharia Township board and township electors.
N.D.A.G. 98-F-11	April 30, 1998, to Mark Blumer No right to participate in meeting.
N.D.A.G. 98-O-02	January 27, 1998, to Melvin Fischer and Lowell Jensen Delegations by one individual.
N.D.A.G. 97-O-02	December 22, 1997, to Melvin Fischer and Lowell Jensen Delegations by one individual.
N.D.A.G. 96-F-09	April 4, 1996, to Fabian Noack Meetings of mayor and department heads; recording of open meetings.
N.D.A.G. Letter	November 28, 1990, to Jennifer Ring Student senate meetings.
N.D.A.G. Letter	March 19, 1990, to Janet Wentz Faculty senate meetings and advisory groups.
N.D.A.G. Letter	March 17, 1989, to Dan Ulmer Committees and task forces.
N.D.A.G. Letter	March 29, 1985, to Gail Hagerty Meeting involving only one board member.

N.D.A.G. 81-10 — February 6, 1981, to Wayne Stenehjem
A group created by a school board is a public body.

N.D.A.G. 67-244 — January 4, 1967, to Kenneth Raschke Faculty
senate and advisory groups.

HIGHER EDUCATION

N.D.A.G. 2013-O-07 — May 3, 2013, to State Board of Higher Education
The State Board of Higher Education's use of e-mails to discuss public business with a quorum of members were meetings subject to open meetings law.

N.D.A.G. 2013-O-06 — April 18, 2013, to State Board of Higher Education
The State Board of Higher Education must properly notice informal, dinner meetings, in which a quorum of members are present and public business is discussed. These meetings are considered special meetings because they were not included in the regular schedule filed with the Secretary of State's office and were held on a different day than the regularly scheduled
meetings.

N.D.A.G. 2006-L-34 — October 20, 2006, to Tom Seymour
Faculty advisor to the ND State Board of Higher Education is not a member of the Board but has the right to attend executive sessions.

N.D.A.G. 2006-O-11 — July 7, 2006, to State Board of Higher Education
The State Board of Higher Education is a public entity.

N.D.A.G. 2002-O-12 — December 18, 2002, to State Board of Higher Education
Proximity of the public entity's meeting place to people affected by its decisions.

N.D.A.G. 81-41 — April 15, 1981, to Kent Alm
Appointment or removal of college president.

N.D.A.G. 81-39 — April 13, 1981, to Lloyd Nygaard
Appointment or removal of university staff.

LABOR DEPARTMENT

N.D.A.G. Letter — May 17, 1985, to Orville Hagen
Confidential records and wage claim hearings.

MEETING, DEFINED

N.D.A.G. 2020-O-01 — February 6, 2020, to North Dakota State Board of Accountancy
Ministerial uses of email to set a meeting date and time are not considered a meeting of the public entity subject to open meetings law.

N.D.A.G. 2019-O-11	July 2, 2019, to Belcourt School District #7 Board of Education The act of members of a governing body individually filling out an evaluation without the input of other members is not considered a "meeting" subject to open meetings law because it lacks a quorum.
N.D.A.G. 2019-O-10	July 1, 2019, to Beulah Public School Open meetings law is not triggered when board members reach out individually to non-board members regarding a matter of public business as long as the non-board member does not relay the substance of his or her discussion to a quorum of other board members, suggest a course of action, or build support or consensus through individual conversations.
N.D.A.G. 2019-O-08	May 13, 2019, to City of Napoleon When three out of the seven members of the City Council meet to discuss public business without approval, knowledge, or delegated authority from the full City Council, it is not a "meeting" subject to open meeting laws as no quorum is present and no committee was formed.
N.D.A.G. 2018-O-20	December 10, 2018, to Cass County Commission There are no exceptions to the open meeting laws for meetings instigated by the federal government who restricts access. When a quorum of a governing body of a public entity is present and its public business is discussed and considered, it is a meeting subject to open meeting laws.
N.D.A.G. 2018-O-19	November, 14, 2018, to TGU School District #60 When a quorum of a governing body attends a gathering in which its public business is being discussed, it is a meeting subject to open meetings law, even if the governing body did not convene the meeting and no decisions are being made.
N.D.A.G. 2018-O-17	October 11, 2018, to Divide County Ambulance Board When a quorum of a committee of a governing body is included in emails and text messages on matters of public business, it is considered a "meeting" and violates open meetings law as no notice is prepared and the public is not in attendance.
N.D.A.G. 2018-O-12	July 2, 2018, to Kenmare Public School Board Ministerial uses of text messages such as setting a meeting date or time, or to remind members of upcoming meetings, are permissible and do not implicate open meetings law.
N.D.A.G. 2018-O-10	May 17, 2018, to Wildrose City Council A "meeting" occurs via text messaging when a quorum of members of the governing body are included on matters of public business. A "meeting" also occurs when a series of conversations both in person and by telephone collectively involve a quorum of members of a governing body and matters of public business are discussed.
N.D.A.G. 2017-O-04	May 12,.2017, to Cass County Commission Email forwarded to quorum of governing body asking for response if any member had a problem with a decision was a tacit vote to approve a decision on a matter of public business outside of a properly noticed meeting.

N.D.A.G. 2017-O-02	May 12, 2017, to Glen Ullin City Council When a quorum of a governing body is present and receiving information on a matter of public business, a "meeting" occurs that is subject to open meetings law.
N.D.A.G. 2016-O-23	December 29, 2016, to North Valley Arts Council When a quorum of a governing body attends a meeting of another group, and the group's discussion pertains to the public business of the governing body, it is a "meeting" subject to open meetings law.
N.D.A.G. 2016-O-19	September 23, 2016, to Williston City Commission It was not considered a "meeting" subject to open meetings law when the mayor, on his own initiative and without consulting any other Commissioner, makes a decision regarding enforcement of ordinances.
N.D.A.G. 2016-O-11	June 29, 2016, to Williston City Commission When a series of gatherings collectively involve a quorum of a governing body regarding a topic of public business, a "meeting" occurs that is subject to open meetings law.
N.D.A.G. 2015-O-14	August 14, 2015, to North Dakota State Board of Dental Examiners Exchanges of emails between a quorum of a governing body that go beyond ministerial and instead ask questions, express opinions, suggest courses of action, and build consensus, are "meetings" that violated open meetings law.
N.D.A.G. 2015-O-13	August 7, 2015, to Pembina County Water Resource District Board of Managers The delegation of part of a governing body's public business to one person does not form a committee. When one person is appointed to negotiate on the public entity's behalf, a "meeting" does not occur because no governing body or committee thereof is present.
N.D.A.G. 2015-O-12	August 6, 2015, to Garrison-Max Ambulance District Board of Directors Analysis on whether a meeting took place by text message is no different than that of any other meeting – as long as the exchange involved a quorum of a governing body and public business is discussed, a meeting occurs subject to notice requirements.
N.D.A.G. 2015-O-06	April 17, 2015, to Foster County Commission A meeting occurred when the Auditor acted as an intermediary or liaison, conveying and circulating information and building consensus on a matter of public business, to the entire Commission.
N.D.A.G. 2014-O-13	September 22, 2014, to State Board of Higher Education It is of no consequence what entity initiates a meeting or sets the agenda, if a quorum of a governing body of a public entity is present and public business of the governing body is discussed, it is a meeting subject to notice requirements that the governing body is responsible for posting.
N.D.A.G. 2014-O-12	September 9, 2014, to Mott-Regent School Board A meeting subject to notice requirements occurs when a quorum of members of a governing body exchange emails regarding public business.

N.D.A.G. 2013-O-14	August 28, 2013, to Griggs County Commission Whenever a quorum of a governing body of a public entity is present and public business is discussed, a meeting occurs subject to open meetings law, even if the governing body is attending another group's meeting and even if the they are attending the meeting as "concerned citizens."
N.D.A.G. 2013-O-12	August 6, 2013, to State Board of Higher Education When less than a quorum of a governing body of a public entity are present at a meeting and at no time did the entire governing body consent or otherwise delegate authority to the members present, a "meeting" does not occur that is subject to open meetings law.
N.D.A.G. 2013-O-07	May 3, 2013, to State Board of Higher Education When public business is discussed by a quorum of a governing body through e-mail, a meeting occurs that must be properly noticed. Open meetings law apply to all steps of the decision making process, including information gathering, deliberating, discussing, formulating, narrowing the options, and final action regarding public business.
N.D.A.G. 2013-O-06	April 18, 2013, to State Board of Higher Education A special meeting is a meeting held on the day other than a regular meeting, as set by filing an annual schedule in January with the Secretary of State's office for state-level entities. Informal, dinner socials, can still be meetings subject to open meetings law when a quorum is present and public business is discussed.
N.D.A.G. 2013-O-03	March 3, 2013, to Metro Flood Diversion Board of Authority If a quorum or committee of a governing body attends a meeting of another group and public business of the governing body is discussed, a "meeting" occurs requiring the governing body to comply with open meetings law.
N.D.A.G. 2013-O-01	January 10, 2013, to Lidgerwood Rural District Ambulance Service Board Telephone calls to a quorum of a Board for ministerial purposes, such as to set the agenda or confirm committee assignments, are not meetings.
N.D.A.G. 2012-O-06	May 18, 2010, to Mandan School Board When a quorum of members or committee of a governing body attends a meeting where public business is discussed, the gathering is a meeting for which notice must be provided, even if the attendance of a quorum at the meeting is unplanned and unexpected at a public forum.
N.D.A.G. 2012-O-05	March 20, 2012, to Elma Township Whenever a quorum of a governing body meets, in person or by telephone, to discuss public business, it is a meeting that must be publicly noticed in advance.
N.D.A.G. 2012-O-02	February 6, 2012, to Linton School Board Series of telephone calls to each Board member separately to discuss an investigation was "meeting" because it was information gathering that is a step in the decision making process. Information provided must be more than ministerial in nature to be considered information gathering.

