

**CITY OF SHOREVIEW  
AGENDA  
CITY COUNCIL WORKSHOP  
JANUARY 12, 2015  
7:00 P.M.**

1. ROLL CALL
2. DISCUSSION WITH PUBLIC SAFETY COMMITTEE
3. REVIEW OF WATER TREATMENT PLANT CONCEPT DESIGN
4. FINAL REVIEW OF COMMITTEE/COMMISSION HANDBOOK
5. OTHER ISSUES
6. ADJOURNMENT

**TO:** MAYOR AND COUNCIL MEMBERS  
**FROM:** TERRY SCHWERM, CITY MANAGER  
**DATE:** JANUARY 9, 2015  
**SUBJECT:** MEET WITH THE PUBLIC SAFETY COMMITTEE

The City Council has requested that they periodically meet with all of the City's Committees and Commissions. The Public Safety Committee recently asked that they have an opportunity to meet with the Council to review a suggested revision to the Committee structure, as well as a revised mission statement and purpose.

The proposed changes to the Committee structure are designed to make the Committee consistent with other city advisory bodies. The current structure has standing ex-officio committee members from Allina Health Services (Ambulance), Ramsey County Sheriff's Department and the Lake Johanna Fire Department. Since the representatives from these groups can change from meeting to meeting, it is suggested that they become resources to the Public Safety Committee, but not serve as ex-officio members of the Committee. The Committee would then consist of seven to nine residents of Shoreview, similar to other City Committees.

The Committee mission has been simplified and the Committee's purpose has been expanded to include more specific responsibilities and activities for the Committee.

Committee Chair Jorgen Nelson, along with other Committee members, plan to attend the workshop meeting on January 12<sup>th</sup>.

## **PUBLIC SAFETY COMMITTEE**

**MISSION:** Maintain Shoreview as a safe and desirable City (community) to work, live and play.

**STRUCTURE:** The Public Safety Committee shall be a standing committee of the City of Shoreview with continuing responsibility as advisers to the City Council. The committee will consist of seven-nine members appointed by the City Council for three year terms.

The committee will annually, at its first meeting of the year, select a Chair and Vice Chair. The Chair of the meeting is responsible for presiding at the meetings and presenting any recommendations or reports to the City Council. Members may be removed by majority vote of the City Council at any time.

Representatives from the Ramsey County Sheriff's Department, Lake Johanna Fire Department, and Allina Health Emergency Medical Services (ambulance service provider) will be invited to all committee meetings and serve as resources to the Committee.

**PURPOSE:** The Public Safety Committee shall assist and advise the Council on matters pertaining to the public safety and welfare in the City of Shoreview including police service, fire service, ambulance service, animal control and emergency services. More specifically, the Committee will:

1. Monitor services provided by police, fire, animal control, and ambulance contract service providers to Shoreview residents.
  - Receive regular updates from police, fire, and ambulance service providers.
  - Review and analyze annual reports, call for service reports, response time data and other reports prepared by contract service providers.
  - Report and advise the City Council on positive and negative trends associated with this information.
  - Periodically review the City's Civil Defense and Emergency Management Plan that is prepared and coordinated by Ramsey County's emergency management personnel.
2. Address public safety concerns reported by residents or significant public safety events.
  - Participate in special meetings that address threats to public safety as requested by the City Council or City Manager.
  - Serve as liaison to the City Council by reviewing public safety and welfare concerns and making recommendations for City actions and involvement.
3. Review vulnerabilities, risks and threats to public safety in Shoreview.

- Advocate for residents by identifying and exploring new or emerging public safety/emergency management issues before they become threats.
  - Provide recommendations to the City Council on City involvement or action on these issues.
4. Review any changes to the City Code and Comprehensive Plan as they relate to public safety.
- Periodically review City Code for opportunities to update or improve public safety related ordinances based on emerging trends and safety issues.
  - Review and make recommendations to the City Council on any proposed code amendments or comprehensive plan amendments (typically every 10 years) relating to public safety and welfare.
5. Promote opportunities for increasing awareness and enhancing personal responsibility to protect neighborhood safety, life and properties in Shoreview.
- Promote and participate when appropriate in crime prevention programs such as Neighborhood Watch and Night to Unite.
  - Promote Sheriff's Department volunteer programs such as Citizens Academy, Community Affairs Officers, Volunteers Involved in Public Safety (VIPS), Community Emergency Response Team (CERT) and others.
  - Review and make recommendations on website improvements to provide more comprehensive information about public safety services, events, and programs.
  - Promote public fire education activities including fire department open houses, smoke detector information and education, and other fire education activities.
  - Review and suggest public safety topics for inclusion in the ShoreViews newsletter.
6. Recommend opportunities to enhance Shoreview's reputation as a safe City.
- Review results of community surveys to determine residents' perception of public safety.
  - Review crime reports to identify areas of concern or emerging trends.
  - Provide recommendations to the City Council to improve public safety in Shoreview.

**PUBLIC SAFETY COMMITTEE**

**MISSION STATEMENT**

The Public Safety Committee shall assist and advise the City Council in all policy matters relating to public safety in the City of Shoreview including police, fire, paramedic service, animal control, and emergency management.

**ORGANIZATION AND MISSION STATEMENT  
SHOREVIEW PUBLIC SAFETY COMMITTEE  
MAY 16, 1996**

**PURPOSE**

The Public Safety Committee shall assist and advise the City Council in all policy matters relating to public safety in the City of Shoreview including police, fire, paramedic service, animal control, and emergency management.

**OBJECTIVES/DUTIES**

- Review public safety services which are provided by contract to the City;
- Review trends in crime, fire, medical, traffic and related safety issues and make recommendations to the City Council;
- Review, develop, and/or recommend safety-related ordinances for the City;
- Encourage participation in all forms of safety education and crime prevention programs for citizens;
- Other duties and assignments from City Council and city staff concerning safety related issues.

**STRUCTURE**

The Public Safety Committee shall be a standing committee of the City of Shoreview with continuing responsibilities as advisors to the Council and the city staff. Committee membership shall consist of 8 council appointed citizens plus representation from the fire department, sheriff's department, and Health Span. The appointed citizens shall be voting members; the provider representatives shall be ex officio. Any city staff liaison shall be ex officio. The Committee shall establish its own meeting dates, but shall meet at least six times annually. The members shall be appointed by the City Council for three year terms on a calendar year basis, except that the Council may select members for a one or two year term as needed in order to stagger the terms of the members.

**PROCEDURES**

The Public Safety Committee may adopt rules of procedure consistent with this Statement, city ordinances, and the statutes of the State of Minnesota. The rules of procedure may include, but are not limited to, methods of calling meetings, notifying members and the public of meetings, conduct of hearings, methods of voting, and maintaining committee records.

TO: MAYOR, CITY COUNCIL, AND CITY MANAGER  
FROM: MARK MALONEY, PUBLIC WORKS DIRECTOR  
TOM WESOLOWSKI, CITY ENGINEER  
DATE: JANUARY 8, 2014  
SUBJECT: WATER TREATMENT PLANT – EXTERIOR DESIGN CONCEPT

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### **Introduction**

Shoreview's 2015-16 Capital Improvement Program (CIP) includes the design and construction of a Water Treatment Plant (WTP). At the November 3, 2014 Council meeting, the City Council authorized a professional services agreement with Advance Engineering and Environmental Services, Inc (AE2S) for the WTP design. The consultant has completed some exterior design concept drawings and would like the Council's input on the designs.

### **Discussion**

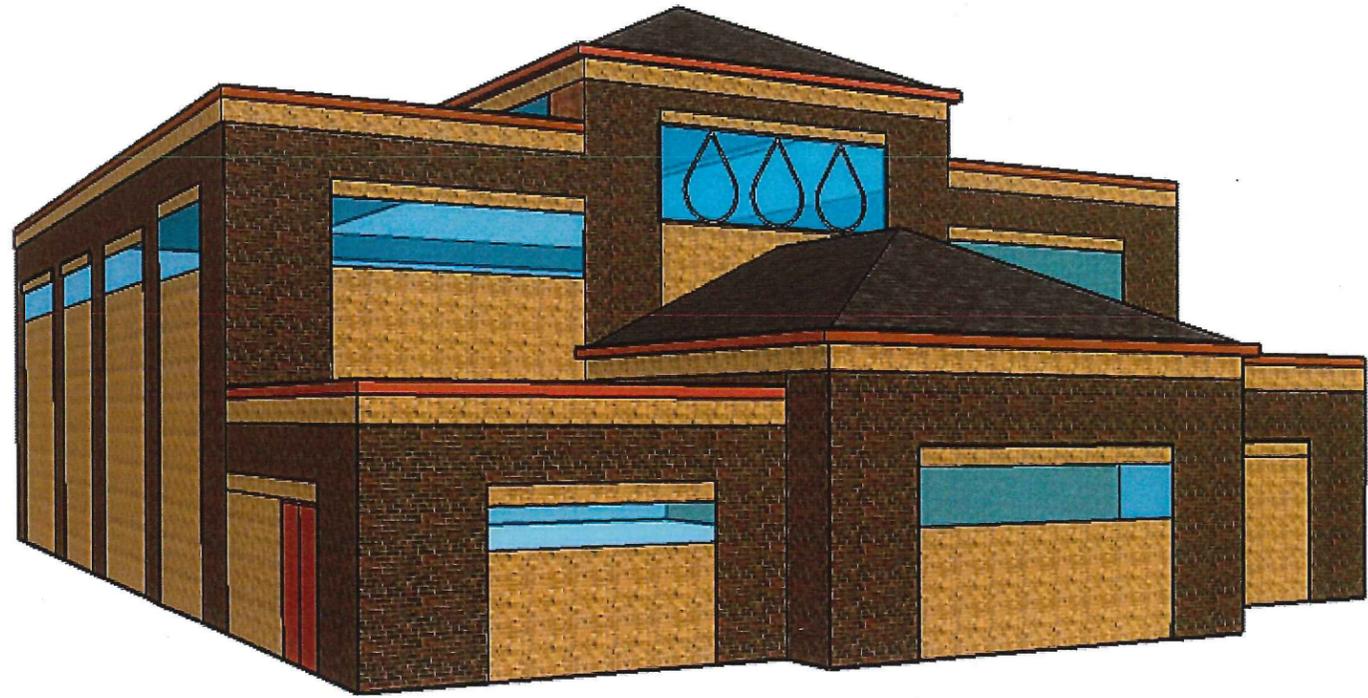
The consultant has completed two exterior design concepts for the WTP, which are attached. The view of the building would be from Highway 96 going from west to east. Also attached is a preliminary site plan that shows the location of the building in relation to the existing hockey arena.

