



**City Council Work Session
Tuesday, October 5, 2021 at 6:10 PM or
Immediately Following a Tour of the Former VP
On-Line Auction Building (55 Willow Street)
Public Meeting Room**

AGENDA

- 1. 6:00pm Optional Tour of the Former VP On-Line Auction Building (55 Willow Street)**
2. Call to Order/Roll Call
3. Items for Discussion
 - A. Hometown Hero Banners
 - B. 2022-2024 Strategic Plan - Review CV 2040 Initiatives Rankings
 - C. City Code of Ordinances Revision - Adding Fine Option for Alcohol Compliance Violations
 - D. Discussion on Remote Meeting Attendance Options
4. Future Discussion
5. Adjournment

The Council may meet as a group for dinner.

Please contact the City Administrator's Office if you need special accommodations while attending this meeting



Council Work Session Memorandum

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
FROM: Paul J. Peanasky, Parks and Recreation Director
MEETING DATE: October 5, 2021
SUBJECT: Hometown Hero Banners

Discussion:

On September 14, 2021, Virginia van Sluis, Nort Johnson and I met to discuss an idea that Virginia brought forth. It is a project being sponsored by the Elks Lodge of Faribault. On a recent vacation, Virginia saw banners in a community that recognized military personnel. She is hoping to bring this project to Faribault. The project would have no cost to the City except the cost of installing the banners and would allow families of current and past military members to honor their heroes. The banners would replace some of the current banners in the downtown and possibly in the riverbend, bluffs and mills areas where banners are currently located. We would replace every other banner for up to 6 months and replace them with the next group of hero banners. The banners could be updated in November and May each year. We are currently taking an inventory to determine how many banners could go up each time.

Nort Johnson and Virginia van Sluis will be available at the meeting to answer any questions.

Attachments:

1. Banner Mockup



Faribault Elks Lodge #1166

PROOF: 6

DATE: 9-27-21

SIZE: 30" x 60" & 18" x 45"

FABRIC: VINYL/MAINSTREET TBD

INKS: DIGITAL

POCKETS: 3.25"

TAKE NOTHING FOR GRANTED, PLEASE CHECK PROOF CAREFULLY.

Illustrations are a reasonable representation of ink colors on banner fabrics. All monitors display differently, therefore a free color match sample is available upon request. **We are not responsible for any errors after approval.**

APPROVAL SIGNATURE



860 Downs Road
Chaplin, MN 55316
p: (763) 433-9120
f: (763) 506-0860
1-800-755-3039
www.mainstreetdesigns.com



Council Work Session Memorandum

TO: Mayor and City Council
THROUGH:
FROM: Tim Murray, City Administrator
MEETING DATE: October 5, 2021
SUBJECT: 2022-2024 Strategic Plan - Review CV 2040 Initiatives Rankings

Discussion:

During the Annual Council Retreat on August 17, 2021, we reviewed the Community Vision 2040 (CV 2040), as background for the preparation of a 2022-2024 Strategic Plan. The CV 2040, which was adopted by the City Council on May 12, 2015, contains six (6) Strategic Priorities, and within each, there are numerous Goals, and under the Goals, there are multiple Initiatives (a total of 89 Initiatives are contained within the document).

Following the Retreat, the Council and City Staff were asked to "score" each of the Initiatives contained within the CV 2040, classifying each Initiative under one of the following five categories:

- Completed
- In Progress
- Not City Led
- Not a Priority
- Consider (for inclusion in Strategic Plan)

A spreadsheet listing the Strategic Priorities/Goals/Initiatives contained within the CV 2040 is attached that totals up the scoring submitted for each of the 89 Initiatives, with the category that received the highest number under each Initiative highlighted (more than one column is highlighted if there was a tie). Not surprisingly, "In Progress" is the most common classification identified (over 75% of the Initiatives have this as the highest "score"). Based upon this summary, there were nine (9) Initiatives for which "Consider" had the highest score, listed as follows:

1. Evaluate the market and the need for a community event center (tied with "Not a Priority").
2. Explore the feasibility of developing a sports complex, such as a softball, hockey, and/or soccer complex, which will attract state and national athletic events (tied with "In Progress").
3. Conduct a study of Fire/EMS response times for an expanding community.
4. Plan for a second fire station to meet expected response times for

Fire/EMS.

