CP § 3-102

making of public policy involves.

the deliberations and decisions that the

the performance of public officials; and

(1) citizens be allowed to observe:

(2) manner; and

public business be performed in an open and public

except in special and appropriate circumstances:

It is essential to the maintenance of a democratic society that,

STATEMENT

THE LEGISLATURE'S POLICY
1. Provide advance public notice
2. Hold meeting open to public
3. Prepare minutes

WITH THE OPEN MEETINGS ACT
DO THESE 3 THINGS TO COMPLY
Committees and some subcommittees

Formal creation (usually)

Multi-member

§3-101(h)

"1) Those of a "Public Body"

Activities governed:
discussed

But not social gatherings when no public business is

discussed

Social gatherings and retreats when public business is

interaction

Conference calls or other methods of simultaneous

business

Quorum convened to consider or transact public

SS3-101(c), (k), 3-103
“THE PUBLIC BODIES’ MEETINGS"

ACtIVITIES GOVERNED:
or regulation, or any other zoning matter, zoning classification, the enforcement of any zoning law, or a special exception, variance, conditional use, or granting a license or permit.

Expressly included: discussions concerning

quasi-judicial functions

Excluded: administrative (formerly executive), judicial,

functions, all as specifically defined by the Act.

Covered: advisory, legislative, quasi-legislative

•

SS 3-101 DEFINITIONS: 3-103 SCOPE

DEFINED BY THE ACT

(3) TOPICS OF DISCUSSION "FUNCTIONS"

ACTIVITIES GOVERNED:
Consistency
Method
Content: Date, time, place, open/closed status
Last-minute meetings – special efforts
Reasonably in advance
Timing

§ 3-302
PUBLIC NOTICE OF MEETINGS
ACTIONS BEFORE A MEETING:
Audible discussion during meeting

Documents and communications referred to

Cameras/tape recorders

Public participation

Location

(1) Logistics - S 3-303

Actions during a meeting:
• Staying within the exception on the statement

• Holding a public vote

Chair's duty to prepare/sign the closing statement

• Completing a meaningful written "closing"

• Identifying a specific exception

§§ 3-305, 306(c), 104

(2) CLOSING A MEETING:

ACTIONS DURING A MEETING:
 ACTIONS DURING A MEETING: 
(3) EXCEPTIONS FOR CLOSING A MEETING § 3-305(B)

1. Specific personnel matters:
   - The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee or official
   - Any other personal matters that affect one or more specific individuals

2. Protect the privacy or reputation of an individual with respect to matter that is not related to public business

3. Real property acquisition (not sale)

4. Proposal for a business or industrial organization to locate, expand, or remain in the State

5. Investment of public funds

6. Marketing of public securities
7. Legal advice
8. Pending or Potential Litigation
9. Collective bargaining negotiations
10. Public security
11. Prepare, administer, or grade a scholastic, licensing, or qualifying examination
12. Conduct or discuss an investigative proceeding on actual or possible criminal conduct
13. To comply with other law requiring confidentiality
14. Discuss matters directly related to a negotiating strategy or the contents of a bid or proposal
Use of live and streaming audio or video for open
available summary in minutes of next open session
Closed-session minutes: sealed, with publicly
Tape recording ≠ minutes
Redaction
Open-session minutes: Available on request, without
Required timeliness of content

§ 3-306
MEANINGFUL MINUTES
AFTER A MEETING
(1) ACTIONS
Access: open to inspection at the office on request

Closing statements (Likely 1 Year)

Sealed minutes (1 Year)

Minutes and tape recordings (1 Year)

Notice (1 Year)

§§ 3-302, 3-306

(2) RECORD RETENTION

ACTIONS AFTER A MEETING:
cases, assess penalty, and award attorney's fees.

Court may overrule public body's action in some

(2) Circuit Court: Orders — §§ 3-401 and 3-402

sign it, and return it to the Compliance Board.

summarize the opinion at the next public meeting.

When OMCR finds violation, public body must

opinions — §§ 3-204 through 3-212

Open Meetings Compliance Board: Advisory

Remedies - 2 Routes
Training

member, officer, or employee to receive

Designation by "each public body" of a

TRAINING REQUIREMENT - § 3-213
Open Meetings Act Manual (2015 ed.)

Research website: www.igr.state.nd.us/VC/OMA
Online class: Institute for Governmental Service and

then "Open Meetings"
www.og.state.nd.us and click on "Open Government"
Compliance Board opinions and topical index: go to
Compliance checklist, model closing forms.

MORE INFORMATION