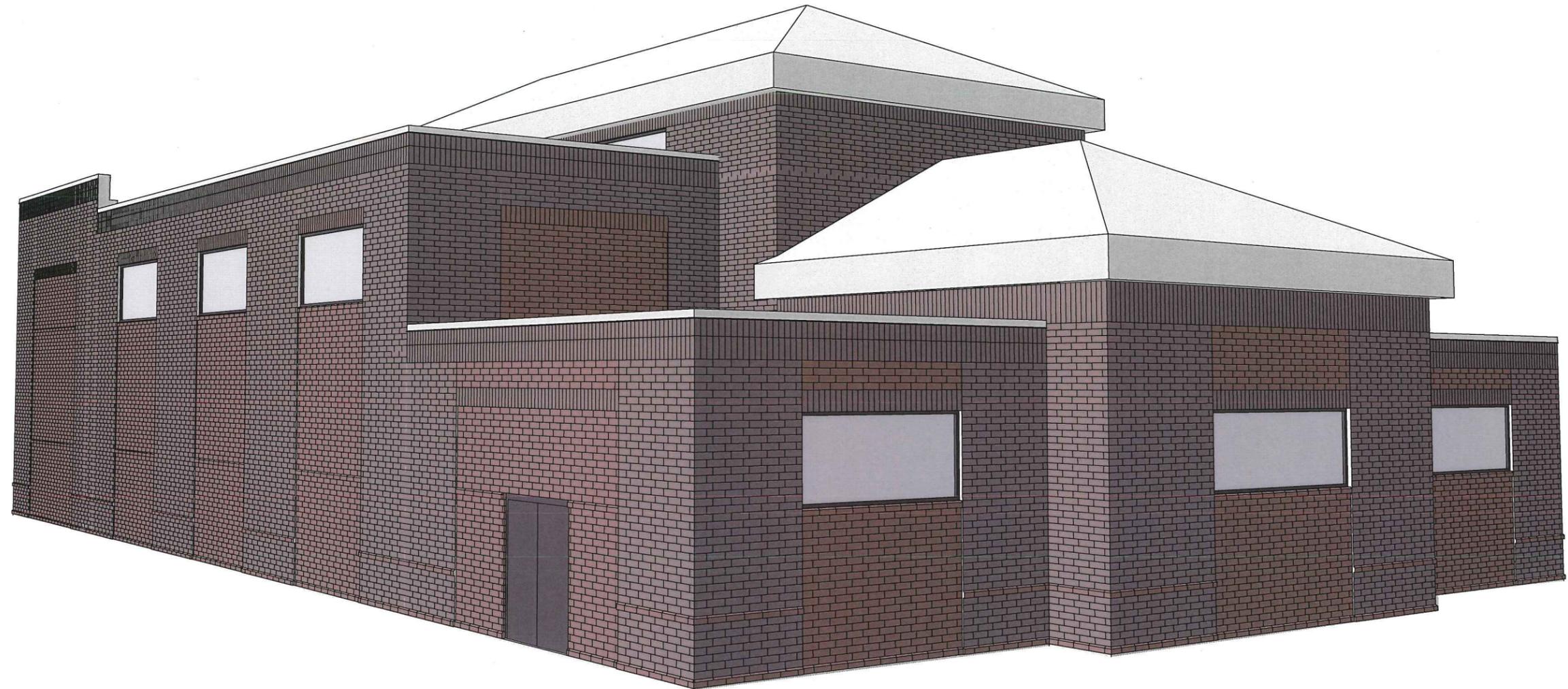
### **Schedule**

Following is the schedule that would provide for the start of construction in the spring of 2015 with the WTP operational in late 2016.

The schedule includes:

Public Bidding & Contract Award	April/May 2015
Start Construction	June 2015
WTP Operational	November 2016





I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE:

TYPED NAME: Duane Day  
1/7/15 REG. NO. 15448

**NEGEN**  
ARCHITECTS  
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SHOREVIEW WATER TREATMENT PLANT  
CITY OF SHOREVIEW  
SHOREVIEW, MINNESOTA

Exterior Perspective

CITY OF SHOREVIEW PROJECT

DRAWING TYPE  
PRELIMINARY

PREPARED BY  
XXX

CHECKED / APPROVED  
— / —

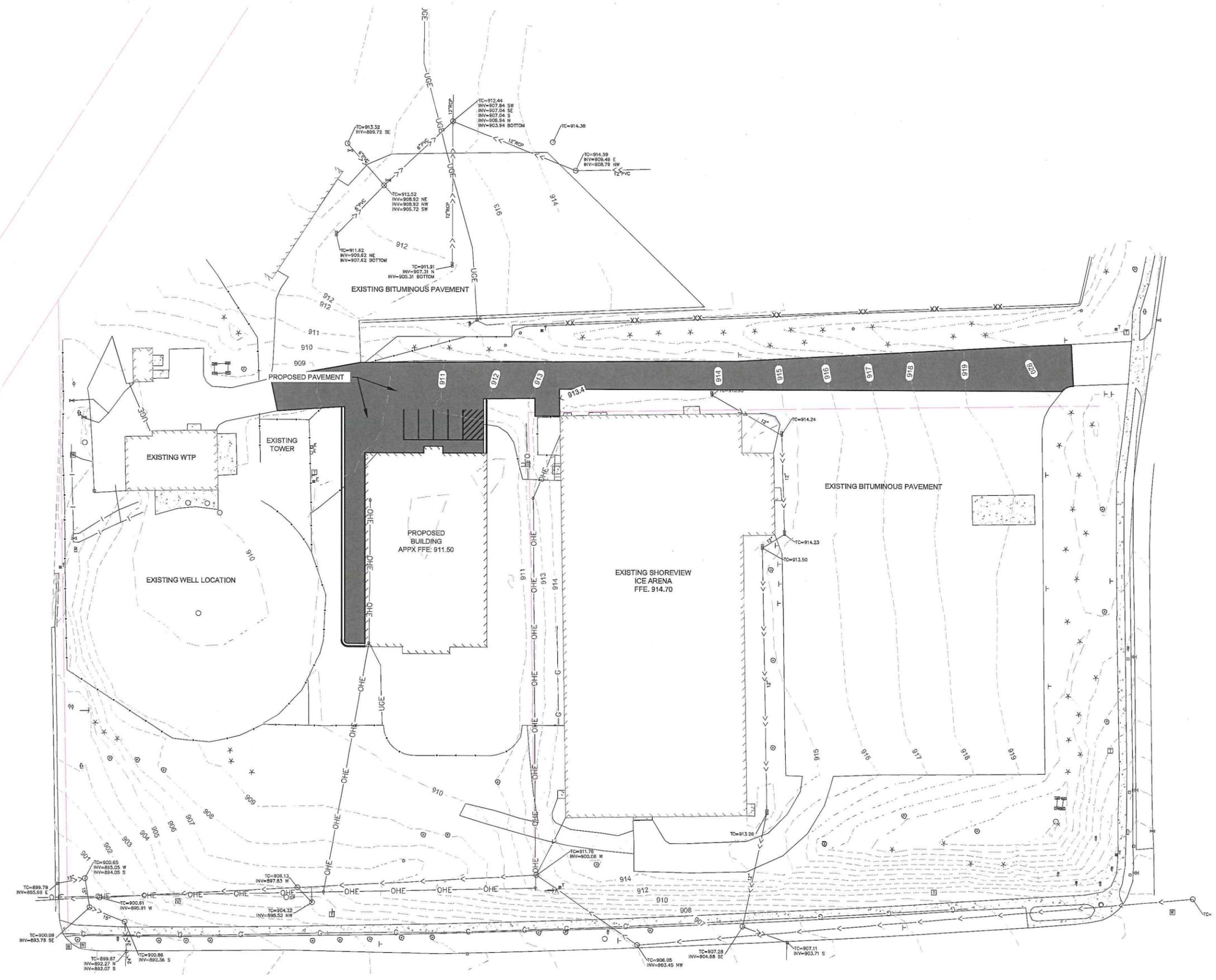
DATE  
1/7/15

PROJECT NUMBER  
141117

SHEET  
17 of 28

DRAWING

SYM	DATE	DESCRIPTION	APPR



**EXISTING LEGEND**

- LOT LINES
- - - BUILDING
- WATER MAIN
- - - SANITARY SEWER
- - - STORM SEWER
- - - GAS
- - - FIBER OPTIC
- - - FENCE
- - - OVERHEAD ELECTRIC
- - - MAJOR CONTOUR
- - - MINOR CONTOUR
- - - LIGHT POLE
- - - SIGN
- - - STORM MANHOLE
- - - SANITARY MANHOLE
- - - GATE VALVE
- - - FIRE HYDRANT
- - - POWER POLE
- - - GUY WIRE
- - - COMMUNICATION VAULT
- - - TREE
- - - CONCRETE PAVEMENT

**PROPOSED LEGEND**

- - - PROPOSED BUILDING
- - - CURB AND GUTTER
- - - ASPHALT PAVEMENT

MILESTONE - 30%

SHOREVIEW WATER TREATMENT PLANT  
 CITY OF SHOREVIEW  
 SHOREVIEW, MN

SITE PLAN

SYM	DATE	DESCRIPTION	APPR

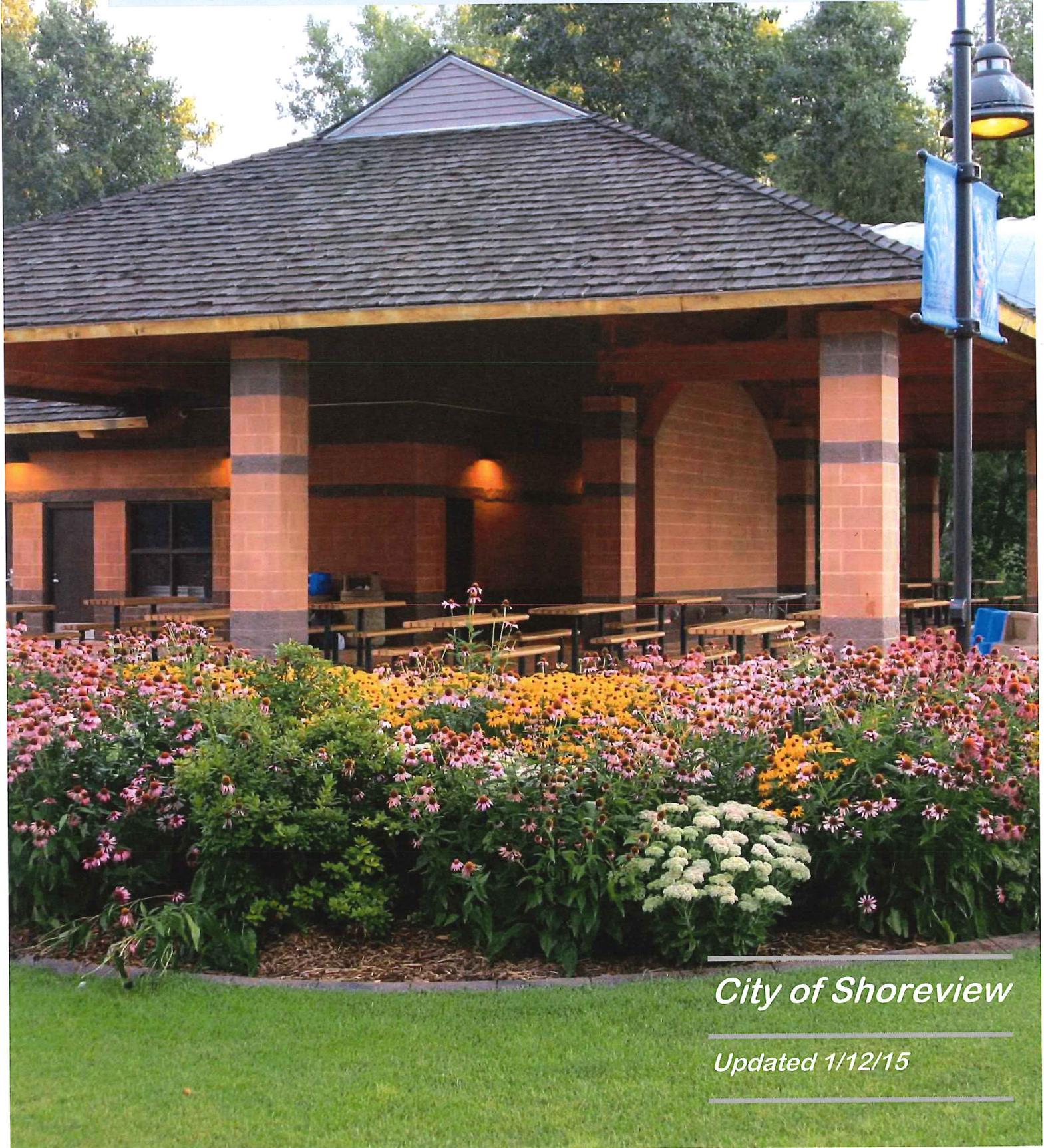
DRAWING TYPE	PRELIM
PREPARED BY	ABC
CHECKED / APPROVED	DEF / GHI
DATE	JAN, 2014
PROJECT NUMBER	P05480-2007-000
SHEET	X of 0
DRAWINGS	

PRELIMINARY

TO: MAYOR AND COUNCILMEMBERS  
FROM: TERRY SCHWERM, CITY MANAGER  
DATE: JANUARY 9, 2015  
SUBJECT: FINAL REVIEW OF COMMITTEE/COMMISSION HANDBOOK

Council last reviewed the Committee/Commission Handbook back in September. Staff has updated the handbook based on Council feedback from that meeting regarding several of the policy issues that were discussed. The handbook now includes a proposed updated Open Appointment Policy as well as an updated Attendance Policy. Staff also took much of the general background information and placed it in the Appendix in order to streamline the handbook. Staff is seeking final Council feedback on the revised handbook.

