

January 10, 1973

Mr. Hugh McCutcheon
City Attorney
PO Box 939
Minot, North Dakota 58701

Dear Mr. McCutcheon:

This is in reply to your letter of January 2, 1973, in which you enclosed a copy of an opinion dated January 2, 1973, address to the Mayer and City Council of the City of Minot concerning field notes and work product of the city assessor and whether they are open to public inspection.

We have read the opinion and the statutes and cases cited therein and we are in agreement with the conclusions reached in the opinion. We might further note, in support of your conclusion, that section 40-19-03 of the North Dakota Century Code provides in part: "The assessment roll shall be open to the inspection of the public until the meeting of the board of equalization of the municipality." The statute does not provide the additional records, such as the field notes and work product of the city assessor, must be open to the public. By requiring the assessment roll to be open to public inspection we believe it possible to conclude the Legislature did not intend other papers and documents used to prepare the assessment roll should be open to the public. Section 44-04-18, by its own terms, only applies to those instances not otherwise specifically provided by law. It appears to us that section 40-19-03 is such a specific provision of law.

We also agree with your conclusions that the ordinary "work product" used in the preparation of a public record does not necessarily become a public record.

Yours very truly,

Gerald W. VandeWalle
Assistant Attorney General