N.D.A.G. 2011-O-17	December 22, 2011, to Minto City Council Definition of "meeting" is not limited to face-to-face gatherings and can occur via telephone conversations. Information gathering is a step in the decision making process comparable to discussion, formulating or narrowing of options, or action regarding public business and is considered public business. Thus a meeting can take place even if the purpose is not to build a consensus or take a vote.
N.D.A.G. 2011-O-08	June 28, 2011, to Grand Forks School Board "Meeting" occurs when a quorum of the governing body continues to discuss public business after the meeting adjourns.
N.D.A.G. 2011-O-05	March 25, 2011, to Fargo City Commission Quorum of Commission who met at restaurant after Commission meeting constituted a "meeting" as defined by statute and thus notice was required.
N.D.A.G. 2011-O-04	February 7, 2011, to McKenzie Township Board of Supervisors and McKenzie Township Zoning Commission As long as the elements of the definition of "meeting" are present, it does not matter where the meeting takes place. On-site inspection of City by Board of Township Supervisors and Township Zoning Commission was "meeting."
N.D.A.G. 2011-O-02	January 12, 2011, to Wilton School Board Meeting occurred when superintendent called each Board member, one by one, from the telephone to ask for vote on whether to release teacher from contract.
N.D.A.G. 2011-O-01	January 4, 2011, to Bowdon City Council A gathering of a quorum of the members of a governing body regarding public business is a "meeting." A quorum is one-half or more of the governing body's members.
N.D.A.G. 2010-O-14	November 12, 2010, to Mercer County Ambulance Board The definition of "meeting" is not limited to face-to-face gatherings of a quorum of the members of a governing body. As a result, a meeting could occur by telephone or by other electronic means such as e-mail. For a gathering of a governing body to be considered a "meeting," two primary elements must be considered: whether a quorum was present and the topic of discussion. Even if no action is taken, as long as the topic is one of public business and a quorum of a governing body is present, the meeting must be publicly noticed.
N.D.A.G. 2010-O-13	October 27, 2010, to City of Grand Forks Negotiations regarding contract between management company and City of Grand Forks were conducted in city attorney's office rather than with members of Commission. Since no quorum of Commissioners met to discuss contract terms or negotiations, no meeting was held which required public notice.
N.D.A.G. 2010-O-09	July 1, 2010, to Cooperstown City Council Analysis of whether meeting took place by e-mail is no different than that of other meeting. Action does not have to be taken during a gathering of quorum in order for meeting to take place as definition of "meeting" covers all stages of decision-making process, including information gathering.

N.D.A.G. 2010-O-06	May 17, 2010, to Kindred City Council Although a quorum of a governing body was present prior to meeting, public business was not discussed and thus one of the elements required for a meeting was missing.
N.D.A.G. 2009-O-17	September 11, 2009, to McClusky City Council A meeting was held when the City Council met to monitor a person's access to public records because a quorum was present, the Council as acting in its official capacity, and even though no public business was discussed, public business was performed.
N.D.A.G. 2009-O-13	July 30, 2009, to Mandan School Board Definition of "meeting" is not limited to gatherings at which formal action is taken on an item of public business and includes "work sessions." A retreat may be a "meeting" for which notice is required.
N.D.A.G. 2009-O-11	July 14, 2009, to Garrison School Board Two primary elements must be present for a gathering to be considered a "meeting": whether a quorum was present and whether public business is discussed.
N.D.A.G. 2008-O-28	December 12, 2008, to Fargo City Commission A bus tour of a flood control project by a quorum of city commissioners was a meeting subject to the open meetings law.
N.D.AG. 2008-O-24	October 10, 2008, to Mandan School Board When a governing body delegates authority to a single person, the single person's performance of the delegated duty does not trigger open meetings law.
N.D.A.G. 2008-O-22	September 9, 2008, to Workforce Safety and Insurance E-mails and telephone calls between a three-member committee.
N.D.A.G. 2008-O-13	June 23, 2008, to Traill County Water Resource District The definition of a meeting covers all stages of the decision-making process, including information gathering. Action is not a prerequisite for determination of whether a gathering is a meeting.
N.D.A.G. 2008-O-11	June 6, 2008, to Dickinson City Commission and South Heart City Council Two primary elements must be present for a gathering to be considered a "meeting": whether a quorum was present and whether public business is discussed.
N.D.A.G. 2008-O-10	May 2, 2008, to Stark County Commission and Stark County Zoning Board A "meeting" may occur at an informal gathering such as a luncheon, even if hosted by a private entity. As long as a quorum of a governing body attends and the presentation at the luncheon relates to public business, it is a meeting.
N.D.A.G. 2008-O-01	January 28, 2008, to Forbes City Council A quorum of a governing body is necessary for a meeting.
N.D.A.G. 2008-O-01	January 28, 2008, to Forbes City Council A meeting means a formal or informal gathering of a quorum of the governing body members regarding public business.

N.D.A.G. 2007-O-14	December 5, 2007, to Mandan City Commission When the four elements of a "meeting" are present in an email, a "meeting" takes place that is subject to open meetings law.
N.D.A.G. 2007-O-08	June 8, 2007, to Ward County Commission When a quorum of commissioners met to discuss a bond issue, it was a public meeting, even though it took place at a privately funded forum.
N.D.A.G. 2007-O-08	June 8, 2007, to Ward County Commission A meeting between a quorum of county commissioners and the DOT about specific county funding during the NDACO annual convention did not fall into the exception for meetings of state associations in N.D.C.C. § 44-04-17.1(8)(b) and must be noticed.
N.D.A.G. 2007-O-08	June 8, 2007, to Ward County Commission Calls from the chairperson to three commissioners informing them of their individual committee assignments were ministerial and meetings were not subject to notice.
N.D.A.G. 2007-O-02	February 14, 2007, to Nome City Council A quorum of a governing body cannot discuss public business after a meeting is adjourned.
N.D.A.G. 2005-L-14	April 29, 2005, to Mary Ekstrom Delegation to one person does not trigger the open meetings law.
N.D.A.G. 2005-O-03	February 8, 2005, to City of Fargo Even if a committee has no binding decision making authority the meeting is subject to the open meetings law.
N.D.A.G. 2005-O-02	January 12, 2005, to Cass County Historical Society Meetings may take place by telephone.
N.D.A.G. 2004-O-12	June 16, 2004, to Medora City Council Delegation must be to a group of persons to be a meeting.
N.D.A.G. 2004-O-02	January 13, 2004, to Renville County Commissioners Training session a meeting.
N.D.A.G. 2003-O-05	April 11, 2003, to Glen Ullin City Council Three members of a seven-member city council attending a meeting of another public entity is not a meeting if there is no delegation by the city council.
N.D.A.G. 2003-L-01	January 2, 2003, to James T. Odegard School board member may participate by telephone or video equipment.
N.D.A.G. 2002-O-07	July 12, 2002 (and August 13 2002 Addendum) to Kindred Public School District Social gathering of school board members where public business is not discussed is not a meeting.
N.D.A.G. 2001-O-18	December 27, 2001, to Mary O'Donnell Meeting must involve a quorum.
N.D.A.G. 2001-O-14	October 4, 2001, to Steven McCullough Series of written communications is not a meeting.

N.D.A.G. 2001-O-07 August 6, 2001, to Steven McCullough
Final action is not required for gathering to be a meeting.

N.D.A.G. 2001-O-05 June 7, 2001, to D. Guy McDonald School
board retreat.

N.D.A.G. 2001-O-03 May 3, 2001, to Paul Koehmstedt
Pre-meeting involving less than a quorum.

N.D.A.G. 2000-O-08 July 14, 2000, to Ellen Elder
Smaller gatherings involving a quorum.

N.D.A.G. 99-O-09 November 1, 1999, to Jeff Sheets
Gathering must pertain to public business to be a meeting.

N.D.A.G. 98-O-18 August 11, 1999, to Marvin Gillig et al
Attendance at meeting of another group.

N.D.A.G. 98-F-16 June 8, 1998, to Dan Gaustad
Sequential on-site investigations by a quorum.

N.D.A.G. 98-O-11 June 8, 1998, to Duane Mullenberg and Fabian Noack Gatherings
at which staff are given instructions.

N.D.A.G. 98-O-10 May 7, 1998, to R. James Maxson et al
Attendance at meeting of another group.

N.D.A.G. 98-O-08 May 4, 1998, to Bob Dykshoorn
Action need not be taken for gathering to be a meeting.

N.D.A.G. 98-O-05 March 3, 1998, to Paul Ebeltoft
Four elements to definition of meeting.

N.D.A.G. 98-O-04 March 3, 1998, to Franklin Appledorn and Norbert Sickler Meeting
between one member and staff.

N.D.A.G. Letter March 19, 1990, to Janet Wentz
Faculty senate meetings and advisory groups.

N.D.A.G. Letter February 29, 1984, to Richard Schnell
Meetings by conference call.

N.D.A.G. Letter March 5, 1976, to Myron Atkinson
All gatherings of a quorum are meetings.

N.D.A.G. 72-78 February 23, 1972, to Robert Eckert State's
attorney's inquests.

MINUTES, CONTENT

N.D.A.G. 2021-O-07 July 8, 2021, to North Prairie Regional Water District
Committee minutes must comply with the statutory requirements, including the date of the meeting, final action, and results of roll call votes.

N.D.A.G. 2018-O-10	May 17, 2018, to Wildrose City Council The Office of Attorney General does not review alleged inaccuracies in meeting minutes but only whether they include the minimum requirements of N.D.C.C. § 44-04-21(2). The Office also does not review the sufficiency of minutes until they are approved by the governing body, as deficiencies may be cured.
N.D.A.G. 2016-O-06	April 19, 2016, to South Senior Services Council, Inc., Wahpeton Harmony Senior Citizens Club, Inc., and Richland County Council on Aging, Inc. N.D.C.C. § 44-04-21.1 does not authorize the Office of Attorney General to review alleged inaccuracies in meeting minutes when issuing an opinion; rather, it can only review the content of the meeting minutes to determine whether they meet the requirements of N.D.C.C. § 44-04-21(2).
N.D.A.G. 2013-O-06	April 18, 2013, to State Board of Higher Education Minutes must include a sufficiently detailed description of all topics discussed. General, "catch all" phrases, such as "other issues," are not sufficiently detailed because they do not give the public indication of what was actually discussed.
N.D.A.G. 2010-O-06	May 17, 2010, to Kindred City Council Minimum requirements provided by statute include only requiring a list of topics discussed by governing body and do not require verbatim report.
N.D.A.G. 2005-O-18	November 8, 2005, to Grand Forks City Council Minutes of regular meeting failed to list who attended the executive session and when it started and ended.
N.D.A.G. 2005-O-10	June 9, 2005, to Wilton Rural Ambulance District Roll call votes of every member should be reflected in the minutes.
N.D.A.G. 2005-O-08	May 13, 2005, to Napoleon City Council Minutes may reflect discussions that took place at meeting, but it is not required by statute.
N.D.A.G. 2005-O-02	January 12, 2005, to Cass County Historical Society Committees subject to the open meetings law must take minutes.
N.D.A.G. 2005-O-01	January 10, 2005, to City of Napoleon List of topics discussed at a meeting must be listed in the minutes.
N.D.A.G. 2004-O-21	October 8, 2004, to Fort Totten Public School District General topic of executive session not in minutes.
N.D.A.G. 2004-O-16	July 16, 2004, to Gladstone City Council Accurate information removed from minutes.
N.D.A.G. 98-O-18	August 11, 1998, to Marvin Gillig et al Minutes do not have to contain location of meeting.
N.D.A.G. 98-O-14	June 25, 1998, to Patricia Lynch Topics discussed.
N.D.A.G. 98-O-09	May 7, 1998, to Nick Zaharia Minutes must contain record of motions and results of votes.