# COMMITTEE AND COMMISSION HANDBOOK



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*City of Shoreview*

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*Updated 1/12/15*

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## MESSAGE FROM THE MAYOR

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On behalf of the City Council I would like to congratulate you on your appointment to one of the many Committees/Commissions that we are fortunate to have in the City of Shoreview. These advisory bodies play a valuable role in the governance process and in assisting the City Council in providing services, programs and facilities for our residents. Your sincere interest in serving on one is appreciated.

This handbook is designed to provide information regarding the appointment process, the operation of Shoreview's local government, and the general operating policies for all of our advisory bodies. More specific information will be provided to you by your staff liaison.

According to our community surveys, Shoreview is considered one of the best places to live in the Twin Cities metropolitan area with 99% of residents rating the quality of life as either excellent (58%) or good (41%). As a City Council we rely on the input and advice of our Committees/Commissions to help achieve and maintain this high ranking.

Again, I want to thank you for dedicating your time and talents to serving our great city and I sincerely hope you find your experience with the City to be rewarding.

Sandy Martin

Mayor of Shoreview

## Article I. Purpose

### **Purpose**

This handbook is designed to serve as a guide to the City's appointment process, as well as the general policies and procedures that apply to all City advisory bodies. As a new member, we recommend that you schedule time to meet with the staff liaison of your respective Committee or Commission. You may also want to review agendas and minutes from recent meetings to see what issues have been under consideration, as well as the advisory body's mission and any current goals.

While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide members in their actions. This handbook provides a summary of important aspects of activities and how they relate to the City as a whole. However, it does not incorporate all material and information necessary for undertaking the business of these and other groups. This handbook also includes an Appendix that has further information that may be useful or used as a reference during your term as a Committee or Commission member.

## Article II. Serving on a Committee or Commission

### Section 2.01 Terms of Office

Each Committee or Commission has its own set of criteria for members. The following is a summary of the terms of office for each Committee or Commission. More information on each is available from your staff liaison.

<u>Committee/Commission</u>	<u>Term of Office</u>
Bikeways and Trails Committee	3 year term
Economic Development Authority	6 year term
Economic Development Commission	3 year term
Environmental Quality Committee	3 year term
Human Rights Commission	3 year term
Lake Regulations Committee	3 year term
Park and Recreation Commission	3 year term
Planning Commission	3 year term
Public Safety Committee	3 year term
Snail Lake Improvement District Board	3 year term

### Section 2.02 Attendance Requirements

The Committees/Commissions benefit through participation and discussion of all members. A quorum (or majority) of the body is necessary to conduct official business. Members are expected and encouraged to attend all meetings, however if a member must miss a meeting, or multiple meetings because of an extended business trip, vacation, illness or long term leave, the member should advise the staff liaison before the scheduled meeting or meetings. Attendance reports are submitted by the staff liaison to the City Council annually. Repeated unexcused absences can be grounds for the City Council to consider replacement of a member.

The City Council has adopted a Policy on Attendance for City Commissions and Committees that can be found in the Appendix (F) for reference.

### Section 2.03 Code of Conduct

The following principles help ensure that the Committee/Commission operates with the maximum of efficiency and effectiveness.

1. Members should attend all meetings.
2. Members are encouraged to respect the decision making process and any decisions made by the group. Each individual member should respect the official position or action of the Committee/Commission.
3. If you are going to miss a meeting, please contact your staff liaison prior to the meeting. This helps ensure that the Committee/Commission will have a quorum at the meeting.

4. Members should share relevant information with one another so that each member has the same information. Any written or e-mail communications to members must be sent to the staff liaison for distribution in accordance with the open meeting law.
5. Issues and decisions should be openly discussed at meetings.
6. No member shall expect, nor seek special consideration or influence based upon their position.

#### Section 2.04 Open Meeting Law

All of the meetings of the City's Committees/Commissions are open to the public and subject to the Open Meeting Law, (Minnesota Statutes, Chapter 13D), which is also included in the Appendix. When one-half or more of the members of a governmental body are present, it is considered a meeting for official purposes. A meeting does not include social or chance gatherings not intended to avoid the law. The purpose of the Open Meeting Law is:

- To prohibit actions being taken at a secret meeting where it is impossible for the interested public to become fully informed about a public board's decisions or to detect improper influences
- To assure the public's right to be informed
- To afford the public an opportunity to present its views to the public body

The primary requirements of the open meeting law is that meetings be open to the public, proper notice be given and relevant materials be available to the public.

Further, any communication, including emails, or other electronic communication, between some or all members, could potentially be considered a public meeting. If you have information or any type of communication that you would like to share with other members, it is recommended that it be sent to your staff liaison who can then forward it to all members of the Committee/Commission and then be reviewed or discussed at a public meeting. The Open Meeting law does not preclude an individual member from contacting the staff liaison regarding questions or concerns, or to seek further information on topics or agenda items.

#### Section 2.05 Conflict of Interest

Generally, state law prohibits public officials, including Committee/Commission members, from having a personal financial interest in a sale, lease or contract they are authorized to make in their official capacity. Members must avoid actions that might give the appearance of impropriety or a conflict of interest. They must not use their position to gain privileges or special treatment.

If there is a conflict of interest on an issue, that member should abstain from discussion or voting on the issue. If members have any question about the possible conflict of interest they should contact their staff liaison who can check with the City Attorney.

#### Section 2.06 Standards of Appearance

All Committee/Commission meetings are open public meetings where members of the public are welcome to attend. Committee/Commission members are representing the City during these

meetings; therefore it is important that a professional appearance be maintained. Some of the dress code guidelines that should generally be followed at Committee/Commission meetings include:

- Clothing that is torn, dirty or frayed is not acceptable.
- Any clothing that has words, terms or pictures that may be offensive to the public or staff is also unacceptable.

Since Planning Commission meetings are televised live and rebroadcast on our local government access channel the standards of appearance are higher for this Commission. Planning Commission members should generally follow a dress code of business-casual or higher for all televised Commission meetings.

## Article III. Roles and Responsibilities

### Section 3.01 Role of Chairperson(s)

The City Council is responsible for appointing the Chairperson of the Planning Commission. Planning Commission members interested in serving as Chair should send an email to the City Planner stating their interest in serving by the end of each year. The City Council will then appoint a Chair at a meeting in January.

Except for the Planning Commission, all Committees/Commissions elect their own chairperson(s). The chairperson presides at all official meetings and generally ensures that the group reviews and acts upon the items on the agenda. The chairperson shall ensure that decisions are made in a timely manner, yet be careful not to limit discussion - assuring that both members of the public and fellow Committee/Commission members have an opportunity to be heard. It is generally recommended that the person serving in the role of chairperson change every three years.

Responsibilities of the Chair:

- Preside at all official meetings of the Commission or Committee.
- Consult with the staff liaison in drafting the meeting agenda, if necessary.
- Attend City Council meetings as needed to represent the Commission or Committee.
- Sign correspondence from the Committee/Commission with the approval of the City Council.
- Serve as a model of leadership and inspire public confidence in Shoreview's government.

The chairperson is also the person vested with authority to:

- Call a meeting to order and propose adjournment.
- Recognize and call upon speakers.
- Call for debate and vote on motions.
- Clarify or request clarifications of motions made by members.
- Rule motions out of order.
- Interpret and enforce any meeting management bylaws or rules of procedure.
- Call members to order if they disregard rules of procedure or decorum for the meeting.

The effective chairperson also:

- Solicits discussion and opinions from all members.
- Does not allow personal attacks.
- Keeps the discussion focused on the issue.
- Builds trust through fairness to all the participants.

### Section 3.02 Role of Committee/Commission Members

Serving on a Committee/Commission is a privilege that implies a responsibility to act in the best interest of the City of Shoreview. Members serve as ambassadors of the City, and represent the interests of the City both at official meetings as well as outside of City Hall. As an ambassador of the City, it is important to understand that your words and actions reflect that role at all times.

A member shall:

- Attend scheduled meetings or let the staff liaison know if you will be absent from a meeting.
- Prepare in advance of meetings (e.g. read agenda packet carefully prior to the meeting) and be familiar with issues on the agenda.
- Fully participate in meetings and carry out assignments.
- Contact the staff liaison if there are questions or the member requires additional information on an agenda item prior to the meeting.
- Use community members to obtain feedback on topics under consideration.
- Be considerate of fellow members and staff.
- Demonstrate respect, kindness, consideration, and courtesy to others.
- Be respectful of other people's time. Stay focused and act efficiently during meetings.
- Act and speak with honesty and integrity.
- Do not speak for the Committee/Commission unless authorized by the action of the Committee/Commission.
- Do not speak for the City unless authorized to do so by action of the City Council.

### Section 3.03 Role of Staff Liaison

The staff liaison role includes serving as the liaison between the Committee/Commission, and the City Council. Typically the staff liaison is responsible for orienting and helping train new members, facilitating meetings, minute taking, providing necessary information regarding rules and regulations, preparing and presenting reports to the Committee/Commission and answering any questions that may arise at meetings. Other duties include:

- Ensure that a work plan for the coming calendar year and summary of accomplishments in the prior calendar year is submitted by the Commission or Committee to the City Council.
- Provide administrative support.
- Work with the Chair to prepare agendas, if necessary.
- Post an agenda in compliance with the state open meeting law.
- Distribute meeting packets to members.
- Prepare minutes and distribute them to the City Council in either draft or final form.
- Present an accompanying report that contains a recommendation for action.
- Submit budget requests for the Committee/Commission members to attend training sessions or other events.

### Section 3.04 Relationship with City Council

Members serve an important role in extending the reach of the democratic process into the community. Even though the Council relies on the work of city Committees/Commissions, members should also recognize that the elected body's area of concern is much broader and, in some instances, the Committee/Commission recommendation will not be followed. Members should not interpret this as if their input is not valued, but that the Council collectively held a different opinion on a particular issue.

Members of Committees/Commissions should:

- Think of themselves as advisors to the City Council and ambassadors of the City.
- Make their decisions based on their collective judgment and not try to predict what action the City Council may take.

### Section 3.05 Communications and Media Relations

As a Committee/Commission member, you will sometimes be asked to communicate information to the public. Communicating accurate, timely and professional information is important to the quality and credibility of this information. Things to remember as a member include:

- You are an ambassador of the city. You represent the interests of the City and your words and actions reflect that role.
- If you are asked to be interviewed as a Committee/Commission member, it is generally recommended that you first talk with your staff liaison.

### Section 3.06 Removal of Members

The City Council is responsible for appointment to all City Committees/Commissions and reserves the right to appoint, reappoint or remove any individual from a Committee/Commission at any time.