5. Develop partnerships with mental health stakeholders, area medical facilities, social services, and public safety entities.
6. Facilitate and promote the building of a mental health facility within the community to meet the community's needs (tied with "Not City Led").
7. Establish a commercial rental licensing program for property owners leasing their properties to businesses.
8. Construct an adaptive playground at North Alexander Park.
9. Explore constructing an addition to the Community Center in conjunction with the planned Senior Center expansion.

Per the memo for the Retreat, the previous Strategic Plan included 29 objectives, but a number of 12-15 was identified as a good target for the new plan, with those items having some level of connection or interaction outside of standard City operations, with a broader community impact.

As the listing above only contains nine (9) items, a secondary listing which includes all those Initiatives which at least three Council or Staff classified as "Consider" is proposed to be added to expand the number of options (11 items):
("Score" of 5)

1. Identify and actively pursue anchor businesses that could locate in the downtown.

("Score" of 4)

1. Explore opportunities to work with schools and private enterprise, to promote and develop a sports complex (baseball, soccer, hockey, etc.) to host state and national athletic events.
2. Collaborate with the school district and the soccer association to expand the soccer complex to the south when land development occurs.
3. Collaborate with others to provide community events that relate to the diverse needs and interests of the community.

("Score" of 3 excluding those scoring higher under "Not City Led" or "Not a Priority")

1. Strive to ensure appointed commissions and boards reflect the diversity of the community.
2. Implement a comprehensive strategy to recruit and hire diverse public safety personnel.
3. Market public safety through proactive enforcement and outreach programs such as, the Police Citizen Academy and the Youth Fire Starter Program.
4. Initiate a study to address mental health patient needs.
5. Aggressively pursue blighted properties with incentives to sell or

- renovate.
- 6. Work to improve the quality of water resources in community parks and natural areas.
- 7. Work with the community to plan and develop an additional regional park in the community.

In addition to the Initiatives contained within CV 2040, Council was asked at the Retreat for any other possible matters to be considered for inclusion in the Strategic Plan. Following is a listing of items proposed by the Council:

- Greater Incentives for Downtown Properties and/or Businesses
- Construction of a new Community Center
- Upgrade/Expansion of the I-35 & CSAH 48 (Lyndale Ave.) Interchange
- Update of the Unified Development Regulations (Appendix B of the City Code of Ordinances)
- Expanded Small Business Assistance
- Enhancement of Lyndale Avenue Corridor
- Men's Homeless Shelter
- Vacant Building Registration
- Youth Support/Activities

The objective of tonight's discussion is to develop a proposed final listing of Objectives to be included in the 2022-2024 Strategic Plan, using the lists outlined above as well as any final ideas the Council may have. I would recommend that the list not exceed 20 (there are a total of 27 items identified in this memo). Furthermore, the Council should be ready to provide additional direction to Staff on what the expected outcomes of those items are or other clarifying information so that the Strategic Plan can be drafted accordingly.

Attachments:

1. CV 2040 - Initiatives Scoring (All)

		Complete	In-Progress	Not City Led	Not a Priority	Consider
THRIVING ECONOMIC DEVELOPMENT						
Goal 1	Define Faribault's competitive advantage in the region and identify target markets based on the community's existing strengths and business assets.					
Initiative						
A.	Conduct a comprehensive market analysis/industry sector validation study to identify Faribault's competitive advantage.	6	5	0	0	1
B.	Use the results of the studies to evaluate the existing business mix in Faribault and identify gaps and opportunities for ensuring a diversified local economic base.	2	8	0	1	1
C.	Use the results of the comprehensive market analysis and industry sector validation study to build messaging for targeted business attraction/marketing materials. Update the community profile and compile business data on unemployment, workforce, educational attainment, training, and related data.	2	8	0	1	1
D.	Identify specific businesses and industries to target for growth in the community. Build on Faribault's competitive advantage in the region and address the gaps and opportunities as they pertain to industry mix and economic base.	0	9	0	1	1
Goal 2	Develop a comprehensive business incentive package to attract, retain, and grow quality businesses and industries.					
Initiative						
A.	Develop/update incentives to attract targeted industries and/or industry sectors.	1	9	0	0	0
B.	Inventory available land and building supply to ensure there is an adequate and competitive supply of land and buildings available, and willing sellers, to support business growth.	1	11	0	0	0
C.	Pursue pre-annexation and annexation agreements for land along the I-35 corridor that can support economic development activity (Met-Con Business Park, etc.).	2	10	0	0	1
D.	Assess and plan for transportation needs to support business growth into the future. More specifically, plan for a future I-35 interchange, a future airport runway expansion, and future railroad spurs with railroad corridor industries.	1	7	1	0	1
E.	Participate in the development of strategies for talent development necessary to support and encourage economic development growth.	0	6	3	0	1
F.	Develop policies to support Faribault's role in Destination Medical Center (DMC) and other regional initiatives.	0	0	2	6	1
G.	Evaluate opportunities for land assembly by the EDA (EDA owned/controlled/developed land) to support business growth.	0	9	1	0	2
H.	Increase private and public investment capital sources (angel funds, equity funds, and related sources).	0	7	1	1	1
I.	Assess and modify the City's regulatory environment/permit process to find a balance that removes unnecessary delays and hurdles while preserving the integrity of the City's vision and goals.	1	7	1	1	2
Goal 3	Enhance and expand strategic partnerships and regional collaboration with other organizations that share the Community's vision for proactive economic development.					

Initiative:						
A.	Identify regional partners, such as those involved with the Destination Medical Center (DMC), who can help define Faribault's role and participate in the investment happening to support the DMC vision.	0	0	1	7	1
B.	Build strategic partnerships around transportation objectives, specifically as they pertain to the I-35 corridor and future CR 9 interchange.	0	9	1	0	1
C.	Participate in talent/workforce development initiatives that support the workforce needs of our existing employers, by building on the existing talent supply chain and education and training opportunities available locally.	0	8	2	0	1
Goal 4	Develop a Comprehensive Plan that provides a strong link between economic development and other components of the community, including land use, housing, natural and cultural resources, transportation, and utilities.					
Initiative:						
A.	Determine community needs to get to desired economic goals and outcomes and to ensure a vibrant mix of housing, jobs, industries, retail, and services.	3	8	0	0	0
B.	Update the City's Unified Development Ordinance to support the Comprehensive Plan.	1	7	0	1	1
C.	Evaluate the market and the need for a community event center.	0	1	0	5	5
EXCELLENT SCHOOLS AND HIGH QUALITY EDUCATION						
Goal 1	Strengthen and celebrate the variety of respected, high quality, and specialized education opportunities that exist in all levels of the community's education system.					
Initiative:						
A.	Use City media to periodically recognize and celebrate academic, athletic, and other notable accomplishments of students and teachers in the education system.	0	5	2	2	2
B.	Collaborate with schools, businesses, non-profits, and others to convene an education summit to explore how all parties can work together to strengthen, promote, and celebrate the education system.	0	4	5	1	1
C.	Encourage collaboration between schools to help ensure that each school capitalizes on their individual strengths while contributing to quality of the whole education system.	0	3	7	0	2
D.	Work with schools to coordinate their long-term planning efforts with the long-term planning efforts of the City. Coordinate the City's infrastructure, plans, and processes with school needs for facilities, technologies, and tools.	0	6	2	1	1
Goal 2	Recognize and support a strong link between excellence in education, economic prosperity, and a high quality of life.					
Initiative:						
A.	Help promote an understanding of how education contributes to economic prosperity and quality of life in the community when financial support is needed for local schools.	0	4	2	2	2
B.	Collaborate with schools, service organizations, businesses, to promote lifelong learning through community education.	0	9	0	1	1