MINUTES, PUBLICATION

N.D.A.G 2024-O-11	December 20, 2024, to Emmons County Historical Society An entity failing to meet its legal obligations by not creating required meeting minutes
N.D.A.G. 99-L-112	November 18, 1998, to Larry Robinson Vote to disapprove publication.
N.D.A.G. 98-F-25	August 11, 1998, to Cynthia Feland Unapproved minutes.
N.D.A.G. 92-08	April 8, 1992, to Mary Nordsven Publication of minutes.
N.D.A.G. Letter	December 24, 1985, to Gail Hagerty Publication and content of minutes; roll call voting.
N.D.A.G. 69-124	November 28, 1969, to L.J. Schirado Content of published minutes.
N.D.A.G. 67-196	June 19, 1967, to A.R. Nestoss Publication and content of minutes.
N.D.A.G. 67-193	April 11, 1967, to M.F. Peterson Publication and content of minutes.
N.D.A.G. 58-186	November 17, 1958 Publication and content of minutes.
N.D.A.G. 51-20	January 15, 1951 Publication and content of minutes.
N.D.A.G. 46-62	July 25, 1946 Publication and content of minutes.
N.D.A.G. 45-68	June 20, 1945 Publication and content of minutes.

NEGOTIATION STRATEGY SESSIONS

2022-O-02	January 19, 2022, to Hettinger Public School Unauthorized executive session when the entity discussed topics outside those announced or that met the legal authority for the executive session.
N.D.A.G. 2018-O-08	May 17, 2018, to West Fargo School Board Discussion on various negotiation tactics a governing body could utilize to attract the best candidate including salary ranges and different compensation packages, which could affect its bargaining position if revealed, are negotiation strategy sessions appropriate for executive session.
N.D.A.G. 2017-O-03	May 12, 1017, to Devils Lake City Commission Unauthorized executive session when reviewed job performance evaluations and made unilateral decision that involved no negotiation strategy or instruction.

N.D.A.G. 2016-O-01	January 12, 2016, to South Central Dakota Regional Council A governing body may not close a meeting for a "negotiation strategy session" when the governing body is making a unilateral decision to terminate an employee that does not involve any intent negotiating.
N.D.A.G. 2015-O-15	October 12, 2015, to Morton County Commission The Commission held a proper executive session to discuss negotiation strategy and provide negotiation instructions to its attorney because such discussions would have had an adverse fiscal impact if held in the public.
N.D.A.G. 2015-O-13	August 7, 2015, to Pembina County Water Resource District Board of Managers If opposing counsel is present during a public entity's conversations regarding negotiation strategy, there can be no adverse fiscal effect on the position of the public entity and therefore no executive session may be held.
N.D.A.G. 2015-O-04	March 20, 2015, to Fargo City Commission The City Commission violated open meetings law when it proceeded into an executive session to discuss a separation agreement already negotiated and signed by a public employee.
N.D.A.G. 2013-O-13	August 14, 2013, to the City of Mandan A meeting is properly closed for negotiation strategy and instruction when the discussions would have an adverse fiscal effect on the bargaining position of the entity.
N.D.A.G. 2013-O-11	August 6, 2013, to State Board of Higher Education To close a meeting for negotiation strategy, three elements must be met. Introductory comments in which a governing body receives an updated history, or summary from its negotiator on the status of contract negotiations, is not "negotiation strategy" and should not be discussed during an executive session.
N.D.A.G. 2010-O-11	September 24, 2010, to Grand Forks School Board Executive session was held related to superintendent's salary and contract. Statute does not authorize executive session for all contract discussions. Discussions must be in context of negotiation and, even then, discussion is only protected if disclosure of the remarks would have an adverse fiscal effect on the bargaining position of the governing body.
N.D.A.G. 2009-O-09	July 1, 2009, to Mandan Board of Park Commissioners A governing body may go into executive session to discuss negotiation strategy and position, and these discussions, if held in public, could have caused an adverse fiscal effect on the bargaining position of the Board.
N.D.A.G. 2005-O-21	December 8, 2005, to Harvey School Board Giving authority to unilaterally issue contracts goes beyond negotiation strategy or instruction.
N.D.A.G. 2005-O-18	November 8, 2005, to Grand Forks City Council Discussing instructions with the negotiator is not "final action".
N.D.A.G. 2005-O-03	February 8, 2005, to City of Fargo Cannot close a meeting for contract negotiation if the other party is in the closed session.

N.D.A.G. 2004-O-24 November 4, 2004, to Southwest Multi-County Correction Center
Negotiation strategy for early retirement contract.

N.D.A.G. 2004-O-13 June 28, 2004, to Richland Public School District
Executive session to discuss negotiation strategy for collective bargaining representatives.

N.D.A.G. 2003-O-22 December 1, 2003, to Walsh County Commission
No authorization to close meeting to receive an update or summary form negotiator on status of contract negotiations.

N.D.A.G. 2001-O-17 December 24, 2001, to Ronald Reichert Session
may not be held to evaluate personnel.

N.D.A.G. 2000-O-09 July 17, 2000, to Ellen Elder Elements
and scope of the exception.

N.D.A.G. 2000-O-05 April 4, 2000, to Larry Gegelman
Terms "strategy" and "instructions" are key terms which limit the exception.

N.D.A.G. 99-O-01 February 22, 1999, to Howard Swanson
Does not apply to all discussions about a contract.

N.D.A.G. 98-O-12 June 9, 1998, to Melvin Fischer and Lowell Jensen
Does not apply to updates on status of contract negotiations.

NONGOVERNMENTAL ORGANIZATIONS

See also Public Entity, Defined

N.D.A.G. 2009-O-14 August 14, 2009, to State Department of Health
Private, non-profit trade association may be public entity if supported in whole or in part by public funds or if it acts as an agent or agency of government.

N.D.A.G. 2008-O-29 December 12, 2008, to North Dakota High School Activities Association
Recognized by statute as performing governmental functions and is supported by public funds.

N.D.A.G. 2004-O-14 July 1, 2004, to Fargo-Moorhead Chamber of Commerce Chamber not subject to open meeting law.

N.D.A.G. 2004-O-04 January 22, 2004, to St. Luke's Hospital
Private, nonprofit hospital may be public entity if supported by public funds.

N.D.A.G. 2003-O-08 July 22, 2003, to Dakota Center for Independent Living
Nonprofit organization recognized by state law.

N.D.A.G. 2003-O-02 February 21, 2003, to James River Senior Citizen's Center
Senior citizen's center receiving unrestricted funds used for general support was public entity.

N.D.A.G. 2002-O-09 September 17, 2002, to Nevin Van de Streek, et al
Minot Area Chamber of Commerce Task Force is supported by public funds and an agent of the city of Minot.

N.D.A.G. 2001-O-11 — September 13, 2001, to Greg Selbo Economic development corporation.

N.D.A.G. 98-O-23 — November 9, 1998, to Howard Swanson
Public funds not limited to cash; de minimis contributions; recognized by resolution.

N.D.A.G. 98-O-21 — September 22, 1998, to Wes Tossett and Gary Puppe
Four ways for non-governmental organization to be a public entity.

N.D.A.G. 98-F-19 — June 10, 1998, to Carol Olson
Exchange of funds for identified goods and services is not "support" by public funds.

N.D.A.G. 96-F-18 — September 13, 1996, to Gerald Sveen
Organization receiving direct appropriation of government funds is "expending public funds" and is a public entity.

N.D.A.G. Letter — August 2, 1991, to Ken Solberg
Government self-insurance pool is an agency of its members and is supported by public funds.

N.D.A.G. Letter — September 19, 1989, to Rod Larson
Supported by public funds and procedures for conducting a meeting.

N.D.A.G. Letter — January 28, 1985, to Wayne Jones
Organization is subject to open meetings law only if supported by or expending public funds.

NOTICE OF MEETINGS

N.D.A.G. 2025-O-03 — March 6, 2025, to City of Great Bend
The entity violated open meetings law by failing to include the meeting location and the name of the public entity on notices for its regular meetings, and by failing to include the location and notify the local newspaper for its special meeting.

N.D.A.G. 2025-O-02 — January 10, 2025, to Metro Flood Diversion Authority Board
The entity violated the law by failing to properly notice the Board's special meetings

N.D.A.G. 2025-O-09 — June 10, 2025, to Tioga Airport Authority
The entity violated North Dakota law by failing to properly notify required parties of a special meeting and by not responding to a records request in a timely manner.

N.D.A.G 2024-O-07 — September 11, 2024, to Stanley Rural Ambulance District
Special meetings may be called upon short notice, and properly noticed, as long as the notice is provided to the public and the media at the same time the governing body's members are notified

N.D.A.G. 2023-O-03 — August 22, 2023, to Wells County Commission
The Commission violated open meetings laws when it failed to notice a quorum of the members of the County Commission's attendance at a County departments meeting during discussion related to the Commission's public business.

N.D.A.G. 2023-O-01 — July 23, 2023, to Devils Lake Park Board
An incorrect meeting date on the website only – notice in all other required places was correct – was substantial compliance with the notice requirements of N.D.C.C. §. 44-04-20.

N.D.A.G. 2022-O-16 — December 22, 2022, to Billings County Commission
The Commission violated open meetings laws when it failed to provide notice of a quorum of the Commission meeting in a series of smaller gatherings regarding public business.