# Appendix

## Appendix A

## City Overview

### Form of Government

The City of Shoreview is a Statutory “Plan B” city. This means that Shoreview has a Council/Manager form of government where all policy and legislative decisions are the responsibility of the City Council, but administrative responsibilities are delegated to the City Manager. Shoreview residents are represented by the Mayor and four City Council members. The Mayor and each Council member have one vote apiece.

The Council/Manager plan combines the political leadership and community knowledge of elected officials with the managerial experience and expertise of an appointed official. The City Council is the policy making and legislative body; while the City Manager is responsible for the day-to-day administration of the city.

### City Council

The City Council is the governing body of the City. It is vested with broad powers in areas of legislative policy, budgetary adoption and establishment of service levels. The City Council, elected at large, represents the entire community, and serves as the “Board of Directors” for the municipal corporation.

City Council members are elected “at large” and serve four year staggered terms while the Mayor is elected for a two year term. Elections are held in November in even numbered years.

### City Manager & Departments

The City Manager is responsible for the day-to-day management of the City. Council members and citizens rely on the City Manager to provide unbiased and objective information while presenting both sides of an issue and information about long-term consequences. The City Manager supervises the organization through department directors. There are five departments including Administration, Community Development, Finance, Parks and Recreation and Public Works. The City contracts for its police services with Ramsey County Sheriff’s Department and its fire service with Lake Johanna Fire Department.

### Staff

The City staff, under the direction of the City Manager, is responsible for carrying out the policies and actions of the City Council and implementing the programs and services set out in the budget and identified in the Council goals. The City Manager and City Attorney are appointed by the City Council. Department Heads and staff members are appointed and report directly to the City Manager.

Committees and Commissions work closely with the staff liaison; however, they do not have the authority to supervise or direct the work of staff. Special assignments to staff are made through the City Manager.

## Commissions

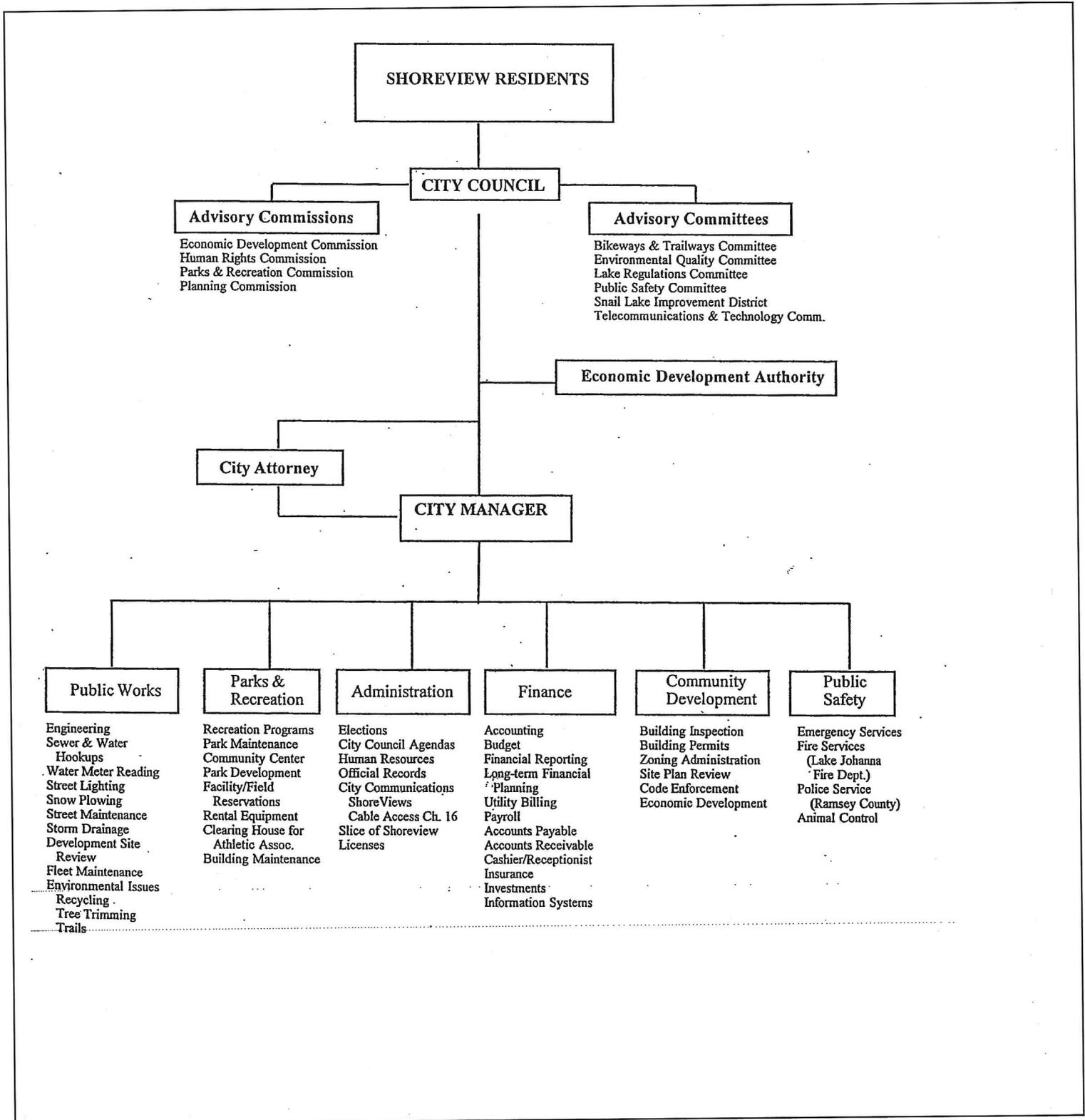
Commissions are standing bodies established by City ordinance and appointed by the City Council to provide ongoing input on major policy areas. Their responsibilities are advisory and include:

- A. Providing ongoing recommendations to the City Council and staff regarding special program areas
- B. Identifying issues that the Commission believes should be addressed by the City Council or staff
- C. Providing education and awareness opportunities for residents on policy issues and concerns

## Committees

Committees are standing bodies appointed by the City Council to provide input in specific areas. Their responsibilities are advisory and include:

- A. Providing ongoing recommendations to the City Council, and/or Commissions as appropriate and staff regarding special program areas
- B. Identifying issues that the Committee believes should be addressed by the Commission, City Council or staff
- C. Providing education and awareness opportunities for residents on issues and concerns



The City Council typically holds a strategic planning session every two years to establish the priorities and goals for the next two years. During this time, the City Council and staff identify key successes, recent accomplishments and work to create Council goals for the City Council, staff and Committee/Commissions to understand and align their work priorities to achieving these goals.

### **Keys to City's Success**

The City Council has identified the following items as important to the overall success of the City:

- Talented and Committed elected officials
- Staff stability
- Long-term focus
- Planning emphasis with funding commitments
- Strong financial reserves
- Residents have strong trust
- Strong/diverse tax base

### **Goals**

Following are the four key goals that have been identified by the City Council:

1. Financial Stability – continuously work to maintain and further improve long-term financial stability of the City.
2. Community Facilities – update and expand public facilities, parks, and trails to enhance the City's quality of life and provide a "community for all ages."
3. Economic Development – improve the environment for business expansion, redevelopment, and neighborhoods through outreach and selected financial participation.
4. Community for All Ages – continue to develop Shoreview as a "community for all ages" that provides housing choices, public amenities, services and resources for all residents regardless of age.



## RESOLUTION 15-XX

### OPEN APPOINTMENT POLICY FOR CITY COMMITTEES AND COMMISSIONS

WHEREAS, the purpose of this policy is to provide an open, accessible and fair appointment process which provides opportunity for interested citizens to become involved in city government through services on various Committees and Commission; and,

WHEREAS, it is the City Council's goal to have active citizen participation in the development and implementation of the policies of the City of Shoreview; and,

WHEREAS, it is the City's policy that membership on various committees and commission are open to all residents of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shoreview that the following policies be adopted regarding appointments for City Commissions and Committees:

#### General Guidelines to Committee/Commission Appointment

1. Announcement of vacancies on Committees and Commissions will be advertised in the city's local newspapers, on the city website and other usual sources at least once per year, typically during the fall, unless a Committee/Commission membership falls below quorum requirements.
2. A minimum application period of four weeks will be provided and a deadline date will be specified. The City Council may consider applications received after the deadline date as long as they are received prior to review by the City Council.
3. The City will maintain a central file of Committee/Commission applicants.
4. Applications from all candidates will be provided to the City Council prior to the consideration of appointments. Except in unusual circumstances, appointments will be made only from individuals who have submitted an application for a specific Committee/Commission.
5. Individuals may only serve on one Committee/Commission at a time. The exception is the Economic Development Authority that has three Council members and at least one member of the Economic Development Commission.

#### Appointment Process

1. All appointments are made by the City Council. However, applications will be forwarded to the respective Committee/Commission for a review and recommendation following the close of the application period. Prior to making a recommendation to the Council, Committees/Commissions may either interview applicants or review the applications. The exception to this is the Planning Commission and the Economic Development Authority where the City Council will review, interview and appoint applicants directly.
2. Applications will be considered in a timely manner and scheduled for appointment by the City Council after the following:
  - a. Scheduled interviews with the applicants, or a review of the applicants by the Committee/Commission; and
  - b. Committee/Commission provides a recommendation to the City Council.

### Reappointment

Any person who has served two full terms on the Planning Commission or has served at least 1 full term on the Economic Development Authority and reaches the end of their term must reapply and will be considered along with any new applicants. If the member has not yet served the time frame noted above, the staff will check to see if they wish to be reappointed and convey their interest in being reappointed to the City Council.

For all other Committees/Commissions, any person who has served three full terms must submit an application and will be considered for reappointment and review with all applicants.

### Resignation

In the event a member is unable to continue serving because of change in residence, health, business requirements or personal reasons, a formal letter or e-mail of resignation shall be submitted to the staff liaison and City Manager. Upon completion of service to the community, members are required to return any City-owned equipment acquired during the term. Examples include: computers, copies of Shoreview's city code and key cards.

### Removal

The City Council may consider the attendance records, behaviors and actions of Committee/Commission members and may take action to remove any member in violation of the code of conduct or attendance requirements at any time. The City Council is responsible for appointment to all City Committees/Commissions and reserves the right to appoint, reappoint or remove any individual from a Committee/Commission at any time.

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Sandra C. Martin, Mayor

SEAL

### Agendas

An agenda for each meeting of a City Committee/Commission is typically prepared by the staff liaison, sometimes in consultation with the chairperson(s). The agenda outlines the topics or items of business that will be introduced, discussed and acted upon at each meeting.

### Minutes

Summary minutes of each meeting are usually recorded by the staff liaison. The minutes serve as a permanent record of the group's actions, discussion and opinions and they are forwarded to the City Council as input and background for Council decisions.

### Correction to Minutes

It is important for members of city Committees/Commissions to closely review minutes and make corrections if needed so that the approved minutes accurately reflect the work of the group. Corrections to minutes should be made at the meeting when the minutes are brought forward for adoption. Corrections require a motion, second and a majority vote, and, if approved, are noted in the minutes of the current meeting. Any changes to the draft minutes approved by the Committee/Commission should be reflected in the minutes for the meeting at which the corrections are made.

### Open Meeting Law

All of the meetings of the City's Committees/Commissions are open to the public and subject to the Open Meeting Law. A meeting is defined as the convening of members of a governmental body for the purpose of exercising the responsibility, authority, power or duties delegated to that body. A meeting is subject to the law whenever the governmental body meets for official purposes. A meeting does not include social or chance gatherings not intended to avoid the law. When one-half or more of the members of a governmental body are present, it is considered a meeting for official purposes. A gathering of a quorum or more Committee/Commission members constitutes a public meeting. The purpose of the law is to:

- 1) Prohibit action from being taken at a secret meeting where the interested public cannot be fully informed of the decision of the public body;
- 2) Ensures the public's right to be informed; and
- 3) Gives the public an opportunity to present its views.

