STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
www.attorneygeneral.nd.gov
(701) 328-2210

**Drew H. Wrigley**
ATTORNEY GENERAL

# OPEN RECORDS AND MEETINGS SUMMARY OPINION
# 2026-SO-26

DATE ISSUED: November 2, 2026

ISSUED TO: City of Fargo

## SUMMARY OPINION[1]

Ben Myhre requested an opinion from this office under N.D.C.C. § 44-04-21.1 asking whether the City of Fargo ("City") violated N.D.C.C. § 44-04-20 by failing to properly notice a series of meetings allegedly attended by a quorum of the governing body. The City states that only two commissioners, which is less than a quorum of the commission, attended the Downtown Community Partnership's ("DCP") meeting on August 27, 2024, and no other commissioners attended any other meetings organized by DCP during the relevant time period.[2] It is well established that a quorum of a governing body's members must be present in order to constitute a meeting that requires public notice.[3] Past opinions have addressed the issue of serial meetings,[4] however, the City states no such serial meetings occurred.[5] Because a quorum of the City's governing body did not attend the DCP meetings or otherwise engage in a serial meeting, it was not required to provide notice to the public.[6] Based on the facts provided by the City, it is my opinion no violation of the open meetings law occurred in this instance.

Drew H. Wrigley
Attorney General

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cc: Ben Myhre

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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 Nancy J. Morris, City Att'y, City of Fargo, to Annique M. Lockard, Assistant Att'y Gen., Off. of Att'y Gen. (Jan. 17, 2025).
[3] *See, e.g.*, N.D.A.G. 2021-O-06; N.D.A.G. 2020-O-11; N.D.A.G. 2008-O-10.
[4] *See, e.g.*, N.D.A.G. 2018-O-10.
[5] Letter from Nancy J. Morris, City Att'y, City of Fargo, to Annique M. Lockard, Assistant Att'y Gen., Off. of Att'y Gen. (Jan. 17, 2025); N.D.C.C. § 44-04-21.1(1), "the attorney general shall base the opinion on the facts given by the public entity."
[6] N.D.C.C. § 44-04-20(1) ("public notice must be given in advance of all *meetings*") (emphasis added); N.D.A.G. 2026-O-05.