N.D.A.G. 2022-O-14	October 17, 2022, to Butte Township Board of Supervisors The Board violated the open meetings laws by noticing an incorrect meeting date, failing to post notice at the special meeting locations, and failing to notify the newspaper of special meetings.
N.D.A.G. 2022-O-12	September 29, 2022, to North Prairie Regional Water District The Board did not violate open meetings laws because it did notify its official newspaper of its special meeting and posted notice on its website.
N.D.A.G. 2022-O-11	September 29, 2022, to Lewis and Clark Public School Board The School Board properly noticed its special meeting when it posted notice on its website, the main entrance of the school, outside of the meeting location and notified its official newspaper.
N.D.A.G. 2022-O-10	September 29, 2022, to Lewis and Clark Public School Board The School Board violated open meetings laws when it failed to provide personal notice of a special meeting.
N.D.A.G. 2022-O-09	September 29, 2022, to City of Crosby The City Council violated the open meetings laws by failing to notice, create an agenda, or notify the newspaper of a special meeting.
N.D.A.G. 2022-O-08	September 1, 2022, to City of Mandan Board of Equalization Personal notice was required because the city did not a hold a meeting.
N.D.A.G. 2022-O-07	July 1, 2022, to Lake Region District Health Board The Board violated open meetings laws when it failed to post notice of a special committee meeting, held by telephone, at its principal office, to notify the newspaper, or include the information necessary for the public to join the call in the meeting notice.
N.D.A.G. 2022-O-06	May 19, 2022, to Williston Parks and Recreation District Board Executive sessions must be specifically listed in a special meeting agenda and failure to do so violates the open meetings law.
N.D.A.G. 2022-O-04	May 13, 2022, to Stark County Board of Commissioners The notice stated a general description of the executive session in compliance with open meeting laws.
N.D.A.G. 2022-O-03	April 6, 2022, to City of Benedict The city did not prepare or post notice of a regular meeting.
N.D.A.G. 2022-O-02	January 19, 2022, to Hettinger Public School Description of executive session failed to substantially comply with notice requirements.
N.D.A.G. 2021-O-12	December 17, 2021 to Horse Race North Dakota The entity did not provide requested notice and failed to include an agenda or the information necessary to join a remotely-held meeting in its notice.
N.D.A.G. 2021-O-10	September 23, 2021 to the Mandan Public School Board The school board properly filed notice of its meeting with the county auditor.
N.D.A.G. 2021-O-08	August 26, 2021, to the City of Velva The city properly filed the notice of its meeting with the city auditor.
N.D.A.G. 2021-O-07	July 8, 2021, to North Prairie Regional Water District Committees of a public entity must comply with all the notice requirements for special meetings.

N.D.A.G. 2021-O-04	May 12, 2021, to the City of Surrey The public entity failed to properly notice a special meeting when topics not included on the meeting notice were discussed, and it failed to state the location of the meeting.
N.D.A.G. 2021-O-03	May 12, 2021, to Hope-Page Public School District #85 The governing body has the responsibility to provide notice of its meetings. Failing to provide notice of special meetings is a violation of the open meetings law.
N.D.A.G. 2020-O-05	July 7, 2020, to Williams County School District #8 and Williston School District #1 Once a topic is clearly identified in a properly posted agenda, the notice does not need to include a detailed itemization of every potential statement or position of the governing body as to do so would be infeasible and speculative.
N.D.A.G. 2020-O-04	May 20, 2020, to Williams County School Board for District # 8 Once a topic is clearly identified, the meeting notice does not need to include a detailed itemization of every potential statement or position of the members of the governing body as to do so would be infeasible and speculative.
N.D.A.G. 2020-O-03	May 18, 2020, to City of Napoleon Notice of a regular meeting must include an agenda of all topics the governing body expects to discuss at the time the notice is prepared.
N.D.A.G. 2020-O-01	February 6, 2020, to North Dakota State Board of Accountancy The Board failed to properly notice a special meeting by posting a wrong meeting date and failing to post an agenda.
N.D.A.G. 2019-O-17	August 14, 2019, to Fargo Park District Special meeting notices must list specific agenda topics and mere reference to "HR/Staff Review" failed to adequately inform the public of the topics considered at the meeting.
N.D.A.G. 2019-O-16	July 19, 2019, to City of Surrey Committee meetings were not properly noticed.
N.D.A.G. 2018-O-28	December 11, 2018, to City of Belfield Requests to receive personal notice of upcoming meetings are effective for one year unless a different time period is specified. Agendas for special meetings must specifically identify topics to be discussed and notice of any executive session.
N.D.A.G. 2018-O-19	November 14, 2018, to TGU School District #60 Special meeting notice that incorrectly identified the committee that was meeting and lacked the level of specificity needed of special meetings failed to comply with N.D.C.C. § 44-04-20.
N.D.A.G. 2018-O-11	July 2, 2018, to Bismarck-Mandan Mayors' Committee for People with Disabilities When a governing body serves two public entities, notice must be posted at each jurisdiction.
N.D.A.G. 2018-O-07	May 17, 2018, to Beulah School Board Vague phrases such as "additions to the agenda" are not appropriate for special meetings notices.

N.D.A.G. 2017-O-04	May 12, 2017, to Cass County Commission Violation of open meetings law when a governing body's public notice fails to include all items considered or discussed at a special meeting.
N.D.A.G. 2016-O-18	August 26, 2016, to Center Township Board of Supervisors Although personal notice does not have to be provided in the exact manner requested, the public entity must provide notice to individuals in a practical matter that relays the relevant information contained in the agenda.
N.D.A.G. 2016-O-17	August 11, 2016, to Lidgerwood Rural District Ambulance Service Board Because emergency or special meetings may be called upon short notice, notifying the official newspaper is of particular importance because it compensates for the possibility that the public may not be aware of the special or emergency meeting.
N.D.A.G. 2016-O-07	April 19, 2016, to Flasher City Commission N.D.C.C. § 44-04-20(6) requiring notice of special meetings be given to the public entity's official newspaper, does not dictate the medium through which such notice must be given. A reporter of the official newspaper who was present during an announcement of an upcoming meeting time and date received notice of an upcoming meeting that satisfied this requirement.
N.D.A.G. 2016-O-05	March 23, 2016, to Washburn City Commission A "committee," composed of two or more individuals, delegated some part of the governing body's public business, are subject to the notice requirements of N.D.C.C. § 44-04-20 when a quorum of the committee meets and its delegated business is discussed.
N.D.A.G. 2016-O-04	March 15, 2016, to North Dakota Department of Health, State Health Council Notice must be provided to the public at the same time as members of the governing body are notified of an upcoming meeting, even if no agenda is prepared and the governing body has not discussed or decided what topics will be addressed at the upcoming meeting. Notice should be posted in compliance with N.D.C.C. § 44-04-20, with a reference to "agenda to come" and the entity supplementing the notice with an agenda when it is created.
N.D.A.G. 2016-O-02	January 13, 2016, to Langdon City Commission When a quorum of a governing body gathers to discuss public business an hour before its regular meeting, the early gathering must be noticed because it is a "meeting" subject to open meetings law.
N.D.A.G 2015-O-16	October 19, 2015, to Stark County The auditor preparing the agenda did not know about a specific topic an attorney was going to bring before the governing body at the time the notice was prepared but since it was a regular meeting, no violation occurred when the attorney added the topic to the agenda to be discussed at the meeting.
N.D.A.G. 2015-O-13	August 7, 2015, to Pembina County Water Resource District Board of Managers It is a violation of open meetings law to only post notice for an "executive session" when the governing body knew at the time the agenda was prepared the topics and legal authority for the executive session and such information was not included in the agenda.

N.D.A.G. 2015-O-12	August 6, 2015, to Garrison-Max Ambulance District Board of Directors The purpose of requiring meeting notices to be filed with the auditor is to have a central location for people to find out about public meetings affecting the city or county.
N.D.A.G. 2014-O-13	September 22, 2014, to State Board of Higher Education General and vague phrases that could have multiple meanings are not appropriate to use in describing an agenda topic for a special meeting.
N.D.A.G. 2014-O-11	August 28, 2014, to Churchs Ferry City Council Use of general phrases in an agenda such as "old business" and "new business" substantially comply with the notice requirements of N.D.C.C. § 44-04-20 when, at the time the notice if prepared, the city auditor is unaware of any specific topics the City Council anticipates discussing at the meeting.
N.D.A.G. 2014-O-05	May 15, 2014, to Devils Lake City Council A committee subject to open meetings law must post notice in compliance with N.D.C.C. § 44-04-20, in addition to any notice requirements from an adopted municipal code.
N.D.A.G. 2014-O-03	February 3, 2014, to Linton City Council N.D.C.C. § 44-04-20(2) requires a meeting notice contain the "location" of the meeting but does not necessarily require a street address. Rather, as long as the notice contains a location that a member of the public could reasonably identify, substantial compliance is met.
N.D.A.G. 2013-O-09	June 12, 2013, to Turtle Lake-Mercer School Board Notice must contain the general subject matter of any executive session expected or anticipated to be held during the meeting at the time the notice is prepared.
N.D.A.G. 2013-O-06	April 18, 2013, to State Board of Higher Education General, "catch-all" all phrases, are inappropriate to use for heightened notice requirements of special meetings because they do not adequately provide the public with advance notice of what the public entity would discuss. It is especially important to post notice at the location of the meeting on the day of the meeting when the governing body meets in an unconventional location, such as a private home.
N.D.A.G. 2013-O-05	April 16, 2013, to State Parole Board Filing a yearly schedule with the appropriate entity, such as the Secretary of State's office, does not relieve the governing body of its obligation to provide notice of upcoming meeting that includes a list of topics expected to be discussed at time notice is prepared; date, time, and location of the meeting; and anticipated executive sessions.
N.D.A.G. 2013-O-04	April 9, 2013, to Wells County Water Resource District A regular meeting allegedly beginning a few minutes early substantially complied with notice requirements as minutes indicate the meeting began when scheduled and the governing body did not believe the meeting began early.

N.D.A.G. 2013-O-01 — January 10, 2013, to Lidgerwood Rural District Ambulance Service Board The purpose of an agenda is to provide sufficient information to interested members of the public concerning anticipated business to be discussed by the governing body. General terms that could have numerous meanings do not provide the public with meaningful notice of what a governing body intends to discuss at a special meeting. "Catch-all" phrases in notices are not appropriate for special meetings, however, if the entity limits its discussion to the specific items listed on the agenda, despite the existence of a catch-all item also included on an agenda, no violation occurs.

N.D.A.G. 2012-O-06 — May 18, 2012, to Mandan School Board
If an unexpected and unanticipated presence of a quorum of a governing body occurs at a gathering that discusses public business, notice must be provided immediately after the meeting.

N.D.A.G. 2012-O-04 — March 20, 2012, to Rye Township Zoning Commission
Requirements for noticing township meetings in N.D.C.C. ch. 58 are in addition to the notice requirements of N.D.C.C. § 44-04-20.