Further, any communication, including emails, or other electronic communication, between some or all members, could potentially be considered a public meeting. If you have information or any type of communication that you would like to share with other members it is recommended that it be

sent to your staff liaison who can then forward it to all members of the Committee/Commission and then be reviewed or discussed at a public meeting.

Any person who intentionally violates the Open Meeting Law is subject to personal liability in the form of a civil penalty of up to \$300 for a single occurrence. The City does maintain insurance for Open Meeting Law coverage, but it does not cover their personal penalty.

### Public Notice

The heart of the Open Meeting Law is the requirement that all meetings of a governmental body be preceded by an official public notice. Public notice should be provided in the following manner:

- As required by state statutes;
- Notice shall set forth the time, date, place and the subject matter of the meeting; and
- Notice shall be made public at least 24 hours prior to the commencement of such meeting, or 2 hours under special circumstances.

### Parliamentary Procedures

The City Council, Committees and Commissions typically follow a modified version of Roberts Rules of Order for any formal actions. The adoption of rules was undertaken to simplify procedures. A quick reference guide of procedural motions is included in the Appendix.

The use of parliamentary procedure:

- Promotes cooperation and harmony so people can work together more effectively to accomplish their goals.
- Guarantees each individual an equal right to propose motions, speak, and ask questions and vote.
- Protects the rights of minority points of view and gives the minority the same consideration and respect as those in the majority.
- Encourages the full and free discussion of every motion presented.
- Ensures that the meeting is fair and conducted in good faith.

### Quorum

A quorum is the minimum number of members that must be present for a group to conduct business. A quorum is one more than a majority of the authorized seats on the Committee or Commission. For a seven-member Committee/Commission, a quorum of four must be present.

### Voting

When present, all Committee/Commission members are to vote. Failure of a member to orally express a vote constitutes an affirmative vote. Upon request of any Committee/Commission member, a roll call vote will be taken and recorded. A tie vote is equivalent to a vote that has failed.

## Motions

A motion is the way that a group under parliamentary procedure conducts business. There are a number of types of motions, each of which must meet certain requirements before a vote can be taken. A reference guide to motions is provided in the Appendix of this handbook.

Steps in making, discussing and voting on a motion:

- The maker of the motion asks for recognition by the chairperson.
- After the individual is recognized, he/she will state "I move..."
- The chairperson will ask if there is a second. Another member of the group must second the motion in order for discussion to start on the motion.
- The chairperson then restates the motion "It has been moved and seconded that..." and opens the floor to discussion.
- The chairperson will recognize members who wish to comment on the motion. Only one motion may be discussed at a time.
- At the end of the discussion period the chairperson will "call for the vote".
- The vote can either be done by voice or by roll call.



## **RESOLUTION 15-XX**

### **POLICY ON ATTENDANCE CITY COMMITTEES AND COMMISSIONS**

WHEREAS, the City Council of the City of Shoreview wishes to have effective Committees and Commissions composed of citizens of the community; and,

WHEREAS, regular attendance of members is necessary for the most effective performance of the Committees and Commissions; and,

WHEREAS, interested citizens should be afforded the opportunity to serve on a City Committee or Commission in the event a member is unable to attend meetings regularly;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shoreview that the following policies be adopted regarding attendance for City Commissions and Committees:

1. Members of City Committees and Commissions should endeavor to maintain an annual attendance record for all regular meetings of at least 67 percent.
2. Any Committee or Commission member who anticipates being absent for a meeting shall contact the staff liaison prior to the meeting.
3. Any Committee or Commission member who anticipates being absent from a number of meetings due to health issues, employment changes, travel or other factors shall notify the staff liaison.
4. It shall be considered a resignation of duties if any Committee/Commission member misses three consecutive meetings without notice to the staff liaison.
5. The City Manager shall report to the City Council on the attendance of all members of Committees/Commissions annually before the appointment or reappointment of members.
6. The City Council will consider the attendance records and may take action to remove any member in violation of these standards from the Committee or Commission.

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Sandra C. Martin, Mayor

SEAL

## Appendix G Code of Ethics

## 309 CODE OF ETHICS

**309.010 Declaration of Policy.** Public officials should be held to a high standard of conduct and responsibility due to the nature of their duties and responsibilities. The proper operation of democratic government requires that public officials be independent, impartial and responsible to the people that government decisions and policy be made through the proper channels of the government structure; that public office not be used for personal financial gain; and that the public have confidence in the integrity of its government. In recognition of these goals and pursuant to Minnesota Statute 471.895, there is hereby established a Code of Ethics for public officials of the City. The purposes of this code is to establish ethical standards of conduct for all such public officials while acting in their official capacity representing the City by setting forth those acts or actions that are incompatible with the best interests of the City.

**309.020 Definition of Terms.** Whenever used herein, the following words and phrases shall have the meanings set forth below:

- (A) **City.** The City of Shoreview.
- (B) **Public Official.** Any person holding a position by election or appointment in the service of the municipality, whether paid or unpaid, including members of the City Council and all City boards, committees, commissions, and task forces.
- (C) **Anything of Value.** Money, real or personal property, a permit or license, a favor, a service, forgiveness of a loan or promise of future employment. It does not mean reasonable compensation or expenses paid to an official by the government of Shoreview for work performed.
- (D) **Compensation.** A payment of "anything of value" to an individual in return for that individual's services of any kind.
- (E) **Interested Person.** A person or a representative of a person or association that has a direct financial interest in a decision that a public official is authorized to make.
- (F) **Gifts.** A trinket or memento costing \$5 or less.

**309.040 Ethical Standards.** In general, public officials are to serve all persons fairly and equitably without regard to their personal or financial benefit. The credibility of City government hinges on the proper discharge of duties in the public interest. Public officials must ensure that the independence of their judgment and actions is preserved without any consideration for personal gain. The following specific ethical standards shall guide public officials:

- (A) **Incompatible Offices.** A public official shall not hold another "incompatible" office as that term has been defined in Minnesota Statutes and interpreted by the Courts. The City Manager shall not hold an incompatible office or outside employment without prior notice to and approval by the City Council.
- (B) **Undue Influence and Disqualification.** A public official shall not hold other office or be employed in a job which compromises the performance of the public official's duties without disclosure of such potentially conflicting office or employment; and, in any event, public officials shall disqualify themselves from participating in actions which might be compromised by their holding of another office or means of employment.

- (C) **Open Meeting Law.** A public official shall not violate the open meeting law except as permitted under Minnesota Statute 13D.
- (D) **Use of Confidential Information.** Public officials shall not disclose to others, or use to further their personal interest, confidential information, as defined by the Minnesota Data Privacy Act, acquired by them in the course of their official duties.
- (E) **Not Public Data.** A public official shall not disclose to the public, or use for the public official's gain or another person's personal gain, information that was obtained due to person's public position if the information was not public data or was discussed at a closed session of the City Council.
- (F) **Attorney-Client Privilege.** A public official shall not disclose information that was received, discussed, or decided in conference with the City's legal counsel that is protected by the attorney-client privilege unless a majority of the City Council has authorized the disclosure.
- (G) **Solicitation of or Receipt of Anything of Value.** A public official shall not solicit or receive anything of value from any interested person or association, directly or indirectly, in consideration of some action to be taken or not to be taken in the performance of the public official's duties. Incidental items provided to public officials in the due course of business while attending conferences, seminars, and training sessions, shall be exempt from this provision.
- (H) **Holding Investments.** No public official shall hold any investment which might compromise the performance of his/her duties without disclosure of said investment to the City Attorney and self disqualification from any particular action which might be compromised by such investment, except as permitted by statute, such as Minnesota Statute 471.88.
- (I) **Representation of Others.** A member of the City Council shall not represent interested persons or associations in dealings with the City in consideration of anything of value.
- (J) **Financial Interest.** Where a public official has a financial interest in any matter being considered by the public official, such interest (if known to the public official) must be disclosed to the City Attorney, and the public official shall be disqualified from further participation in the matter.
- (K) **City Property.** No public official shall use City owned property such as vehicles, equipment, or supplies for personal convenience or profit except when such property is available to the public generally, or where such property is provided by specific City policy in the conduct of official City business.
- (L) **Special Consideration.** No public official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
- (M) **Authority.** No public official shall exceed his/her authority, or breach the law, or ask others to do so.
- (N) **Giving Anything of Value.** No elected public official shall give anything of value to potential voters in return for their votes, promises, or financial consideration which would be prohibited by the State of Minnesota Fair Campaign Practices statute.

- (O) **Public Funds.** No public official shall use City public funds, personnel, equipment or facilities, for private gain or political campaign activities, unless such equipment and facilities are available to the public.
- (P) **Use of Logo or Other City Symbols.** Use of the City's logo or any other symbol for non-official City business without approval of the City Council is prohibited.
- (Q) **Expenses.** Public officials shall provide complete documentation to support requests for expense reimbursement. Expense reimbursement shall be made in accordance with City policy.
- (R) **Donations.** No public official shall take any action which will benefit any person or entity because of a donation of anything of value to the City by such a person or entity.
- (S) **Official Action.** No public official shall take an official action which will benefit any person or entity where such public official would not otherwise have taken such action but for the public official's family relationship, friendship, or business relationship with such person or entity.
- (T) **Compliance with Laws.** Public officials shall comply with all City ordinances and state and federal statutes, including but not limited to, the Criminal Code, Fair Campaign Practices Act, and laws governing the functioning of municipalities, their elected and appointed officials.
- (U) **Acceptance of Donations to the City.** Public officials may accept donations on behalf of the City regardless of value, and said donations shall become the property of the City.
- (V) **Acceptance of Personal Gifts.** Public officials may personally accept nonmonetary gifts (trinkets and mementos) costing \$5 or less.
- (W) **Knowledge of Violations.** Public officials shall disclose any possible violations of the City's Ethics Policy to the City Attorney.
- (X) **Public Interest.** Public officials shall act with the best interests of the City in mind.

### 309.050 Complaint Review Process.

- (A) **Complaints Against Public Officials.** Allegations of violations against public officials shall be reviewed by the City Attorney who shall:
  - 1) Make recommendations to the City Council for disposition of complaints including, but not limited to, the referral of the complaint and/or investigation to an independent counsel or to an administrative law judge; or
  - 2) Refer allegations which may constitute a violation of federal, state, or local statutes to the appropriate authority.
  - 3) Complaints against Public Employees. Allegations made against public employees who are subordinate to the City Manager shall be reviewed by the City Manager who will determine the appropriate responsive action.
  - 4) Complaints against Contract Service Providers. Allegations made against persons or entities providing service to the City under a contract shall be reviewed by the City Manager. The City Manager shall mail a copy of the City's Ethics Policy to contractors

providing service to the City. Any violation of the provisions of this policy may result in termination of contract or service agreement.

## Appendix H Roberts Rules Reference Guide to Motions

# Roberts Rules of Order – Simplified

## Guiding Principle:

Everyone has the right to participate in discussion if they wish, before anyone may speak a second time.

Everyone has the right to know what is going on at all times.

Only urgent matters may interrupt a speaker.

Only one thing (motion) can be discussed at a time.

A **motion** is the topic under discussion (e.g., “I move that we add a coffee break to this meeting”). After being recognized by the president of the board, any member can introduce a motion when no other motion is on the table. A motion requires a second to be considered. Each motion must be disposed of (passed, defeated, tabled, referred to committee, or postponed indefinitely).

## How to do things:

**You want to bring up a new idea before the group.**

After recognition by the president of the board, present your motion. A second is required for the motion to go to the floor for discussion, or consideration.

**You want to change some of the wording in a motion under discussion.**

After recognition by the president of the board, move to amend by

- Adding words,
- Striking words; or
- Striking and inserting words.