C.	Use the City's website and other tools to promote the community as a premier destination for educational excellence.	0	9	0	1	1
D.	Encourage the schools to be an active participant in community discussions on diversity and inclusion.	0	8	1	1	1
E.	Collaborate with educational institutions to promote excellence in school athletic programs.	0	5	1	2	2
F.	Collaborate with schools, the county, service organizations, and others to address the effect of hunger, poverty, inadequate housing, and other factors affecting the ability of students to learn.	0	4	4	1	1
G.	Explore opportunities to work with schools and private enterprise, to promote and develop a sports complex (baseball, soccer, hockey, etc.) to host state and national athletic events.	0	5	1	2	4
PRIDE IN OUR COMMUNITY						
Goal 1	Enhance and maintain public and private property throughout the community to reflect our sense of pride in the community.					
Initiative:						
A.	Work with businesses, institutions and others to enhance and maintain public and private property throughout gateway corridors and key destinations.	0	10	0	0	0
B.	Provide attractive gateway signage and wayfinding signage to direct people to key destinations in the community.	0	8	1	0	2
C.	Identify, enhance, and maintain green corridors in the community.	0	9	0	0	0
Goal 2	Promote and celebrate the people, places, and events that are unique to the community and make us proud.					
Initiative:						
A.	Strive to ensure appointed commissions and boards reflect the diversity of the community.	0	10	0	0	3
B.	Work with a variety of organizations to promote and celebrate Faribault as a diverse and inclusive community by planning and promoting a culturally diverse marketplace that includes foods, gifts, and arts from diverse cultures, seniors, the schools for the deaf and blind, and others.	0	6	3	0	1
C.	Identify and promote iconic people, businesses, institutions, and cultures in the community.	1	9	0	0	0
D.	Explore the feasibility of developing a sports complex, such as a softball, hockey, and/or soccer complex, which will attract state and national athletic events.	0	4	1	3	4
PUBLIC SAFETY						
Goal 1	Continue to exceed the community's expectations of all public safety services.					
Initiative:						
A.	Conduct a needs assessment study and develop a Police Department staffing plan to meet the increased demand for service and proactive policing efforts.	10	2	0	0	0

B.	Conduct a needs assessment study and develop a Fire Department staffing plan to meet desired service levels and community expectations through applied public safety measures.	5	4	0	0	2
C.	Implement a comprehensive strategy to recruit and hire diverse public safety personnel.	0	9	0	0	3
D.	Enhance professional training for public safety employees.	1	11	0	0	0
E.	Market public safety through proactive enforcement and outreach programs such as, the Police Citizen Academy and the Youth Fire Starter Program.	1	8	0	0	3
Goal 2	Make the community a safer place to live and thrive by reducing the crime rate by 10 percent by 2030 and by 20 percent by 2040.					
Initiative:						
A.	Continue to support the collaborative efforts of the Drug Task Force.	1	11	0	0	0
B.	Develop effective programs to reduce drug use and related crimes.	1	9	0	0	1
C.	Reduce repeat calls to problem properties through crime-free multi-housing and proactive policing.	2	10	0	0	0
Goal 3	Maintain public safety infrastructure needs.					
Initiative:						
A.	Conduct a study of Fire/EMS response times for an expanding community.	3	3	0	1	4
B.	Analyze ways to improve intersection safety for pedestrian and vehicle traffic flow.	1	11	0	0	0
C.	Conduct a parking study for the existing Police Department building.	1	9	0	0	1
D.	Improve intersection safety and overall traffic movement with emergency vehicle preemption technology.	3	7	0	0	1
E.	Plan for a second fire station to meet expected response times for Fire/EMS.	1	3	0	1	6
Goal 4	Address mental health concerns and collective abilities within the Faribault community.					
Initiative:						
A.	Develop partnerships with mental health stakeholders, area medical facilities, social services, and public safety entities.	0	3	3	0	4
B.	Initiate a study to address mental health patient needs.	1	1	6	0	3
C.	Facilitate and promote the building of a mental health facility within the community to meet the community's needs.	0	1	5	0	5
A VIBRANT DOWNTOWN						
Goal 1	existing downtown businesses.					
Initiative:						
A.	Identify potential sites for anchor businesses in the downtown area.	0	9	0	1	1
B.	Develop a plan that identifies potential programs and incentives to establish anchor businesses in the downtown	1	7	0	2	2
C.	Identify and actively pursue anchor businesses that could locate in the downtown.	0	7	0	0	5