N.D.A.G. 2011-O-16 — November 10, 2011, to Dresden Township Board of Supervisors
Notices of regular meetings only have to be published if a statute specifically requires publication such as when township electors meet. If a public entity does not have an office, the requirement to post notice at the "office" does not apply.

N.D.A.G. 2011-O-15 — October 3, 2011, to Valley City Commission
Although public entity must list topics to be discussed at special meeting, it is not required to include a detailed itemization of every step or procedure issue that may arise as to do so would be unfeasible and unnecessary speculative. An entity cannot predict all possible objections, responses, and issues that it must address during the course of a special meeting. Actions taken that are not specifically detailed in the special meeting notice, but are related or within the scope of the topic listed on the notice, are proper.

N.D.A.G. 2001-O-14 — September 23, 2011, to Churchs Ferry City Council and Tax Equalization Board
Regular agenda notice's list of "old business" and "new business" substantially complied with notice requirements of the statute since at the time of posting the notice, the drafter was unaware of any specific topics the Council anticipated discussing at the meeting. Specific statutes applicable to individual public entities or governing bodies that require publication must be followed in addition to the notice requirements of open meeting law.

N.D.A.G. 2011-O-13 — September 23, 2011, to Surrey Public School
Special meetings organized very quickly to respond to urgent matter are not obviated as notice requirements of statute allow for notice to be posted quickly. Occasionally there are circumstances where it is not feasible to provide prior notice of a meeting and in these unusual situations, notice should be provided immediately following the meeting in order to substantially comply with the law.

N.D.A.G. 2011-O-10 — August 10, 2011, to Cass County Historical Society
County Historical Society failed to comply with notice requirements of special meeting because it failed to file with the county auditor and failed to notify the official newspaper.

N.D.A.G. 2011-O-07 — May 26, 2011, to City of Dickinson's Human Relations Commission
Statute does not require public entity provide notice to newspaper of regular meeting unless newspaper requests such notice.

N.D.A.G. 2011-O-06 — May 26, 2011, to Cass County Board of Commissioners
Notice of regular meetings includes topics to be considered, "if practicable" which requires the governing body to include in its notice a list of all topics the governing body expects to discuss at the time the notice is prepared. If an agenda item is submitted after the notice is prepared, a governing body may prepare an amended notice and agenda but it is not legally required to do so in the case of a regular meeting. However, if a public entity deliberately omits a topic that it knows will be discussed at the time it prepares the notice, it would violate the law.

N.D.A.G. 2011-O-02 — January 12, 2011, to Wilton School Board
The purpose of filing notice with the auditor is to have a central location for people to find out about public meetings of the Board. The notice to the newspaper for special meetings compensates for the possibility that the public may not otherwise learn about the meeting.

N.D.A.G. 2011-O-01 — January 4, 2011, to Bowdon City Council
Special meetings called upon short notice must still be properly noticed, which includes contacting public entity's newspaper. The purpose of the requirement is not to publish notice, but to give the newspaper the opportunity send a reporter to the meeting if it so desires.

N.D.A.G. 2010-O-14 — November 12, 2010, to Mercer County Ambulance Board
Notice of regular meetings of County Boards must be filed with the county auditor unless all the notice information, including the agenda items, were previously included in the governing body's annual schedule.

N.D.A.G. 2010-O-12 — September 24, 2010, to Nome City Council
Agenda notice of regular meeting with phrases of "new business" and "old business" was acceptable when at time agenda and notice were drafted and posted, auditor was unaware of any specific topics Council anticipated discussing.

N.D.A.G. 2010-O-11 — September 24, 2010, to Grand Forks School Board
Law requires a level of specificity from a special meeting agenda that is not required for regular meetings because a governing body may only discuss topics during the special meeting that are listed on the notice. Catch-all descriptions of agenda items are not appropriate for special meetings.

N.D.A.G. 2010-O-10 — July 1, 2010, to Kindred City Council
For emergency or special meetings, the presiding officer of the governing body must assure that notice is given to the public entity's official newspaper, as well as anyone who has requested notice, at the same time the notice is given to members of the governing body.

N.D.A.G. 2010-O-07 — June 2, 2010, to Leeds School Board
Notice of special meetings for a school district must be posted at the main office of the governing body and at the location of the meeting on the day of the meeting, must be filed with the county auditor, and school district must notify official newspaper and any other members who have requested it. Notice of special meeting must contain the topics to be considered in a sufficiently clear manner to substantially comply with statute.

N.D.A.G. 2010-O-05 — April 20, 2010, to Kindred City Council
Governing body must amend agenda in order to discuss new topic prior to a special meeting and must also repost and provide notice to official newspaper. Notice of special meeting must be given to public entity's official newspaper but this requirement does not require publication by the newspaper.

N.D.A.G. 2009-O-18 — October 9, 2009, to Ray Township Board of Supervisors
Notice of a regular meeting of a governing body of a public entity must be filed with the county auditor, posted at the public entity's office if there is one, and posted at the location of a meeting on the day of the meeting. Notice only has to be published if a statute specifically requires publication, such as for meetings of township electors.

N.D.A.G. 2009-O-16 — September 9, 2009, to Oriska City Commission
Notice of a regular meeting must contain topics to be considered, if practicable. "If practicable" means that if the governing body expects to discuss a topic when the notice is prepared, it is required to be included in the notice. Even if topic is routine, if the governing body expects to address at the meeting, it should include the topic on the notice.

N.D.A.G. 2009-O-15 — August 21, 2009, to Mandan School Board
Description in notice about executive session to discuss negotiations was inadequate and failed to substantially comply with notice requirements.

N.D.A.G. 2009-O-13 — July 30, 2009, to Mandan School Board
Basic purpose of the requirement to post a meeting notice at the location of the meeting on the day of the meeting is so the public can easily identify where the meeting is being held.

Individual notice of meetings is required upon request of an individual. Public entities should provide notice in whatever way agreed upon by the person and the public entity or in a manner that is practical. Law requires substantial compliance with notice requirements which may be provided due to case specific factors even if personal notice was not given as requested.

N.D.A.G. 2009-O-12 — July 17, 2009, to Williams County Commission
A committee with delegated authority to perform a function on behalf of a governing body is subject to the state's open meetings law.

N.D.A.G. 2009-O-10 — July 2, 2009, to Mandan City Commission
Fireworks Committee did not violate notice of meeting requirements of N.D.C.C. § 44-04-20 when they did not notify an individual who had not requested personal notice of the meetings.

N.D.A.G. 2009-O-06 — April 23, 2009, to Lidgerwood School Board
Notice posted in a teacher's lounge doesn't give the public a reasonable chance to see it.

N.D.A.G. 2009-O-04 — March 6, 2008, to Rugby City Council
Request for personal notice

N.D.A.G. 2009-O-03 — February 23, 2009, to Rugby City Council and Rugby Public Safety Committee
The phrase "other business" cannot be used on a notice for a special meeting.

N.D.A.G. 2008-O-29	December 12, 2008, to North Dakota High School Activities Association Notice must be provided by e-mail if requested regardless if the notice is posted on a website.
N.D.A.G. 2008-O-23	September 19, 2008, to Grand Forks School Board The items on an agenda should be described in a way that reasonably explains to the public what will be discussed at the meeting.
N.D.A.G. 2008-O-21	August 25, 2008, to Workforce Safety and Insurance Notice must be provided of committee meetings.
N.D.A.G. 2008-O-13	June 23, 2008, to Traill County Water Resource District Even meetings where a quorum of a public entity is only gathering information and not taking action must be preceded by sufficient public notice.
N.D.A.G. 2008-O-10	May 2, 2008, to Stark County Commission and Stark County Zoning Board A governing body must provide notice when a quorum attends a lunch presentation regarding public business that is hosted by a private entity.
N.D.A.G. 2008-O-02	February 4, 2008, to Burke County Board of County Commissioners No public notice of executive session
N.D.A.G. 2007-O-13	October 8, 2007, to Grand Forks School Board – Notice must be given in advance of all meetings of committees created by governing bodies and must also be provided to anyone requesting individual notice.
N.D.A.G. 2007-O-11	August 3, 2007, to City of Mandan Individual notice of meetings is required upon request of an individual. Such request is good for one year.
N.D.A.G. 2007-O-10	June 26, 2007 to Kathryn City Council A governing body must provide notice of its meetings to anyone who requests it, even in cases where meetings are held at the same time and in the same place every month.
N.D.A.G. 2007-O-08	June 8, 2007, to Ward County Commission The name of the public entity holding the meeting must be on the notice.
N.D.A.G. 2007-O-05	March 28, 2007, to Southern School District #8 A public entity must provide notice of special or emergency meetings to the official newspaper.
N.D.A.G. 2007-O-04	March 23, 2007, to North Dakota Judicial Conference There is no minimum mandatory notice requirement.
N.D.A.G. 2007-O-02	February 14, 2007, to Nome City Council There is no requirement to publish notices of regular meetings in the newspapers.
N.D.A.G. 2007-O-02	February 14, 2007, to Nome City Council If it is not reasonably possible to give advance notice of a special meeting, notice must be provided immediately following the meeting.
N.D.A.G. 2006-O-10	June 7, 2006, to Cavalier County Weed Board Substantial compliance of notice requirements.
N.D.A.G. 2006-O-09	May 15, 2006, to City of Grand Forks A meeting notice must contain the name of the governing body that is meeting.

N.D.A.G. 2006-O-07	May 1, 2006, to Nome City Council Posting an annual schedule of meetings is not sufficient notice of each meeting.
N.D.A.G. 2006-O-06	March 30, 2006, to North Dakota Judicial Conference Public notice must specifically state the location of the meeting.
N.D.A.G. 2006-O-05	February 28, 2006, to North Dakota Firefighter's Association When a board does not hold regularly scheduled meetings, its meetings are treated as special meetings.
N.D.A.G. 2006-O-04	February 21, 2006, to Bismarck-Mandan Orchestral Association A public entity must provide notice of committee meetings.
N.D.A.G. 2005-O-20	December 5, 2005, to Minto Special Assessment Commission Notice of Special Meeting posted after meeting.
N.D.A.G. 2005-O-18	November 8, 2005, to Grand Forks City Council Notice must correctly identify the general subject matter of an executive session.
N.D.A.G. 2005-O-17	November 8, 2005, to Cavalier County Weed Board Location of a meeting is a material element of the notice.
N.D.A.G. 2005-O-10	June 9, 2005 to Wilton Rural Ambulance District A public entity serving two counties should file notices with the county auditor of each participating county.
N.D.A.G. 2005-O-08	May 13, 2005, to Napoleon City Council Notice must be provided to public at the same time as the governing body's members.
N.D.A.G. 2005-O-07	May 12, 2005, to Rolla City Council Notice must be actually filed with the city auditor.
N.D.A.G. 2005-O-04	February 9, 2005, to Cavalier City Council Notice must contain the location even when location is set by city ordinance.
N.D.A.G. 2005-O-02	January 12, 2005, to Cass County Historical Society An executive committee authorized by the board must give notice of meetings.
N.D.A.G. 2005-O-01	January 10, 2005, to City of Napoleon Notice of regular meeting must contain any topics expected when it is prepared.
N.D.A.G. 2004-O-22	October 12, 2004, to Cavalier City Council Special meeting notice must contain topics.
N.D.A.G. 2004-O-20	September 7, 2004, to City of Napoleon Notice of special meeting must be posted in advance.
N.D.A.G. 2004-O-19	August 10, 2004, to Cavalier City Council Special meeting notice must have location and executive session.
N.D.A.G. 2004-O-18	July 16, 2004, to Mount Pleasant Public School District Notice must include all topics expected to be discussed at a regular meeting at the time the notice is prepared.

