NORTH Dakota | Governor Doug Burgum

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EXECUTIVE ORDER 2020-16

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of national emergency due to the growing COVID-19 crisis in the United States; and,

WHEREAS, a state of emergency was declared by Governor Doug Burgum on March 13, 2020, in response to the public health crisis resulting from COVID-19; Executive Order 2020-03 activated the State Emergency Operations Plan (SEOP), implementing appropriate response and recovery actions and future mitigation measures; and,

WHEREAS, with the guidance and assistance of the State Health Officer and the Director of Emergency Services, the State is actively responding to the crisis; significant efforts have been made by all state agencies and offices, as well as North Dakota citizens, to exercise preventative measures to control the spread of COVID-19, including working from home, frequent handwashing, social distancing and limiting group gatherings to no more than 10 people; and,

WHEREAS, North Dakota requires governing bodies of public entities to follow robust open meeting laws which is essential during times of emergency, including posting notice and agendas of upcoming meetings, in order to provide important information to the public, and,

WHEREAS, in the interest of public health and safety, meeting via remote means, already allowed under law, is essential to protect the health and safety of our governing bodies and members of the public.

NOW THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority under Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code Chapter 37-17.1, and in consultation with the Office of Attorney General, hereby suspends the requirements that a meeting room be available to the public and that a speakerphone or monitor be provided at a physical location under NDCC § 44-04-19 when members of a governing body are attending a meeting via remote means.

In furtherance of this Order, notice of meetings subject to open meeting laws in which members of the governing body are appearing via remote means must provide either a conference call number or an electronic link that provides real time or live streaming public access on its posted agenda.

This order is issued based upon the following authority and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V,

Section 1, of the North Dakota Constitution.

2. The Governor is vested with statutory authority to issue executive orders, to minimize or avert the effects of a disaster or emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code.

3. A coordinated and effective effort of appropriate government departments is required to minimize the impact of emergencies and disasters in this state.

This order will become effective immediately and shall remain in effect for the duration of the declared state of emergency.

Executed at Bismarck, North Dakota, this 30th day of March, 2020.

Doug Burgum
Governor

ATTEST:

Secretary of State