**You like the idea of a motion being discussed, but you need to reword it beyond simple word changes.**

Move to substitute your motion for the original motion. If it is seconded, discussion will continue on both motions and eventually the body will vote on which motion they prefer.

**You want more study and/or investigation given to the idea being discussed.**

Move to refer to a committee. Try to be specific as to the charge to the committee.

**You want more time personally to study the proposal being discussed.**

Move to postpone to a definite time or date.

**You are tired of the current discussion.**

Move to limit debate to a set period of time or to a set number of speakers. Requires a 2/3<sup>rd</sup> vote.

**You have heard enough discussion.**

Move to close the debate. Requires a 2/3<sup>rds</sup> vote. Or move to previous question. This cuts off discussion and brings the assembly to a vote on the pending question only. Requires a 2/3<sup>rds</sup> vote.

**You want to postpone a motion until some later time.**

Move to table the motion. The motion may be taken from the table after 1 item of business has been conducted. If the motion is not taken from the table by the end of the next meeting, it is dead. To kill a motion at the time it is tabled requires a 2/3<sup>rds</sup> vote. A majority is required to table a motion without killing it.

**You want to take a short break.**

Move to recess for a set period of time.

**You want to end the meeting.**

Move to adjourn.

**You are confused about a procedure being used and want clarification.**

Without recognition, call for "Point of Information" or "Point of Parliamentary Inquiry." The Chair will ask you to state your question and will attempt to clarify the situation.

**You have changed your mind about something that was voted on earlier in the meeting for which you were on the winning side.**

Move to reconsider. If the majority agrees, the motion comes back on the floor as though the vote had not occurred.

**You want to change an action voted on at an earlier meeting.**

Move to rescind. If previous written notice is given, a simple majority is required. If no notice is given, a 2/3<sup>rds</sup> vote is required.

**You may INTERRUPT a speaker for these reasons only:**

- to get information about business – **point of information**
- to get information about rules – **parliamentary inquiry**
- if you can't hear, safety reasons, comfort, etc. – **question of privilege**
- if you see a breach of the rules – **point of order**
- if you disagree with the president of the board's ruling – **appeal**

*<http://theuniversityfaculty.cornell.edu/meetings/RobertsRulesSimplified.pdf>*

## Appendix I Open Meeting Law

**INFORMATION BRIEF**  
**Research Department**  
**Minnesota House of Representatives**  
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Revised: September 2012

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# Minnesota Open Meeting Law

The Minnesota Open Meeting Law requires that meetings of governmental bodies generally be open to the public. This information brief discusses the groups and types of meetings covered by the open meeting law, and then reviews the requirements of and exceptions to the law and the penalties for its violation.

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## Executive Summary

The Minnesota Open Meeting Law was originally enacted in [Laws 1957, chapter 773](#), section 1. It is now codified in [Minnesota Statutes, chapter 13D](#). The Minnesota Supreme Court has articulated three purposes of the open meeting law:

- To prohibit actions being taken at a secret meeting where it is impossible for the interested public to become fully informed about a public board's decisions or to detect improper influences
- To assure the public's right to be informed
- To afford the public an opportunity to present its views to the public body<sup>1</sup>

"These purposes are deeply rooted in the fundamental proposition that a well-informed populace is essential to the vitality of our democratic form of government."<sup>2</sup> Courts interpret the law liberally and in favor of openness.

**Entities covered by the law.** The law applies to state and local multimember governmental bodies, including committees and subcommittees, and nonprofits created by political subdivisions. A separate law applies to the legislature.

**Situations where the law applies.** A meeting is a "meeting" for purposes of the law when a quorum or more of the governmental body is gathered—in person or by electronic means, whether or not action is taken or contemplated. Serial meetings of less than a quorum held with the intent to avoid the law may be found to be in violation of the law.

**What constitutes an open meeting.** A meeting is open when proper notice was given in advance of the meeting, the public may attend and observe, and relevant materials are available to the public.

**Exceptions to the law.** A meeting may be closed based on a limited attorney-client privilege, and for the purposes of labor negotiations, employee evaluations, and discussion of security issues and property transactions. The law does not apply to a governmental body exercising quasi-judicial functions.

**Violations of the law.** While actions taken at a meeting held in violation of the law are still valid, the law provides for penalties and potentially removal from office.

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<sup>1</sup> *Prior Lake American v. Mader*, 642 N.W.2d 729, 735 (Minn. 2002) (en banc) (citing *St. Cloud Newspapers, Inc. v. District 742 Community Schools*, 332 N.W.2d 1, 4 (Minn. 1983)). While the courts consistently say that the open meeting law is to afford the public an opportunity to present its views to the public body, there is no general right for members of the public to speak at a meeting. Some statutes, and perhaps some home rule charters, specify that a hearing on a particular matter must be held at which anyone who wishes to address the public body may do so. See, e.g., [Minn. Stat. § 117.0412](#), subd. 2.

<sup>2</sup> *Prior Lake American*, 642 N.W.2d at 735.

**Where to get advice.** A governmental entity can seek advice from its attorney, the Minnesota Attorney General, or the Commissioner of Administration. An individual may seek advice from a private attorney or the Commissioner of Administration.

## Groups and Meetings Governed by the Open Meeting Law

**The law applies to all levels of state and local government.**

The open meeting law applies to:

- a state agency, board, commission, or department when it is required or permitted by law to transact public business in a meeting;
- the governing body of any school district, unorganized territory, county, city, town, or other public body;
- a committee, subcommittee, board, department, or commission of a public body subject to the law; and
- the governing body or a committee of a statewide or local public pension plan.<sup>3</sup>

“Public body” is not defined but the Minnesota Supreme Court has stated that “[i]n common understanding, ‘public body’ is possibly the broadest expression for the category of governmental entities that perform functions for the public benefit.”<sup>4</sup>

In determining whether the open meeting law applies to a particular entity, one should look at all of the entity’s characteristics. For example, in a 1998 case, the Minnesota Supreme Court held that because the statute authorizing creation of a municipal power agency authorized an agency to conduct its affairs as a private corporation, it could hold closed meetings.<sup>5</sup> The court held so notwithstanding the statute that provides for municipal power agencies to be political subdivisions of the state.<sup>6</sup>

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<sup>3</sup> [Minn. Stat. §13D.01](#), subd. 1.

<sup>4</sup> *Star Tribune Co. v. University of Minnesota Board of Regents*, 683 N.W.2d 274, 280 (Minn. 2004) (en banc) (holding that the open meeting law and the Government Data Practices Act apply to the University of Minnesota Board of Regents, and the application of these laws to the university does not violate the university’s constitutional autonomy). In 2002, Mark Yudof resigned from the presidency of the University of Minnesota. When finalists for the position had been selected but not announced, the Board of Regents closed a meeting to interview them, ensuring their privacy. The university asserted that its constitutional autonomy meant it was not subject to these laws. A number of newspapers sued, claiming that the university is subject to the open meeting law and Data Practices Act, and that it violated both laws. The district court and court of appeals agreed with the newspapers, and the state supreme court affirmed those decisions.

<sup>5</sup> *Southern Minn. Mun. Power Agency v. Boyne*, 578 N.W.2d 362, 364 (Minn. 1998) (en banc) (citing Minn. Stat. § 453.54, subd. 21, and discussing the factors that distinguish a public corporation from a private corporation).

<sup>6</sup> [Minn. Stat. § 453.53](#), subd. 1, para. (1) (The agency agreement shall state: “(1) That the municipal power agency is created and incorporated . . . as a municipal corporation and a political subdivision of the state, to exercise thereunder a part of the sovereign powers of the state;”).

**The law generally applies to nonprofit corporations created by governmental entities.**

The list of groups covered by the open meeting law does not refer to nonprofit corporations created by a governmental entity. However, the law creating a specific public nonprofit corporation may specify that it is subject to the open meeting law.<sup>7</sup> In addition, any corporation created by a political subdivision before May 31, 1997, is clearly subject to the open meeting law.<sup>8</sup>

**Gatherings of less than a quorum of a public body are not subject to the law; a “meeting” is held when the group is capable of exercising decision-making powers.**

The Minnesota Supreme Court has held that the open meeting law applies only to a quorum or more of members of the governing body or a committee, subcommittee, board, department, or commission of the governing body.<sup>9</sup> Serial meetings in groups of less than a quorum held in order to avoid open meeting law requirements may also be found to be a violation, depending on the facts of the case.<sup>10</sup>

A public body subject to the law should be cautious about using e-mail to communicate with other members of the body. Although the statute does not specifically address the use of e-mail, it is likely that the court would analyze use of e-mail in the same way as it has telephone conversations and letters.<sup>11</sup> That is, private communication about official business through telephone conversations or letters by a quorum of a public body subject to the law would violate the law. Serial communication through telephone conversations or letters by less than a quorum with the intent to avoid a public hearing or to come to an agreement on an issue relating to official business could also violate the law. In a 1993 case, the Minnesota Court of Appeals held that the open meeting law was not violated when two of five city council members attended private mediation sessions related to city business. The court determined that the two council

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<sup>7</sup> *E.g.*, [Minn. Stat. §§ 62Q.03](#), subd. 6 (Minnesota Risk Adjustment Association); [116O.03](#), subd. 5 (Enterprise Minnesota, Inc.); [116V.01](#), subd. 10 (Agricultural Utilization Research Institute); [116S.02](#), subsd. 6 and 7 (Minnesota Business Finance, Inc.); [124D.385](#), subd. 4 (Minnesota Commission on National and Community Service may create a nonprofit but it is subject to the open meeting law); [128C.22](#) (State High School League); and [85B.02](#), subd. 6 (Lake Superior Center Authority).

<sup>8</sup> [Minn. Stat. § 465.719](#), subd. 9.

<sup>9</sup> *Moberg v. Independent School Dist. No. 281*, 336 N.W.2d 510 (Minn. 1983) (en banc).

<sup>10</sup> *Id.* at 518; *see also Mankato Free Press Co. v. City of North Mankato*, 563 N.W.2d 291, 295 (Minn. App. 1997). On remand to the district court for a factual finding on whether the city used serial interviews to avoid the open meeting law, the trial court found, and the court of appeals affirmed, that the serial meetings were not held to avoid the law. *Mankato Free Press Co. v. City of North Mankato*, No. C9-98-677, 1998 WL 865714 (Minn. App. 1998) (unpublished opinion), review denied (Minn. Feb. 24, 1999).

<sup>11</sup> *Moberg*, 336 N.W.2d at 518. The Commissioner of Administration stated in a July 9, 2008, opinion that an e-mail sent to all members of a city council by the city manager was effectively “printed material” that should be available to members of the public and also suggested that the legislature revise the statute to recognize the use of electronic and other types of communications. Minn. Dept. of Admin. Advisory Op. 08-015. A September 8, 2009, opinion by the commissioner states that the exchange of e-mails by staff and members of the Metro Gang Strike Force Advisory Board violated the open meeting law because it was not just a matter of a quorum receiving information, but a quorum of the body discussing and then giving the staff person direction on the action to take.

members did not constitute a committee or subcommittee of the council because the group was not capable of exercising decision-making powers.<sup>12</sup>

**The law applies to informational meetings.**

The Minnesota Supreme Court has held that the open meeting law applies to all gatherings of members of a governing body, whether or not action is taken or contemplated. Thus, a gathering of members of a public body for an informational seminar on matters currently facing the body or that might come before the body must be conducted openly.<sup>13</sup> However, there are some exceptions. A 1975 attorney general opinion stated that city council attendance at a League of Minnesota Cities training program for city officials did not violate the open meeting law if the members did not discuss specific municipal business.<sup>14</sup> In 2010, the statute governing the Lessard-Sams Outdoor Heritage Council was amended to allow members of the council to travel together to visit sites and learn about projects without it being a violation of the law as long as the members do not decide, or agree to decide, matters under the council's jurisdiction.<sup>15</sup>

**The law does not cover chance or social gatherings.**

The open meeting law does not apply to chance or social gatherings of members of a public body.<sup>16</sup> However, a quorum of a public body may not, as a group, discuss or receive information on official business in any setting under the guise of a private social gathering.<sup>17</sup>

**The law does not apply to certain types of advisory groups.**

The Minnesota Court of Appeals has held that the open meeting law does not apply to certain types of advisory groups.<sup>18</sup> In that case, a presidential search advisory committee to the University of Minnesota Board of Regents was held not to be a committee of the governing body for purposes of the open meeting law. In reaching its holding, the court pointed out that no regents were on the search committee and that the committee had no power to set policy or make a final decision. It is not clear if a court would reach the same result if members of the governing body were also on the advisory committee. Depending on the number of members of the governing body involved and on the form or extent of the delegation of authority from the governing body to the members, a court might consider the advisory committee to be a committee of the governing body.