N.D.A.G. 2004-O-13	June 28, 2004, to Richland Public School District General description of executive session not in notice.
N.D.A.G. 2004-O-10	May 3, 2004, to Stutsman County Correctional Center Location of the meeting is a material element of the notice.
N.D.A.G. 2004-O-09	April 12, 2004, to Halliday Public School Public notice must be given to public at same time as to the members.
N.D.A.G. 2004-O-08	April 6, 2004, to McIntosh County Commissioners Informal discussion with state's attorney a meeting subject to notice.
N.D.A.G. 2004-O-02	January 13, 2004, to Renville County Commissioners Training session should be noticed as meeting.
N.D.A.G. 2003-O-22	December 1, 2003, to Walsh County Commission Citation to N.D.C.C. § 44-04-19.1 fails to describe the subject matter of an executive session.
N.D.A.G. 2003-O-20	November 13, 2003, to Towner County Commission Topics must be included in special meeting notice.
N.D.A.G. 2003-O-19	November 12, 2003, to Northwood Park Board Giving notice in alternative places, like television, does not replace the statutory notice requirements.
N.D.A.G. 2003-O-16	October 22, 2003, to Workforce Safety and Insurance Board Notice to official newspaper.
N.D.A.G. 2003-O-13	October 22, 2003, to Minto City Council Committees subject to notice requirements.
N.D.A.G. 2003-O-07	June 5 2003, to Kindred School District No. 2 Notice of an agenda change before a special meeting.
N.D.A.G. 2002-O-12	December 18, 2002, to State Board of Higher Education Notice not required to be published.
N.D.A.G. 2002-O-11	November 29, 2002, to Larimore City Council Special meeting notices must list specific issues to be discussed at meeting.
N.D.A.G. 2002-O-10	October 18, 2002, to McKenzie School Board Public must be able to determine the topic of an executive session in a notice of a special meeting that will include an executive session.
N.D.A.G. 2002-O-07	July 12, 2002 (August 13, 2002 Addendum) to Kindred Public School District School district filed insufficient notices with county auditor.
N.D.A.G. 2001-O-08	August 20, 2001, to Karl Hoppe Official city newspaper.
N.D.A.G. 2001-O-07	August 6, 2001, to Steven McCullough Failure to prepare written notice.
N.D.A.G. 2001-O-05	June 7, 2001, to D. Guy McDonald Announcement of meeting date at previous meeting was not sufficient notice.

N.D.A.G. 2000-O-10	July 19, 2000, to Howard Swanson Reference in notice to executive sessions.
N.D.A.G. 2000-O-03	January 31, 2000, to Duane Schurman Notice to interested persons is not a substitute for public notice.
N.D.A.G. 99-O-10	December 7, 1999, to Duane Schurman Timing of notice.
N.D.A.G. 99-O-08	September 9, 1999, to Cameron Sillers Discussion of items not included in notice.
N.D.A.G. 99-O-06	June 14, 1999, to Ed Malazdrewicz Notice to individual is not required unless requested.
N.D.A.G. 98-O-21	September 22, 1998, to Wes Tossett and Gary Puppe Topics to be discussed.
N.D.A.G. 98-O-13	June 11, 1998, to Edward Urness Mandatory minimum notice period.
N.D.A.G. 98-O-11	June 8, 1998, to Duane Mullenberg and Fabian Noack Central filing; notice to interested members of public.
N.D.A.G. 98-O-10	May 7, 1998, to R. James Maxson et al advance notice.
N.D.A.G. 98-O-09	May 7, 1998, to Nick Zaharia Notice publication.
N.D.A.G. 98-O-08	May 4, 1998, to Bob Dykshoorn Advance notice.
N.D.A.G. 98-O-01	January 23, 1998, to Phyllis Ratcliffe Emergency or special meetings.
N.D.A.G. Letter	June 30, 1986, to Jack Murphy Contents of notice, departure from agenda, and emergency meetings.

OPEN MEETINGS, IN GENERAL

N.D.A.G. 2022-O-03	April 6, 2022, to City of Benedict The city prepared but did not post an agenda for the meeting.
N.D.A.G. 2021-O-06	July 8, 2021, to North Prairie Regional Water District The public entity properly discussed an employee's job performance and compensation in an open meeting.
N.D.A.G. 2021-O-01	February 24, 2021, to County of Steele The governing body may limit access to the building a meeting is held in as long as information is provided to the public for how to access the meeting.
N.D.A.G. 2020-O-11	December 21, 2020, to Fargo Public School Board Individual members of a governing body may consult with staff members of a public entity without triggering the open meetings law.
N.D.A.G. 2019-O-18	October 17, 2019, to City of Minot When a governing body meets outside its principal location, factors will be considered on whether the location renders the meeting inaccessible to the public.

N.D.A.G. 2019-O-16	July 19, 2019, to City of Surrey Under the facts presented, the Committee did not attempt to conduct a meeting that could not be heard by the public.
N.D.A.G. 2016-O-17	August 11, 2016, to Lidgerwood Rural District Ambulance Service Board Topics that may be considered at a special meeting must be included in the agenda.
N.D.A.G. 2016-O-14	July 26, 2016, to McKenzie County Ambulance Service Board of Directors If a governing body of a public entity fails to file a schedule outlining its meetings for the coming year, all meetings would then be considered "special meetings" that must be noticed accordingly.
N.D.A.G. 2015-O-09	May 14, 2015, to Benedict City Council The governing board of a public entity can control the decorum of a meeting and in doing so may adopt reasonable rules and policies to ensure the meeting is conducted in an orderly manner.
N.D.A.G. 2015-O-04	March 20, 2015, to Fargo City Commission The City Commission violated open meetings law when it engaged in a series of telephone calls and discussions collectively involved a quorum that went beyond merely providing information in a ministerial manner but instead built consensus that resulted in a negotiated separation agreement of a public employee.
N.D.A.G. 2014-O-23	December 26, 2014, to City of Wyndmere A series of telephone calls collectively involving a quorum of the City Council in which public business is discussed, was a meeting subject to open meetings law.
N.D.A.G. 2014-O-19	November 21, 2014, to State Board of Higher Education A public entity cannot "request" for the public to leave the room during an open meeting because this has a chilling effect on a person's right to attend the meeting.
N.D.A.G. 2014-O-01	January 14, 2014, to Barnes County Municipal Airport Authority A brief reference to a topic outside the scope of an agenda for a special meeting did not violate open meetings law because the governing body, in recognizing the potential violation, immediately abandoned the issue and moved on to discuss topics directly related to the posted agenda items.
N.D.A.G. 2013-O-05	April 16, 2013, to State Parole Board A governing body may not deny access to a meeting based upon space limitations unless it has first attempted to make reasonable accommodations. In unique set of circumstances, security concerns due to construction of larger room were balanced with the public's right to attend the public meeting. It was not a violation to exclude inmate from parts of parole hearing because an incarcerated person is not free to attend public meetings and must follow the rules and guidelines set forth by the Department of Corrections.
N.D.A.G. 2012-O-03	February 24, 2012, to NDSU Research & Technology Park Analysis on the choice of location for holding annual meeting and whether the location denied access to the public under N.D.C.C. § 44-04-19.

N.D.A.G. 2012-O-02 — February 6, 2012, to Linton School Board
The open meetings law may be violated if a governing body holds one or more meetings attended by less than a quorum of members to discuss public business with the intent of avoiding the open meetings requirements. For a series of conversations to fall under this definition, it is not necessary that the Board intended to violate the law.

N.D.A.G. 2010-O-12 — September 24, 2010, to Nome City Council
At a regular meeting, a departure from, or an addition to, the agenda at a meeting, does not affect the validity of the meeting or the actions taken at the meeting. New agenda items not anticipated at the time the agenda was prepared may be added to the agenda during a regular meeting. From the time a regular meeting is convened until the meeting is adjourned, a governing body is free to discuss any item of public business regarding the entity.

N.D.A.G. 2010-O-01 — February 5, 2010, to Ward County Commission
Statute that authorizes county commissioners "to make all orders respecting property of the county" does not circumvent open meeting law requirements. Even if public is not authorized to attend an executive session or provide input, public still has right to know subject on which the governing body is meeting.

N.D.A.G. 2009-O-12 — July 17, 2009, to Williams County Commission
When a portfolio is held by more than one member of a governing body creating a committee, any meeting attended by the members is subject to the state's open meetings law if the meeting pertains to the business assigned to that portfolio.

N.D.A.G. 2008-O-28 — December 12, 2008, to Fargo City Commission
A governing body may not deny access based upon space limitations unless it has first attempted to make reasonable accommodations.

N.D.A.G. 2007-O-11 — August 3, 2007, to City of Mandan
The Mandan City Commission has the authority to control the decorum of a public hearing.

N.D.A.G. 2007-L-09 — June 15, 2007 to Honorable George Keiser
A director of a state agency is a single individual and their participation in a meeting or executive session of a national organization does not constitute a "meeting" for purposes of the open meetings law. State law also excludes "meetings of any national . . . association" in the definition of "meeting".

N.D.A.G. 2007-O-05 — March 28, 2007, to Southern School District #8
Denial of access to a public meeting can be either explicit or constructive.

N.D.A.G. 2006-O-11 — July 7, 2006, to State Board of Higher Education
Meetings between two members of a governing body that did not comprise a quorum or a committee are not subject to the open meetings law.

