

RESOLUTION NO. 2025-01
Resolution of Policy Regarding Public Comment Requirements at Regular Meetings

WHEREAS, Foster County, (the “County”) is a political subdivision under Article VII of the North Dakota Constitution; and

WHEREAS, as a North Dakota political subdivision, the County is subject to North Dakota’s open meeting requirements under Chapter 44-04 of the North Dakota Century Code; and

WHEREAS, during the 2025 Legislative Session, the North Dakota Legislature approved Senate Bill 2180, a bill that includes a new public meeting requirement in Chapter 44-04 for cities, counties, townships, school districts, park districts, and water resource districts (the “Public Entities”); and

WHEREAS, under SB 2180, at every regularly scheduled meeting, the Public Entities must include an opportunity for public comments, including time limits for public speakers, total meeting time limitations for public comment, rules regarding permissible topics, and rules of decorum; and

WHEREAS, as a political subdivision, the County must comply with SB 2180 and approves this RESOLUTION OF POLICY in compliance with the public comment policy requirements under SB 2180.

THEREFORE, BE IT RESOLVED that this RESOLUTION OF POLICY represents the County’s official policy regarding public comments at regular board meetings as mandated under SB 2180.

BE IT FURTHER RESOLVED that the County’s policy under this RESOLUTION OF POLICY ensures the public’s right to speak at a regular meeting and ensures the public comment process is orderly, efficient, and respectful.

BE IT FURTHER RESOLVED that the County approves the following policy regarding public comments at the County’s meetings under SB 2180.

1. The County will include a public comment agenda item as the first non-procedural agenda item at all regular meetings of the County.
 - a. “Regular” meetings include the County’s regularly scheduled bi-monthly meetings, as approved by the County and filed as required under NDCC 11-11-05 and 44-04-20 (3).
2. Each person interested in providing public comments at a meeting must submit a speaker card, in person or via email, to the County Auditor/Treasurer prior to the meeting being called to order that includes:
 - a. The person’s name; and
 - b. The person's address; and
 - c. An agenda item from the current meeting agenda or the immediately preceding meeting agenda that the person seeks to address.
3. If a speaker card does not include all three items above, the person is disqualified, and the person may not speak at the meeting.
4. The County will afford each person three minutes to provide comments. The County will notify each speaker when the three minutes have expired, and the speaker will promptly

conclude. During a meeting, the Chairman shall have the discretion to abbreviate or extend such time if necessity requires the same.

- a. All comments and questions must be directed to the chairperson. The chairperson will determine the need for a response and the appropriate individual to do so.
5. To ensure orderly and efficient meetings, the County will limit the public comment agenda item to a total of thirty minutes, regardless of how many people have submitted speaker cards.
6. The County will call on each person who has properly submitted a completed speaker card to present public comments, in the order of submission.
7. All comments must:
 - a. Address the agenda item identified on the speaker card, from the current meeting agenda or the immediately preceding meeting agenda; and
 - b. Be pertinent to the County.
8. Comments may not:
 - a. Be defamatory, abusive, harassing, or unlawful;
 - b. Include information that is exempt or confidential under North Dakota Open Records or open meetings law; or
 - c. Interfere with the orderly conduct of the County's meeting
9. Speakers may not yield their allotted time to another person.
10. Anyone unable or unwilling to speak in-person may submit written comments to the County Auditor/Treasurer prior to the meetings; the written comments must include the person's name and address and must be pertinent to an agenda item from the current meeting agenda or the immediately preceding meeting agenda. If a person submits written comments to the County Auditor/Treasurer at least twenty-four hours prior to the County's meeting, the County Auditor/Treasurer will circulate and distribute the comments to the County Commissioners prior to the meeting and the County will address and discuss the comments at the meeting. If a person submits written comments to the County Auditor/Treasurer less than twenty-four hours prior to a meeting, the County will have the discretion not to address or discuss the comments at that meeting.
11. If no public comment comes before the County, the agenda will immediately move forward with the next item listed.

BE IT FURTHER RESOLVED that this RESOLUTION OF POLICY supersedes any of the County's previous policies or practices regarding public comments at the County's meetings.

Dated at Carrington, North Dakota, this (15th day of July 2025).

FOSTER COUNTY, NORTH DAKOTA

By: Becky Sue Hagel
Becky Sue Hagel, Madam Chair

Attest: Ellen Roundy
Ellen Roundy, County Auditor/Treasurer