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<sup>12</sup> *Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. App. 1993), *review denied* (Minn. May 28, 1993).

<sup>13</sup> *St. Cloud Newspapers, Inc.*, 332 N.W.2d 1.

<sup>14</sup> Op. Att'y Gen. 63a-5, Feb. 5, 1975.

<sup>15</sup> [Minn. Stat. § 97A.056](#), subd. 5, para. (b), provides "Travel to and from scheduled and publicly noticed site visits by council members for the purposes of receiving information is not a violation of paragraph (a). Any decision or agreement to make a decision during the travel is a violation of paragraph (a)."

<sup>16</sup> *St. Cloud Newspapers, Inc.*, 332 N.W.2d at 7.

<sup>17</sup> *Moberg*, 336 N.W.2d at 518.

<sup>18</sup> *The Minnesota Daily v. University of Minnesota*, 432 N.W.2d 189 (Minn. App. 1988).

**A separate law applies to the legislature.**

In 1990, the legislature passed a law separate from the open meeting law that requires all legislative meetings be open to the public.<sup>19</sup> The law applies to House and Senate floor sessions and to meetings of committees, subcommittees, conference committees, and legislative commissions. For purposes of this law, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the group. Similarly, a meeting of the Legislative-Citizen Commission on Minnesota Resources occurs when a quorum is present and action is taken.<sup>20</sup> Each house of the legislature must adopt rules to implement these requirements. Remedies provided under these rules are the exclusive means of enforcing this law.

## Requirements of the Open Meeting Law

**The primary requirement of the open meeting law is that meetings be open to the public.**

The law also requires that votes in open meetings be recorded in a journal and that the journal be open to the public. The vote of each member must be recorded on appropriations of money, except for payments of judgments and claims and amounts fixed by statute.<sup>21</sup> A straw ballot to narrow the list of candidates for city administrator and not made public was held to be a secret vote in violation of the open meeting law, particularly in light of the fact that the straw vote was acted on and given the same effect as an official act.<sup>22</sup>

Open meetings must be held in a public place within the borders of the public body.<sup>23</sup>

Meetings may be held by interactive television if specified conditions are met to ensure openness and accessibility for those who wish to attend.<sup>24</sup>

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<sup>19</sup> Minn. Stat. § 3.055 (added by Laws 1990, ch. 608, art. 6, § 1).

<sup>20</sup> Minn. Stat. § 116P.08, subd. 5, “(a) Meetings of the commission, committees or subcommittees of the commission, technical advisory committees, and peer review panels must be open to the public. The commission shall attempt to meet throughout various regions of the state during each biennium. For purposes of this subdivision, *a meeting occurs when a quorum is present and action is taken* regarding a matter within the jurisdiction of the commission, a committee or subcommittee of the commission, a technical advisory committee, or a peer review panel.

(b) For legislative members of the commission, enforcement of this subdivision is governed by [section 3.055](#), subdivision 2. For nonlegislative members of the commission, enforcement of this subdivision is governed by [section 13D.06](#), subdivisions 1 and 2.” (emphasis added) (Enacted in 2007)

<sup>21</sup> Minn. Stat. § 13D.01, subs. 4 and 5.

<sup>22</sup> *Mankato Free Press Co.*, 563 N.W.2d at 295-96. In contrast, the Commissioner of Administration issued an advisory opinion finding that a secret straw ballot taken and its results described and discussed at the same meeting as the ballot was not a violation. Dept. of Admin. Advisory Op. 10-011.

<sup>23</sup> *Quast v. Knutson*, 276 Minn. 340, 341, 150 N.W.2d 199, 200 (1967) (school board meeting held 20 miles outside the jurisdiction of the school board at a private office did not comply with open meeting law; consolidation proceedings were fatally defective because the resolution by which the proceedings were initiated was not adopted at a public meeting as required by law).

A state entity may hold meetings by telephone or other electronic means as long as specified conditions are met to ensure openness and accessibility for those who wish to attend. In addition, a meeting of any public body (state or local) may be conducted by telephone or other electronic means if a health pandemic or other emergency makes meeting in person impractical or imprudent and all of the same conditions as for other meetings held by telephone or other electronic means are met, unless unfeasible due to the pandemic or emergency.

In general, those conditions include the following:

- All members of the body can hear one another and can hear all discussion and testimony
- Members of the public at the regular meeting location can hear all discussion, testimony, and votes
- At least one member of the body (or, in the case of a health pandemic or other emergency, the chief legal counsel or chief administrative officer) is present at the regular meeting location
- All votes are conducted by roll call
- The public body must allow a person to monitor the meeting electronically from another location. The body may require the person to pay for any documented additional costs the body incurs as a result of the additional connection
- The public body must give notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the right of the public to monitor the meeting from another location<sup>25</sup>

### **The law requires public bodies to give notice of their meetings.**

In 1974, the Minnesota Supreme Court held that failure to give notice of a meeting is a violation of the open meeting law.<sup>26</sup> The court has also held that it is a violation of the open meeting law to conduct business before the time publicly announced for a meeting.<sup>27</sup>

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<sup>24</sup> [Minn. Stat. § 13D.02](#). See also [Minn. Stat. § 471.59](#), subd. 2 (joint powers board for educational purposes).

<sup>25</sup> [Minn. Stat. §§ 13D.015](#) (state entities), [13D.021](#) (state or local entities in the case of health pandemic, other emergency). Various statutes for specific public bodies also allow for meetings by interactive television, telephone, or other electronic means: [Minn. Stat. §§ 35.0661](#) (Board of Animal Health during restricted travel for animal health reasons); [41A.0235](#) (Minnesota Agricultural and Economic Development Board); [41B.026](#) (Rural Finance Agency); [116J.68](#), subd. 5 (Small Business Development Center Advisory Board); [116L.03](#), subd. 8 (Minnesota Jobs Skills Partnership Board); [116L.665](#), subd. 2a (Governor's Workforce Development Council); [116M.15](#), subd. 5 (Urban Initiative Board); [116U.25](#) (Explore Minnesota Tourism Council); [123A.16](#), subd. 1 (school boards); [129C.105](#) (Board of the Perpich Center for Arts Education); [248.10](#) (Rehabilitation Council for the Blind); [256.482](#), subd. 5b (Minnesota State Council on Disability); [256.975](#), subd. 2a. (Minnesota Board on Aging); [256C.28](#), subd. 7 (Commission of Deaf, DeafBlind and Hard-of-Hearing Minnesotans); [268A.02](#), subd. 3 (State Rehabilitation Council and Statewide Independent Living Council); [326B.32](#), subd. 7 (Board of Electricity); [326B.435](#), subd. 7 (Board of Plumbing); [462A.041](#) (Minnesota Housing Finance Agency).

<sup>26</sup> *Sullivan v. Credit River Township*, 299 Minn. 170, 217 N.W.2d 502 (1974).

<sup>27</sup> *Merz v. Leitch*, 342 N.W.2d 141, 145 (Minn. 1984) (en banc).

In 1987, the legislature spelled out the notice requirements in statute for regular, special, emergency, and closed meetings. Public bodies must do the following:

- Keep schedules of *regular* meetings on file at their offices<sup>24</sup>
- Post notice of *special* meetings (meetings held at a time or place different for regular meetings) on their principal bulletin board. The public body must also either mail notice to people who have requested such mailings, or publish notice in the official newspaper, at least three days before the meetings<sup>25</sup>
- Make good faith efforts to notify news media that have filed written requests (with telephone numbers) for notice of *emergency* meetings (special meetings called because of circumstances that require immediate consideration)<sup>26</sup>

The same notice requirements apply to closed meetings.<sup>27</sup>

For state agencies, absent any other specific law governing notice, publication requirements can be satisfied by publishing notice in the State Register.<sup>28</sup>

**The law requires relevant materials to be publicly available.**

The open meeting law requires that for open meetings, at least one copy of any printed material prepared by the public body and distributed or available to all members of the public body also be available in the meeting room for inspection by the public. This requirement does not apply to materials that are classified as other than public under the Government Data Practices Act.<sup>29</sup>

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<sup>24</sup> Minn. Stat. § 13D.04, subd.

<sup>25</sup> Minn. Stat. § 13D.04, subd. 2; *Rupp v. Mayasich*, 533 N.W.2d 893 (Minn. App. 1995) (bulletin board must be reasonably accessible to the public). A February 3, 2004, advisory opinion by the Commissioner of Administration stated that a public body's actions at a special meeting are limited to those topics included in the notice of special meeting. Minn. Dept. of Admin. Advisory Op. 04-004.

<sup>26</sup> Minn. Stat. § 13D.04, subd. 3.

<sup>27</sup> Minn. Stat. § 13D.04, subd. 5.

<sup>28</sup> Minn. Stat. § 13D.04, subd. 6.

<sup>29</sup> Minn. Stat. § 13D.01, subd. 6.

## Exceptions to the Open Meeting Law

A closed meeting, except one closed under the attorney-client privilege, must be electronically recorded at the expense of the public body. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting.<sup>30</sup>

### **The law does not apply to state agency disciplinary hearings.**

The open meeting law does not apply to any state agency, board, or commission when exercising quasi-judicial functions involving disciplinary hearings.<sup>31</sup>

### **Certain meetings involving employee evaluation or discipline must be closed.**

A public body must close meetings for preliminary consideration of allegations or charges against an individual subject to its authority.<sup>32</sup> If the members of the public body conclude that discipline may be warranted as a result of those charges, further meetings or hearings relating to the charges must be open. Meetings must also be open at the request of the individual who is the subject of the meeting.

Statutes other than the open meeting law may permit or require closed meetings for certain local governmental bodies to conduct specific kinds of disciplinary hearings. For example, school board hearings held to discharge or demote a teacher are private unless the affected teacher wants a public hearing.<sup>33</sup>

A public body may close a meeting to evaluate the performance of an individual who is subject to its authority.<sup>34</sup> Before closing a meeting, the public body must identify the individual to be evaluated. The public body must summarize the conclusions of the evaluation at its next open meeting. An evaluation meeting must be open at the request of the subject of the meeting.

A meeting must be closed if an individual's medical records governed by [Minnesota Statutes, sections 144.291 to 144.298](#), are discussed.<sup>35</sup>

### **A meeting may be closed to discuss labor negotiations.**

The open meeting law permits a public body to hold a closed meeting to discuss strategy and proposals for labor negotiations conducted under the Public Employment Labor Relations Act.<sup>36</sup> The statute specifies procedures for tape-recording of these meetings, and for the recordings to

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<sup>30</sup> [Minn. Stat. § 13D.05](#), subd. 1.

<sup>31</sup> [Minn. Stat. § 13D.01](#), subd. 2.

<sup>32</sup> [Minn. Stat. § 13D.05](#), subd. 2.

<sup>33</sup> [Minn. Stat. § 122A.41](#), subd.9.