N.D.A.G. 2005-O-19 — November 22, 2005, to Supreme Court Gender Fairness Implementation Committee
Open meetings law does not apply to exclusive functions of the court.

N.D.A.G. 2005-O-14 — August 25, 2005, to Cando School Board
A school assembly is a meeting of the school board when a quorum of the board is present.

N.D.A.G. 2004-O-20	September 7, 2004, to City of Napoleon Member of public may videotape meeting.
N.D.A.G. 2004-O-17	July 16, 2004, to Pembina County Fair Board People attending a meeting should be able to see how members vote.
N.D.A.G. 2004-O-08	April 6, 2004, to McIntosh County Commission Informal meeting of commission with state's attorney is a meeting.
N.D.A.G. 2004-O-04	January 22, 2004, to St. Luke's Hospital Meeting of private hospital open regarding public funds.
N.D.A.G. 2003-O-19	November 12, 2003, to Northwood Park Board Social gatherings are not meetings if no public business is discussed.
N.D.A.G. 2003-O-18	November 3, 2003, to Minto Planning and Zoning Committee Individual committee members going in to sign something at office not a meeting.
N.D.A.G. 2003-O-15	October 22, 2003, to Fargo Airport Authority Committees subject to open meetings.
N.D.A.G. 2003-O-12	September 8, 2003, to Fargo City Commission Governing body may discuss an item of public business at regular meeting.
N.D.A.G. 2003-O-08	July 22, 2003, to Dakota Center for Independent Living Honor requests for notice of meetings for reasonable length of time.
N.D.A.G. 2003-O-07	June 5, 2003, to Kindred School District No. 2 Public has right of access to open meeting, but no right to participate.
N.D.A.G. 2003-O-03	February 21, 2003, to Minto City Council No legal requirement to announce when the open meeting will reconvene after the completion of an executive session.
N.D.A.G. 2002-O-12	December 18, 2002, to State Board of Higher Education Meeting location of state-wide entities.
N.D.A.G. 2001-O-14	October 4, 2001, to Steven McCullough Open meetings law does not prohibit public entity from transacting business in writing.
N.D.A.G. 2001-O-13	September 27, 2001, to Karl Hoppe Meeting that cannot be heard.
N.D.A.G. 99-O-08	September 9, 1999, to Cameron Sillers Deliberately concealing meeting from public.
N.D.A.G. 99-O-07	June 29, 1999, to Ed Malazdrewicz No right to participate.
N.D.A.G. 98-O-17	July 10, 1998, to Barb Siegel Locked out of meeting location.
N.D.A.G. 98-O-16	July 2, 1998, to Jeff Schneider Deliberately concealing meeting from public.
N.D.A.G. 98-F-11	April 30, 1998, to Mark Blumer No right to participate.

N.D.A.G. 96-F-09	April 4, 1996, to Fabian Noack Meetings of mayor and department heads; recording of open meetings.
N.D.A.G. Letter	April 25, 1990, to Corliss Mushik Procedures for conducting a meeting.
N.D.A.G. Letter	September 19, 1989, to Rod Larson Supported by public funds and procedures for conducting a meeting.
N.D.A.G. Letter	February 12, 1987, to Darrell Farland Accessibility of the meeting room.
N.D.A.G. Letter	August 28, 1986, to David Nething Procedures for city council meetings.
N.D.A.G. Letter	March 29, 1985, to Gail Hagerty Meetings involving one member of governing body.
N.D.A.G. Letter	February 29, 1984, to Richard Schnell Meetings by conference call.
N.D.A.G. Letter	March 31, 1978, to Burness Reed Open meetings law is violated when someone is refused access to a meeting.
N.D.A.G. Letter	October 12, 1977, to Dale Moench State licensing boards.
N.D.A.G. Letter	July 19, 1977, to Dewel Viker, Jr. Attorney-client privilege.
N.D.A.G. Letter	March 5, 1976, to Myron Atkinson All gatherings of a quorum are meetings.

PUBLIC BUSINESS

N.D.A.G. 2017-O-08	October 27, 2017, to North Dakota Industrial Commission It must be the public entity's "public business" considered or discussed in order for open meetings law to be triggered.
N.D.A.G. 2016-O-16	July 27, 2016, to City of Bisbee Personnel issues, including termination of public employees, are considered public business because they relate to the performance of a governmental function and the use of public funds.
N.D.A.G. 2013-O-07	May 3, 2013, to State Board of Higher Education E-mails that delve into the substance of the governing bodies' issues, including a member sharing an opinion, thought, or position, goes beyond merely setting an agenda item or providing ministerial information, and is considered a discussion of public business.
N.D.A.G. 2010-O-06	May 17, 2010, to Kindred City Council Quorum of Council members present in auditor's office to pick up binders and did not discuss public business and therefore no meeting occurred.

N.D.A.G. 2009-O-17	September 11, 2009, to McClusky City Council Definition of "public business" includes when a governing body meets and public business is performed, even though the members do not discuss the public business.
N.D.A.G. 2009-O-11	July 14, 2009, to Garrison School Board Pre-meeting discussion about correct citation for an executive session under North Dakota statute, without discussion on the executive session itself, was not public business. Other topics discussed before meeting on various subjects were also not public business.
N.D.A.G. 2008-O-22	September 9, 2008, to Workforce Safety and Insurance Public business doesn't include discussion about drafting the agenda for the next meeting unless the substance of the items is discussed.
N.D.A.G. 2008-O-11	June 6, 2008, to Dickinson City Commission and South Heart City Council The presentation given at the luncheon related to "public business" because it contained information directly related to the possible infrastructure and workforce needs of both Dickinson and South Heart.
N.D.A.G. 2008-O-10	May 2, 2008, to Stark County Commission and Stark County Zoning Board Attending a presentation related to an upcoming zoning issue that will come before the governing body is "public business."
N.D.A.G. 2007-O-08	June 8, 2007, to Ward County Commission Information provided by commissioners regarding a bond issue is public business even if the information is provided at a privately funded forum.
N.D.A.G. 2005-O-15	September 19, 2005, to Bismarck City Commission Even though meeting related to public business, there was no quorum of a governing body.
N.D.A.G. 2004-O-08	April 6, 2004, to McIntosh County Commission All matters relating to performance of governmental functions or use of public funds.
N.D.A.G. 2004-O-02	January 13, 2004, to Renville County Commissioners Risk management training.
N.D.A.G. 2003-O-19	November 12, 2003, to Northwood Park Board Social gatherings are not meetings.
N.D.A.G. 98-O-21	September 22, 1998, to Wes Tossett and Gary Puppe Communications between board members and supervision of staff.
N.D.A.G. 98-O-16	July 2, 1998, to Jeff Schneider Discussion of board members actions.

PUBLIC ENTITY

N.D.A.G. 2013-O-16 — November 8, 2013, to Jamestown/Stutsman County Development Corporation
In a previous Attorney General opinion, JSDC was not considered an agent of a public entity, for tax exemption purposes, due in large part to a lack of contract or any other agreement creating or connecting JSDC to the City of Jamestown or Stutsman County. Reliance on this past opinion at this time was error because the previous opinion did not utilize the open record and meeting test to ascertain whether JSDC was an agent of a public entity and since that opinion, JSDC has entered into contractual agreements and resolutions with the political subdivisions. Because of these agreements and contracts, under the open records law test, JSDC is an agent of Jamestown and Stutsman County performing the governmental function of promoting economic development.

N.D.A.G. 2013-O-03 — March 13, 2013, to Metro Diversion Board of Authority
A joint enterprise created by a joint powers agreement of several political subdivisions whereby the subdivisions delegate their performance of a governmental function is an "agency" of those subdivisions and a "public entity" subject to the open record and meeting laws.

N.D.A.G. 2011-O-04 — February 7, 2011, to McKenzie Township Board of Supervisors and McKenzie Township Zoning Commission
A township is a political subdivision and is therefore a "public entity" subject to the open records and meetings law.

N.D.A.G. 2011-O-03 — January 26, 2011, to Towner County Ambulance Service Board
Rural ambulance service districts and the boards that serve them are public entities because the districts are created by statute to exercise public authority or perform a governmental function.

N.D.A.G. 2010-O-14 — November 12, 2010, to Mercer County Ambulance Board
Rural ambulance service districts and the boards that serve them are public entities because the districts are created by statute to exercise public authority or perform a governmental function.

N.D.A.G. 2009-O-14 — August 14, 2009, to State Department of Health
North Dakota Emergency Medical Services Association is a public entity subject to open meetings law because it is acting as an agent to the Department of Health for the purpose of providing the governmental functions of training and testing to emergency medical service providers coupled with the fact that the Department supports the Association on indistinct terms of contract.

N.D.A.G. 2009-O-06 — April 23, 2009, to Lidgerwood School Board
A sports co-op committee is a public entity in its own right and must notice meetings.

N.D.A.G. 2008-O-29 — December 12, 2008, to North Dakota High School Activities Association Performs a governmental function and is supported by public funds.

N.D.A.G. 2006-O-14 — October 4, 2006, to Williston Family Crisis Shelter
The crisis shelter is a public entity because it is supported in whole or in part by public funds.

N.D.A.G. 2006-O-06	March 30, 2006, to North Dakota Judicial Conference Entity created by Legislature and governed by statute.
N.D.A.G. 2006-O-05	February 28, 2006, to North Dakota Firefighter's Association Appropriation to carry out a governmental function.
N.D.A.G. 2006-O-04	February 21, 2006, to Bismarck-Mandan Orchestral Association If an entity is supported in part by public funds, it is a public entity.
N.D.A.G. 2005-O-19	November 22, 2005, to Supreme Court Gender Fairness Implementation Committee Supreme Court is not a public entity subject to the open meetings law.
N.D.A.G. 2005-O-02	January 12, 2005, to Cass County Historical Society Historical society supported by public funds and recognized by state law is a public entity.
N.D.A.G. 2004-O-14	July 1, 2004, to Fargo-Moorhead Chamber of Commerce Chamber of not public entity.
N.D.A.G. 2004-O-10	May 3, 2004, to Stutsman County Correctional Center Joint enterprise created by joint powers agreement.
N.D.A.G. 2004-O-04	January 22, 2004, to St. Luke's Hospital Private, nonprofit entity may be public entity.
N.D.A.G. 2003-O-08	July 22, 2003, to Dakota Center for Independent Living Nonprofit a public entity because it is recognized in state law and is supported by state funds.
N.D.A.G. 2003-O-02	February 21, 2003, to James River Senior Citizen's Center Senior citizen's center is a public entity.
N.D.A.G. 2002-O-09	September 17, 2002, to Nevin Van de Streek, et al Minot Area Chamber of Commerce Task Force is a public entity.
N.D.A.G. 2002-O-02	February 4, 2002, to Birch Burdick and Garylle Stewart Joint dispatch center.
N.D.A.G. 2001-O-16	November 9, 2001, to Roger Johnson Wheat commission nominating committee.
N.D.A.G. 2001-O-11	September 13, 2001, to Greg Selbo Economic development corporation is agent of public entity – nine factors.
N.D.A.G. 98-O-23	November 9, 1998, to Howard Swanson Recognized by resolution to jointly perform a public function.
N.D.A.G. 98-O-17	July 10, 1998, to Barb Siegel Entity recognized by statute.
N.D.A.G. 98-O-04	March 3, 1998, to Franklin Appledorn and Norbert Sickler Joint enterprise of counties.
N.D.A.G. 97-O-02	December 22, 1997, to Melvin Fischer and Lowell Jensen "Resolution, ordinance, rule, and bylaw" refer to legislative enactments of a public entity.
N.D.A.G. Letter	August 2, 1991, to Ken Solberg Government self-insurance pool is an agency of its members and is supported by public funds.

