



Open Meetings & Records

Purpose: North Dakota laws state all government records and meetings must be open to the public unless otherwise authorized by a specific law. Soil conservation districts are a sub-division of state government and are therefore open to the public.

What is a meeting: Any gathering of a quorum of the member of a governing body of a public entity regarding public business. This also includes, committees, sub-committees, work sessions and informal gatherings. Any quorum of board members participating in communication by phone or electronic means.

If two or more board members are delegated authority, any meetings or collaboration is subject to open meetings law, even if the newly formed committee is just fact-finding. What a group is called does not matter, it is still a committee. All committee meetings must be noticed and minutes must be taken.

Providing public notice: Prior written notice is required for all meetings of a public entity, including committees and subcommittees. There is no minimum advance notice period for public meetings. As soon as the agenda is prepared and given to board members it must be posted and available to the public. Meeting agenda items may be added or altered at the time of the meeting.

Public Participation: A member of the public has the right to attend an open meeting and to record or broadcast the meeting, however, does not have the right to speak. A public entity may not close a meeting to discuss salary issues or employee job performance.

What is a record: A “record” includes all recorded information regardless of physical form (e.g. paper, email, computer file, photograph, audiotape, or recording, video, text message, etc.) that has a connection to how public funds, or public business regardless of the format or location.

Records request: Anyone has the right to view or get a copy of public records, regardless of the reason or where they live. A soil conservation district cannot ask why the records are being requested, ask for identification, or require the request be made in writing, or in person. The soil conservation district must respond to a records request within a “reasonable” time. Access to public records is generally free, a soil conservation district may charge up to \$0.25 per page.

For more information on open meetings and open records please see the Office of Attorney General Open Meetings Guide and Open Records Guide.

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Discussion Questions

- Does your SCD have a plan for public participation during a meeting?
- Are committee meeting minutes being kept?
- Where and when are SCD official meetings being posted for public notice? Are there any changes that need to be made?
- Create or review with SCD staff the plan of action if a records request is received. Where are all SCD records being stored?