<sup>34</sup> [Minn. Stat. § 13D.05](#), subd. 3.

<sup>35</sup> [Minn. Stat. § 13D.05](#), subd. 2.

<sup>36</sup> [Minn. Stat. § 13D.03](#), subd. 1.

become public when negotiations are completed.<sup>37</sup> Another law permits the Commissioner of the Bureau of Mediation Services to close negotiations and mediation sessions between public employers and public employees. These negotiations are public meetings, unless the commissioner closes them.<sup>38</sup>

**The law permits closed meetings based on a limited attorney-client privilege.**

In 1976, the Minnesota Supreme Court held that there is a limited exception, based on the attorney-client privilege, for meetings to discuss strategy for threatened or pending litigation.<sup>39</sup> In 1990, the legislature added the attorney-client exception to the open meeting law.<sup>40</sup> Although the statute is not limited, the court has since held that the scope of the exception remains limited in relation to the open meeting law.<sup>41</sup>

The attorney-client privilege exception does not apply to a mere request for general legal advice. Nor does it apply when a governing body seeks to discuss with its attorney the strengths and weaknesses of a proposed legislative enactment (like a city ordinance) that may lead to future lawsuits because that can be viewed as general legal advice. Furthermore, discussion of proposed legislation is just the sort of discussion that should be public.<sup>42</sup>

In order to close a meeting under the attorney-client privilege exception, the governing body must give a particularized statement describing the subject to be discussed. A general statement that the meeting is being closed to discuss pending or threatened litigation is not sufficient.<sup>43</sup>

**A meeting may be closed to address certain security issues.**

If disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses, a meeting may be closed to:

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<sup>37</sup> Minn. Stat. § 13D.03, subd. 2.

<sup>38</sup> Minn. Stat. § 179A.14, subd. 3.

<sup>39</sup> *Minneapolis Star & Tribune Co. v. Housing & Redevelopment Auth.*, 310 Minn. 313, 324, 251 N.W.2d 620, 626 (1976).

<sup>40</sup> Minn. Stat. § 13D.05, subd. 3.

<sup>41</sup> *Star Tribune v. Board of Ed., Special School Dist. No. 1*, 507 N.W.2d 869 (Minn. App. 1993) *review denied* (Minn. Dec. 22, 1993). The court of appeals did not accept the argument that the statutory exception encompassed the full attorney-client privilege because that would result in the exception swallowing the rule in favor of open meetings. In 2002, the Minnesota Supreme Court restated that the attorney-client privilege exception only applies when the purposes for the exception outweigh the purposes of the open meeting law. In that case, the city council was threatened with a lawsuit if it did not grant a request. The court found that the threat of a lawsuit did not warrant closing the meeting. *Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002) (en banc). *Cf. Brainerd Daily Dispatch v. Dehen*, 693 N.W.2d 435 (Minn. App. 2005) (applying analysis of *Star Tribune* and *Prior Lake American*, finding threats were sufficiently specific and imminent that confidential consultation with legal counsel appointed by city's insurer to discuss defense strategy or reconciliation to address a threatened lawsuit justified closing the meeting).

<sup>42</sup> *Star Tribune*, 507 N.W.2d at 872.

<sup>43</sup> *The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. App. 2004).

- receive security briefings and reports,
- discuss issues related to security systems,
- discuss emergency response procedures, and
- discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities.

Before closing a meeting, the public body must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting. A closed meeting must be tape-recorded at the expense of the governing body, and the recording must be preserved for at least four years.

Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.<sup>44</sup>

**A meeting may be closed to discuss certain issues relating to government property sales or purchases.**

A public body may close a meeting to:

- determine the asking price for real or personal property to be sold by the government entity;
- review confidential or nonpublic appraisal data; and
- develop or consider offers or counteroffers for the purchase or sale of real or personal property.

Before holding a closed meeting, the public body must identify on the record the particular property that is the subject of the closed meeting. The proceedings must be tape-recorded at the expense of the public body. The recording must be preserved for eight years after the date of the meeting and made available to the public after all property discussed at the meeting has been purchased or sold or the governing body has abandoned the purchase or sale. The property that is the subject of the closed meeting must be specifically identified on the tape. A list of members and all other persons present at the closed meeting must be made available to the public after the closed meeting. If an action is brought claiming that public business other than discussions allowed under this exception was transacted at a closed meeting held during the time when the tape is not available to the public, the court would review the recording of the meeting *in camera* and either dismiss the action if the court finds no violation, or permit use of the recording at trial (subject to protective orders) if the court finds there is a violation.<sup>45</sup>

An agreement reached that is based on an offer considered at a closed meeting is contingent on approval of the public body at an open meeting. The actual purchase or sale must be approved

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<sup>44</sup> Minn. Stat. § 13D.05, subd. 3.

<sup>45</sup> Minn. Stat. § 13D.05, subd. 3, referring to § 13D.03, subd. 3.

at an open meeting after the notice period required by statute or the governing body's internal procedures, and the purchase price or sale price is public data.<sup>46</sup>

**There is a narrow exception for certain meetings of public hospital boards.**

Boards of public hospitals and certain health organizations may close meetings to discuss competitive market activities and contracts.<sup>47</sup>

**On-site inspections by town board members are not subject to the law.**

The law does not apply to a gathering of town board members to perform on-site inspections, if the town has no employees or other staff able to perform the inspections and the town board is acting essentially in a staff capacity. The town board must make good faith efforts to provide notice of the inspections to the media that have filed a written request, including a telephone number, for notice. Notice must be by telephone or by any other method used to notify the members of the public body.<sup>48</sup>

**The law does not apply to meetings of the Commissioner of Corrections.<sup>49</sup>**

**The law specifies how it relates to the Government Data Practices Act.**

Except as specifically provided, public meetings may not be closed to discuss data that are not public data under the Government Data Practices Act.<sup>50</sup> Data that are not public may be discussed at an open meeting without liability, if the matter discussed is within the public body's authority and if it is reasonably necessary to conduct the business before the public body.<sup>51</sup> A portion of a meeting must be closed if the following data are discussed:

- Data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults
- Active investigative data collected by a law enforcement agency, or internal affairs data relating to alleged misconduct by law enforcement personnel
- Certain types of educational, health, medical, welfare, or mental health data that are not public data<sup>52</sup>

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<sup>46</sup> [Minn. Stat. § 13D.05](#), subd. 3. Property appraisal data covered by this law is described in [Minnesota Statutes, section 13.44](#), subdivision 3.

<sup>47</sup> [Minn. Stat. § 144.581](#), subds. 4 and 5.

<sup>48</sup> [Minn. Stat. § 366.01](#), subd. 11.

<sup>49</sup> [Minn. Stat. § 13D.01](#), subd. 2. This exception does not make sense. Until 1982, the exception was for meetings of the Corrections Board—a multimember body. A 1983 instruction directed the revisor of statutes to change “Corrections Board” to “Commissioner of Corrections” throughout the statutes. [Laws 1983, ch. 274 § 18](#).

<sup>50</sup> [Minn. Stat. § 13D.05](#), subd. 1.

<sup>51</sup> [Minn. Stat. §§ 13.03](#), subd. 11; [13.05](#), subd. 4; and [13D.05](#), subd. 1.

<sup>52</sup> [Minn. Stat. § 13D.05](#), subd. 2.

## Penalties

The open meeting law provides a civil penalty of up to \$300 for intentional violation.<sup>53</sup> A person who is found to have intentionally violated the law in three or more legal actions involving the same governmental body forfeits the right to serve on that body for a time equal to the term the person was serving. The Minnesota Supreme Court has held that this removal provision is constitutional as to removal of elected officials only if the conduct constitutes malfeasance or nonfeasance and provided that the violations occurred after the person had a reasonable amount of time to learn the responsibilities of office.<sup>54</sup>

A public body may not pay a civil penalty on behalf of a person who violated the law. However, a public body may pay any costs, disbursements, or attorney fees incurred by or awarded against a member of the body in an action under the open meeting law if the member was found not guilty of a violation.<sup>55</sup>

A court may award reasonable costs, disbursements, and reasonable attorney fees of up to \$13,000 to any party in an action under the open meeting law. However, the following conditions apply:

- A court may award costs and attorney fees to a defendant only if it finds that the action was frivolous and without merit
- A court may award monetary penalties or attorney fees against a member of a public body only if the court finds there was an intent to violate the open meeting law

The court must award reasonable attorney fees to a prevailing plaintiff if the public body was also the subject of a prior written opinion issued by the Commissioner of Administration, and the court finds that the opinion is directly related to the cause of action being litigated and that the public body did not follow the opinion.<sup>56</sup>

The appropriate mechanism to enforce the open meeting law is to bring an action in district court seeking injunctive relief or damages. The statute does not provide for a declaratory judgment action.<sup>57</sup>

The Minnesota Supreme Court has held that actions taken at a meeting held in violation of the open meeting law are not invalid or rescindable.<sup>58</sup>

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<sup>53</sup> Minn. Stat. § 13D.06, subd. 1.

<sup>54</sup> Minn. Stat. § 13D.06, subd. 3; *Claude v. Collins*, 518 N.W.2d 836, 843 (Minn. 1994); see also *Brown v. Cannon Falls Township*, 723 N.W.2d 31, 41-44 (Minn. App. 2006) (discussing the statutory history and that since 1994 the statute has required three or more legal actions).

<sup>55</sup> Op. Att’y Gen. 471-a, Dec. 31, 1992; Minn. Stat. § 13D.06, subd. 4.

<sup>56</sup> Minn. Stat. § 13D.06, subd. 4.

<sup>57</sup> *Rupp v. Mayasich*, 561 N.W.2d 555 (Minn. App. 1997).

<sup>58</sup> *Sullivan v. Credit River Township*, 299 Minn. 170, 176-177, 217 N.W.2d 502, 507 (Minn. 1974).

## Advice

Public bodies subject to the open meeting law may seek advice on the application of the law and how to comply with it from three sources:

- The governmental entity's attorney
- The attorney general<sup>59</sup>
- The Commissioner of Administration<sup>60</sup>

An individual may seek advice from two sources:

- The individual's attorney
- The Commissioner of Administration<sup>61</sup>

An individual who disagrees with the manner in which members of a governing body perform their duties under the open meeting law may request the Commissioner of Administration to give a written opinion on the governing body's compliance with the law.

A governing body or person requesting an opinion of the Commissioner of Administration must pay a \$200 fee if the commissioner issues an opinion.

The commissioner may decide not to issue an opinion. If the commissioner decides not to issue an opinion, the commissioner must notify the requester within five days of receipt of the request. If the commissioner decides to issue an opinion, it must be done within 20 days of the request (with a 30-day extension possible for good cause and notice to the requester). The governing body must be allowed to explain how it performs its duties under the law.

Opinions of the Commissioner of Administration are not binding, but a court must give the opinions deference. However, a governing body that follows an opinion is not liable for fines, attorney's fees or any other penalty, or forfeiture of office.

*For more information about open meetings and other issues related to the government, visit the government operations area of our website, [www.house.mn/hrd/hrd.htm](http://www.house.mn/hrd/hrd.htm).*

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<sup>59</sup> Under [Minnesota Statutes, section 8.06](#), the attorney general is the attorney for all state officers and boards or commissions created by law. Under [Minnesota Statutes, section 8.07](#), the attorney general, on request from an attorney for a county, city, town, public pension fund, school board, or unorganized area, gives written opinions on matters of public importance.

<sup>60</sup> [Minn. Stat. § 13.072](#), subds. 1 and 2.

<sup>61</sup> *Id.*; see [www.ipad.state.mn.us/opinions/index.html](http://www.ipad.state.mn.us/opinions/index.html) for access to prior opinions of the Commissioner of Administration or to find out how to request an opinion.