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MEMORANDUM

TO: Ravalli County Commissioners

FROM: Alex Beal, Deputy AB

DATE: January 7, 2008

RE: Minutes of Closed Meetings

At the request of Chairman Grandstaff, I am providing a few thoughts about the public meetings laws in response to a letter from Phil Taylor dated January 4, 2008. Mr. Taylor has requested that today's litigation strategy meeting (regarding Phil Taylor v. BOA v. Ravalli County, et al) remain open and in lieu of the meeting remaining open, that minutes be kept.

To clarify, MCA § 2-3-203(4) (a), allows a meeting to be closed to discuss litigation strategy when "an open meeting would have a detrimental effect on the litigating position of the public agency." If the Board determines that the subjects discussed during your meeting today fall into that category, you may certainly close the door. As for taking minutes of those meetings, that question is governed by § 2-3-212, which states that "appropriate minutes of all meetings required by 2-3-203 to be open shall be kept and shall be available for inspection by the public."

The only statute on point specifically only requires that minutes be kept of an open meeting. Should you choose to close the doors, I am aware of no legal requirement to take minutes of the meeting.