N.D.A.G. 90-04	January 23, 1990, to John Olson Meetings of state bar board are open; but see Admission to Practice R. 9.
N.D.A.G. Letter	November 20, 1987, to Lawrence DuBois Entities created through governmental processes.
N.D.A.G. Letter	July 24, 1979, to Wayne Stenehjem Judicial nominating committee is a public entity.
N.D.A.G. Letter	October 12, 1977, to Dale Moench State licensing boards.

SCHOOLS

N.D.A.G. 2012-O-06	May 18, 2010, to Mandan School Board School Board attending Finance Committee meeting and two Board members were asked to appear on a radio show.
N.D.A.G. 2012-O-02	February 6, 2012, to Linton School Board Board president's series of telephone calls to each board member was "meeting" that required notice.
N.D.A.G. 2011-O-02	January 12, 2011, to Wilton School Board Meeting occurred when Board members were called, one by one, to discuss resignation letter and Board failed to properly notice meeting.
N.D.A.G. 2010-O-11	September 24, 2010, to Grand Forks School Board School Board held executive session to discuss superintendent's raise and contract was unauthorized.
N.D.A.G. 2010-O-07	June 2, 2010, to Leeds School Board School board must file notice of its special meetings with county auditor and newspaper.
N.D.A.G. 2009-O-15	August 21, 2009, to Mandan School Board Executive session related to compensation for school district's certified staff and administrators was not properly noticed.
N.D.A.G. 2009-O-06	April 23, 2009, to Lidgerwood School Board School sports co-op committees are subject to the open meetings law.
N.D.A.G. 2008-O-23	September 19, 2008, to Grand Forks School Board The school district knew it was going to recommend staff changes at the next board meeting, but listed the agenda item as "Work session – Public form" which did not give the public notice that staff changes were imminent.
N.D.A.G. 2007-O-05	March 28, 2007, to Southern School District #8 A school district must file notice of its meetings with the county auditor.
N.D.A.G. 2005-O-21	December 8, 2005, to Harvey School Board School board voted on motion in executive session that should have been in open session.
N.D.A.G. 2005-O-14	August 25, 2005, to Cando School Board Quorum of school board attends school assembly.

N.D.A.G. 2004-O-21 — October 8, 2004, to Fort Totten Public School District
Executive session must be taped.

N.D.A.G. 2004-O-18 — July 16, 2004, to Mount Pleasant Public School District
Topics at regular school board meeting.

N.D.A.G. 2004-O-15 — July 9, 2004, to Fargo School District School
board finance committee.

N.D.A.G. 2004-O-13 — June 28, 2004, to Richland Public School District
Executive session for collaborative bargaining negotiations.

N.D.A.G. 2004-O-19 — April 12, 2004, to Halliday Public School District Notice
requirements.

N.D.A.G. 2003-O-07 — June 5, 2003, to Kindred Public School District No. 2

N.D.A.G. 2002-O-07 — July 12, 2002 (August 13 2002 Addendum), to Kindred Public School District
Notice of special meetings to interview and select superintendent.

N.D.A.G. 2000-O-09 — July 17, 2000, to Ellen Elder Discussion
of salary increases.

N.D.A.G. 2000-O-04 — March 15, 2000, to Larry Gegelman
Discussion of FERPA records.

N.D.A.G. 2000-O-01 — January 24, 2000, to Donna Black Cloud
Discussion of vacant superintendent's position and chain of authority.

N.D.A.G. 99-L-112 — November 18, 1999, to Larry Robinson
Vote on disapproval of publication of minutes.

N.D.A.G. 94-F-28 — September 2, 1994, to Bill Oban
Executive session to discuss educational records under FERPA.

N.D.A.G. 82-63 — August 20, 1982, to Joe Crawford
Executive session for nonrenewal of teacher.

N.D.A.G. 78-174 — March 15, 1978, to Evan Lips Teacher
renewal meeting.

N.D.A.G. 67-196 — June 19, 1967, to A.R. Nestoss Publication
and content of minutes.

N.D.A.G. 67-193 — April 11, 1967, to M.F. Peterson Publication
and content of minutes.

TOWNSHIPS

N.D.A.G. 2011-O-04 — February 7, 2011, to McKenzie Township Board of Supervisors and McKenzie Township Zoning Commission
A township is a political subdivision and is therefore a "public entity" subject to the open records and meetings law. The board of township supervisors is the governing body of a township. A township zoning commission may be created by a board of township supervisors to allow a township to exercise authority, and it also is a governing body of the township because it exercises authority delegated to it by the board of
township supervisors.

N.D.A.G. 2009-O-18 — October 9, 2009, to Ray Township Board of Supervisors
Statutes may require meeting notices be published for township electors and this notice is in addition to notice requirements of open meetings law.

N.D.A.G. 98-O-09 — May 7, 1998, to Nick Zaharia Meeting
of township electors.

VOTING

N.D.A.G. 2018-O-16 — October 11, 2018, to Williston Public School District # 1
Reaching a "consensus" on who would be offered an employment position and the baseline negotiation salary and benefits package was a final decision required to be voted upon during open session.

N.D.A.G. 2018-O-14 — July 19, 2018, to City of Lincoln
Unilateral decisions related to public business that involve the use of public funds are considered "final actions" and therefore a public vote must be taken.

N.D.A.G. 2018-O-10 — May 17, 2018, to Wildrose City Council
A member of the public should be able to determine how an individual member of a governing body voted on all nonprocedural matters by reading the minutes.

N.D.A.G. 2018-O-08 — May 17, 2018, to West Fargo School Board
"Reaching a consensus" is the same as taking a "vote" which was considered "final action" that must take place during an open meeting.

N.D.A.G. 2016-L-01 — July 26, 2016, to Senator Ray Holmberg
N.D.C.C. § 44-04-21(1) requiring a recorded roll call vote for any nonprocedural matters during a public meeting, is applicable only to a governing body, or committee thereof, of a public entity.

N.D.A.G. 2015-O-15 — October 12, 2015, to Morton County Commission
"Final action" does not include guidance given to an attorney on how to proceed in ongoing negotiations with opposing parties.

N.D.A.G. 2014-O-08 — August 8, 2014, to Crosby City Council
All "final action" concerning topics discussed and considered during an executive session unless otherwise provided by law must be taken during a meeting open to the public and includes a motion to table an issue to gather more information.

N.D.A.G. 2013-O-16 — November 8, 2013, to Jamestown/Stutsman County Development Corporation
Final action is defined as a collective decision or a collective commitment or promise to make a decision on any matter, including formation of a position or policy. Final action may not be taken during executive session.

N.D.A.G. 2013-O-02 — January 10, 2013, to Fargo City Commission
Generally, any final action concerning the topics discussed or considered during an executive session must be taken during open portions of the meeting. However, a vote need not be held on all matters brought before a public entity. The Commission did not need to vote to retain a policy already in place, and guidance provided by an attorney regarding
negotiation is not considered "final action."

N.D.A.G. 2010-O-07	June 2, 2010, to Leeds School Board Unless otherwise specifically provided by law, all votes of whatever kind taken at any public meeting governed by the open meetings law must be open, public votes, and all nonprocedural votes must be recorded roll call votes. School Board denied voting with paper ballots so N.D.C.C. § 44-04-21 did not apply.
N.D.A.G. 2009-O-20	November 13, 2009, to Tioga Airport Authority When a vote is required to hold an executive session, this vote must be made public and merely having members nod their heads is insufficient.
N.D.A.G. 2009-O-09	July 1, 2009, to Mandan Board of Park Commissioners Because executive session held for negotiation preparation, Board's final action not required to be in the open portion of the meeting. However, a motion was made during open portion of meeting which revealed the Board's actions and thus no final action was taken in executive session.
N.D.A.G. 2005-O-21	December 8, 2005, to Harvey School Board Final action does not include guidance given by members of the governing body to negotiator in executive session.
N.D.A.G. 2005-O-10	June 9, 2005, to Wilton Rural Ambulance District Roll call votes must be taken for all nonprocedural matters, even if results are unanimous.
N.D.A.G. 2005-O-07	May 12, 2005, to Rolla City Council A decision to make a recommendation to the full council pertained to the merits and should have been by roll call vote.
N.D.A.G. 2005-O-02	January 12, 2005, to Cass County Historical Society Roll call votes must be taken on all substantive matters.
N.D.A.G. 2005-O-01	January 10, 2005, to City of Napoleon Not all matters brought before a public entity must be voted on.
N.D.A.G. 2004-O-24	November 4, 2004, to Southwest Multi-County Correction Center Vote taken during executive session should have been in open session.
N.D.A.G. 2004-O-17	July 16, 2004, to Pembina County Fair Board "Motion carries" is not synonymous with unanimous.
N.D.A.G. 2001-O-17	December 24, 2001, to Ronald Reichert Motion to convene in executive session is a nonprocedural vote requiring a recorded roll-call.
N.D.A.G. 2001-O-16	November 9, 2001, to Roger Johnson Secret ballots.
N.D.A.G. 2000-O-04	March 15, 2000, to Larry Gegelman Final action following executive session.
N.D.A.G. 98-O-09	May 7, 1998, to Nick Zaharia Nonprocedural votes.
N.D.A.G. Letter	December 22, 1977, to Thomas Jelliff Use of secret ballots.
N.D.A.G. Letter	November 15, 1977, to Wayne Stenehjem and Raymond Holmberg Use of secret ballots.