

Bond Case Briefs

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OPEN MEETINGS LAW - MONTANA

Zunski v. Frenchtown Rural Fire Dept. Bd. of Trustees

Supreme Court of Montana - September 10, 2013 - P.3d - 2013 MT 258

Requestor brought action against board of trustees of rural fire district alleging violations of open meeting law and rights to know and participate stemming from hiring of trustee as interim fire chief.

The Supreme Court of Montana held that:

- Challenge to illegal meeting was moot;
- Capable of repetition yet evading review exception to mootness doctrine did not apply;
- Voluntary cessation exception to mootness doctrine did not apply; and
- Board complied with records request in a reasonable and timely manner.

Pursuant to the open meetings law, a governing body can remedy the illegality of the meeting without judicial involvement by making a new decision that is not based on anything from the illegal meeting. Rural fire district board of trustees' subsequent legal meeting rendered moot challenge to legality of previous meeting pursuant to the open meetings law, where the subsequent meeting's compliance with the open meeting and public participation laws remedied any earlier violations of those laws.