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

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. 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. 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

VI. How is the open meeting law most often broken?
   a. Not often
   b. 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)
   c. Failure to properly notice a meeting
   d. Officials wanting to call into a meeting
   e. Officials gathering for social functions and discussing official business (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 lead to personal liability, including fines, other costs, and 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