

June 4, 2003

Mr. Blaine C. Bradshaw
Granite County Attorney
P.O. Box 489
Philipsburg, MT 59858-0489

Dear Mr. Bradshaw:

You have requested an informal opinion from this office regarding the question whether the County Commission is obligated by law to publish its agenda in the local newspaper in advance of each meeting. No such requirement exists of which I am aware. Generally, the right to notice of and participate in local government activities is guaranteed by article II, § 8 of the Montana Constitution, which obligates government agencies to provide such opportunity to participate as may be required by law. Title 2, Chapter 3 of the Montana Code contains the general provisions governing the right to participate.

In 47 Op. Att'y Gen. No. 13 (1998), Attorney General Mazurek surveyed the law in this area. While his opinion does not focus precisely on the issue you raise, the discussion does recognize that the obligation to provide reasonable advance notice of meetings to consider matters of significant interest to the public, see Mont. Code Ann. §§ 2-3-103(1), 2-3-104, 2-3-111(1) may be met by either publishing or posting an agenda reasonably in advance of the meeting. While Mont. Code Ann. § 2-3-104(4) indicates that publication in a newspaper is one method of providing required notice, the statute has not been interpreted in the cited opinion to *require* publication rather than posting of the agenda.

The cited opinion is available on the Department of Justice website. It contains a useful survey of the law in this area, and should provide significant guidance. This letter of advice may not be cited as an official opinion of the Attorney General.

Sincerely,

CHRIS D. TWEETEN
Chief Civil Counsel

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