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OPEN RECORDS AND MEETINGS SUMMARY OPINION
2026-SO-24

DATE ISSUED: November 2, 2026

ISSUED TO: City of Lincoln

SUMMARY OPINION[1]

Brandon Schock requested an opinion from this office under N.D.C.C. § 44-04-21.1 asking whether the City of Lincoln ("City") violated N.D.C.C. § 44-04-20 by discussing topics that were not included in the notice for its special meeting of April 22, 2024.

The City acknowledges that the April 22 special meeting was noticed with a single agenda item limited to gathering information on a proposed development south of Lincoln.[2] During the meeting, Mayor Keli Berglund unilaterally amended the agenda to include a statement responding to discussions held at the prior meeting and discussing the rules for decorum at meetings.[3] During this statement, members of the city council objected, but Mayor Berglund continued discussing the unnoticed item of business.[4]

This office has previously determined that a public entity violates the open meetings law when it discusses topics that are not included in the notice of a special meeting.[5] It is my opinion that the City violated the open meetings law because the mayor's statement was not included in the notice or agenda for the April 22, 2024, special meeting.

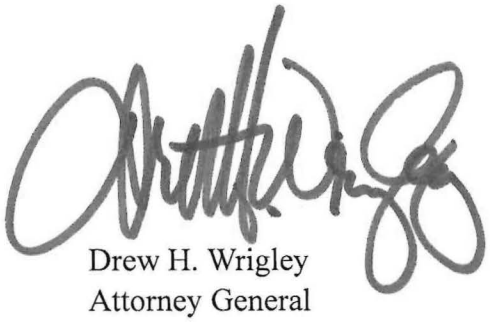
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[1] This Summary Opinion is issued pursuant to the authority granted to this office in N.D.C.C. § 44-04-21.1(1).
[2] Letter from Monte L. Rogneby, City Att'y, City of Lincoln, to Annique Lockard, Assistant Att'y Gen., Off. of Att'y Gen. (July 19, 2024).
[3] *Id.*
[4] Recording: Special Meeting held by City of Lincoln (Apr. 22, 2024); Letter from Monte L. Rogneby, City Att'y, City of Lincoln, to Annique Lockard, Assistant Att'y Gen., Off. of Att'y Gen. (July 19, 2024).
[5] N.D.A.G. 2024-O-09; N.D.A.G. 2021-O-04; N.D.A.G. 2017-O-04; N.D.A.G. 2016-O-17.

STEPS NEEDED TO REMEDY VIOLATION

The City of Lincoln must prepare an amended notice for the April 22, 2024, special meeting that identifies all the topics that were discussed, including the Mayor's statement on prior discussions and meeting decorum. The City must provide the amended notice and minutes of the April 22, 2024, special meeting to Brandon Schock and any requester, free of charge.

While I have every reason to expect that the City of Lincoln will remedy this situation, failure to take the corrective measures described in this opinion within seven days of the date this opinion is issued will result in mandatory costs, disbursements, and reasonable attorney fees if the person requesting the opinion prevails in a civil action under N.D.C.C. § 44-04-21.2.[6] Failure to take these corrective measures may also result in personal liability for the person or persons responsible for the noncompliance.[7]



Drew H. Wrigley
Attorney General

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cc: Brandon Schock

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[6] N.D.C.C. § 44-04-21.1(2).
[7] *Id.*