Goal 2	Enhance the appearance of downtown buildings and the streetscape.					
Initiative:						
A.	Enforce the building codes, rental ordinances, and property maintenance ordinances.	0	10	0	0	1
B.	Aggressively pursue blighted properties with incentives to sell or renovate.	0	8	1	0	3
C.	Explore possible programs and incentives for property owners interested in enhancing their properties.	1	10	0	0	2
D.	Maintain and, where appropriate, enhance the existing streetscape through wayfinding signage, benches, lighting, and related features.	2	7	0	1	1
E.	Establish a commercial rental licensing program for property owners leasing their properties to businesses.	0	2	0	3	5
Goal 3	Establish market rate and high-end residential in the downtown.					
Initiative:						
A.	Identify potential properties where market rate and high-end residential would be appropriate.	3	7	0	1	0
B.	Work with the HRA and City Council to develop and implement a plan to establish an appropriate mix of high-end housing in the downtown.	1	10	0	0	0
C.	Identify and actively pursue partnerships and development opportunities to establish market rate and high-end housing in the downtown.	2	10	0	0	0
Goal 4	Create a museum in the downtown that will be a draw for tourists and the community.					
Initiative:						
A.	Establish a task force with local stakeholders to explore the idea of a museum in the downtown that could include a tourist center, a connection to the Paradise, and walking tours.	0	0	1	9	1
B.	Select potential properties that could be used to renovate for a successful museum along Central Ave.	0	0	1	9	1
C.	Prepare a detailed implementation plan to present to the Council including the purpose, partnerships, financing, and operations.	0	0	2	8	1
Goal 5	Create and strengthen public places and plazas in the downtown.					
Initiative:						
A.	Work with community organizations and businesses to develop and implement a plan that strengthens public places in the downtown.	2	8	0	0	1
B.	Explore opportunities to acquire public land in or adjacent to the downtown for green space, plazas, connections to the river, and to accommodate celebrations and events.	2	10	0	0	0
ACCESS TO NATURE, LEISURE, AND THE ARTS						
Goal 1	Enhance public facilities to strengthen the community's access to nature, leisure, and the arts.					

Initiative:						
A.	Construct an adaptive playground at North Alexander Park.	0	2	1	0	7
B.	Explore constructing an addition to the Community Center in conjunction with the planned Senior Center expansion.	0	3	0	3	4
C.	Design and construct Straight River Park and Water Access on the former City Public Works site.	5	5	0	0	0
D.	Explore opportunities to build on the success of the Aquatic Center by encouraging the development of complementary facilities, such as an indoor play facility.	1	2	0	4	3
E.	Collaborate with the school district and the soccer association to expand the soccer complex to the south when land development occurs.	0	5	1	1	4
F.	Develop and implement a plan to adapt access to nature, leisure, and the arts to our changing demographics.	1	9	0	0	1
G.	Work to improve the quality of water resources in community parks and natural areas.	0	7	0	0	3
H.	Explore relocating the Teepee Tonka baseball fields to another location in the community.	1	9	0	1	1
I.	Work with the community to plan and develop an additional regional park in the community.	1	4	0	3	3
Goal 2	Collaborate with organizations to promote community facilities, festivals, and events.					
Initiative:						
A.	Work with technology and media outlets to promote community facilities.	0	11	0	0	0
B.	Expand outreach to promote festivals, programs, and events for underserved groups.	0	10	0	0	1
C.	Collaborate with others to provide community events that relate to the diverse needs and interests of the community.	0	5	0	0	4
D.	Work with the Tourism Committee to identify and promote community facilities and events to area residents and the region.	1	8	1	0	1
E.	Collaborate with others to promote Faribault as part of the Hockey Day in Minnesota festivities.	0	2	4	2	3
F.	Continue to evaluate and refine the library's role and services, including public access to technology.	0	11	0	0	0
G.	Promote River Bend Nature Center for outdoor winter activities and events like fat tire bike and ski trails.	0	9	1	0	1
Goal 3	Collaborate with others to plan and develop the Faribault region as a premier destination for bicycling.					
Initiative:						
A.	Develop and implement a plan to enhance and expand bicycle routes and trails in Faribault.	1	8	0	1	1
B.	Complete the Northern Links Trail connection.	0	10	0	0	0
C.	Complete the Mill Towns Trail connection from 17th Street to White Sands Trailhead.	5	5	0	0	0
D.	Work with other communities, Rice County, and Steele County in the planning and construction of Prairie Wildflower Trail.	0	7	2	0	1



