



## 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 or discussions from taking place 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. Safe 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. Any time a quorum gathers to discuss, decide, or receive information about the official business or work of the governing body
  - d. Even when formal action is not being taken
  - e. Does NOT apply if group is getting together socially and NOT discussing official business (but be careful - it's easy and natural to discuss official business)
  
- IV. What are the key requirements 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 telecommunication technology?
  - a. Except under special exceptions, officials cannot “attend” meetings by phone
  - b. Can use interactive technology (such as Skype) 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. Off-site officials are located in a place accessible to the public
    - iv. At least one official is at the regular meeting location
    - v. Proper notice was given regarding the location of off-site officials
  - c. Use of telecommunication technology tends to disrupt the meeting
  - d. An exception to these general rules exists which allows for meetings to be conducted by telephone or through other electronic means during a health pandemic or a state or local emergency if in-person meetings are not otherwise practical or prudent (the Commission has been operating under this exception for almost two years)
  
- VI. How is the open meeting law most often broken?
  - a. Email use or texting 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)
  - b. Failure to properly notice a meeting
  - c. Officials wanting to call into a meeting
  - d. Officials gathering for social functions and discussing official business (again, this tends to naturally happen)
  
- VII. What are the exceptions to the open meeting law?
  - a. There are seven exceptions that allow a governing body to go into a closed session: (1) labor negotiations; (2) performance evaluations; (3) attorney-client privilege; (4) discuss the purchase or sale of property; (5) discuss security reports; (6) discuss misconduct allegations; and (7) discuss certain not-public data
  - b. Each exception above has specific rules and procedures and so before closing a meeting pursuant to an exception, the governing body should consult with legal counsel
  
- VIII. Violations can subject officials to litigation and personal liability, including fines, other fees and costs, and even forfeiture of office

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>