



## Bassett Creek Watershed Management Commission

### General Provisions of Open Meeting Law

- I. What is the open meeting law and why is it important?
  - a. Section 13D of Minnesota State Law  
<https://www.revisor.mn.gov/statutes/?id=13D>
  - b. Ensures that meetings of governing bodies are conducted in public where public has access to decision making process
  - c. Prohibits actions being taken in secret where it's impossible for the public to be fully informed about decisions or to detect improper influences
  - d. Protects government officials from accusations that business was conducted improperly
  
- II. What groups must abide by the open meeting law?
  - a. Best answer = all governing bodies and committees
  - b. Examples = city councils, county boards, soil and water conservation district boards, watershed district boards, watershed management organization boards, town boards, governing boards of school districts
  - c. Also applies to committees of governing bodies
  
- III. When does the open meeting law apply?
  - a. Best answer = always
  - b. Quorums of any governing bodies or committee of the governing body
    - i. Quorum = minimum number of members required to be present to legally conduct business, usually a majority
  - c. Anytime the quorum is meeting to discuss, or receive information about, the business or work of the governing body
  - d. Even when action is not being taken
  - e. Does NOT apply if group is getting together socially and NOT discussing business
  
- IV. What are the key elements of the open meeting law?
  - a. Meeting notices are required for regular, special, emergency, and closed meetings
  - b. Meetings must be open to public, in a public space
  - c. Meetings must be within borders of governing body's jurisdiction
  - d. Meeting materials must be available to public at the meeting
  - e. Meeting notes including voting record must be maintained and available to the public (usually in the form of meeting minutes)

- V. How does the open meeting law apply to the use of telecommunications?
  - a. Officials cannot “attend” meeting by phoning in
  - b. Can use interactive video (such as Skype) only if:
    - i. All officials can see and hear each other
    - ii. Members of the public at the meeting can see and hear all officials
    - iii. Offsite officials are located in a place accessible to the public<sup>1</sup>
    - iv. At least one official is at the regular meeting location
    - v. Proper notice was given regarding the location of offsite officials
  - c. Use of telecommunication tends to disrupt the meeting
  
- VI. How is the open meeting law most often broken?
  - a. Not often
  - b. Email use among officials can be problematic
    - i. Serial emails from one official to another and another, essentially discussing an issue
    - ii. Using “reply all” on an email to all officials of a governing body (avoid this problem by using “blind copy” on emails to group of officials)
  - c. Failure to properly notice a meeting
  - d. Officials wanting to call into a meeting

For further reading:

Information Brief from MN House of Representatives on MN Open Meeting Law  
<http://www.house.leg.state.mn.us/hrd/pubs/openmtg.pdf>

MN Statutes Chapter 13D. Open Meeting Law  
<https://www.revisor.mn.gov/statutes/?id=13D>

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<sup>1</sup> The Minnesota Supreme Court has read the requirement that a meeting be held in a place accessible to the public to mean ‘within the jurisdiction of the public body.’ *Quast v Knutson*, 150 N.W.2d 199, 200 (1967).