

June 19, 2020

To Representative Ami Wazlawik
From Deborah A. Dyson
Subject Open Meeting Law

You asked for a high-level overview of the Minnesota Open Meeting Law for the Child Care Task Force, established in the Department of Human Services. I hope the information below is helpful.

Open Meeting Law

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 (although not necessarily at the meeting)

1. **What is a "meeting?"** It is a meeting when a quorum of the public body, or any subcommittee or division of the public body, gathers and receives information, discusses matters within its jurisdiction, or makes decisions.

2. **What does it mean to be "open?"** A meeting is open when proper notice has been given and the meeting place is open to the public. Staff assigned to the task force will assist with determining how to provide proper notice.

3. **Voting?** Voting requirements will depend on whether the meeting is in-person or using telephone, interactive TV (or Skype or similar), or other electronic means (Zoom?). In general, virtual meetings (using electronic means) will require all votes to be roll-call votes. Staff assigned to the task force will assist with this.

4. **Communications between members?** Members of the task force need to be careful to reserve all discussions of matters within the jurisdiction of the task force for the open meetings. Serial communications, whether over the phone, by email or letters, or even in person, that are intended to avoid discussing a matter in an open meeting will be a violation of the law. The open meeting law does not apply to chance or social gatherings of members of a public body. 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.

For more information:

<https://www.house.leg.state.mn.us/hrd/pubs/openmtg.pdf>

<https://www.lmc.org/wp-content/uploads/documents/Meetings-of-City-Councils.pdf> - the discussion of the open meeting law begins on page 10 – much of how the open meeting law applies to cities is applicable to other public bodies

<https://mn.gov/admin/data-practices/meetings/> - Department of Administration, from this you can also access opinions of the commissioner

DD/jg