Council Work Session Memorandum

TO: Mayor and City Council
THROUGH:
FROM: Tim Murray, City Administrator
MEETING DATE: October 5, 2021
SUBJECT: City Code of Ordinances Revision - Adding Fine Option for Alcohol Compliance Violations

Discussion:

At the July 7, 2020 Joint Committee meeting, the fines stipulated in Sec. 4-24 of the City Code of Ordinances for underage alcohol sales violations were reviewed (notes from the meeting are attached). The conclusion of the discussion was to make some revisions to the penalties, which would allow the option of paying a fine for the first and second offenses, in lieu of being subject to the closure of the business for one or more days of operation. Ordinance 2021-10 has been drafted and is attached which makes these changes. If the Council agrees with the proposed changes, the ordinance will be put on the next regular meeting agenda for first reading.

Attachments:

1. 2020-07-07 Joint Committee Notes
2. Ordinance 2021-10 Amend Sec. 4-24 of the City Code - First Reading



**City Council Joint Committee
Tuesday, July 7, 2020 at 6:00pm
City Hall – City Council Chambers**

Notes

Code of Ordinance Revisions

Alcohol Violation Penalties (Sec. 4-24)

City Administrator Tim Murray explained that in late 2019, three local businesses were given one-day suspensions for under-age alcohol compliance check violations. The current penalties outlined in Sec. 4-24 (c) include minimum suspensions that must be imposed. At that time the Council questioned whether a fine would be a more appropriate penalty in these types of cases and requested further discussion on the topic.

Mayor Voracek requested a one-day suspension for a first violation. Mayor Voracek also read a statement from Councilor Cap, she requested that a fee option be added, a day out of business is just too much of a penalty for the crime, especially since these situations are set-up, she highly doubts that there is an issue with underage drinking because everyone would know about it fast. Councilor Ross liked the idea of \$500 or a one-day suspension for a first violation, \$1000 plus a suspension for a second violation and \$2000 plus a suspension for a third violation. Councilor Wood preferred fines for all violations; \$500, \$1,000 and \$2,000. Councilor Viscomi requested that a fine be given for the first violation at a rate of \$300-\$500, increased for the second violation and closure for the third violation. Councilor Spooner liked an either/or option for the first violation, second and third violations would have a fine and shut down. Councilor van Sluis suggested an either a fine or closure for the first and second violation and closure for a third violation.

Through much discussion it was the consensus to the Joint Committee to recommend the ordinance be updated to include the following penalties:

First violation within any three-year period, \$500 or a one-day suspension.

Second violation within any three-year period, \$1000 fine or a two-day suspension.

Third violation within any three-year period, seven-day suspension.

Staff will bring the ordinance change to a future Council meeting for approval.

**CITY OF FARIBAULT
ORDINANCE No. 2021-10**

**AMEND SEC. 4-24. REVOCATION OR SUSPENSION OF A LICENSE OR PERMIT. OF
THE CITY CODE OF ORDINANCES**

THE CITY OF FARIBAULT ORDAINS: The City Code of Ordinances shall be amended as follows:

Section 1. Section 4-24(c) of Chapter 4 of the Code of Ordinances of the City of Faribault is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

Sec. 4-24 Revocation or suspension of a license or permit and fines.

- (c) *Minimum periods of suspension and amounts of fines or when revocation is warranted.* The following are the minimum periods of suspension, minimum fines, or when revocation is warranted which shall be imposed by the city council for violations of this chapter or Minnesota Statutes, Chapter 340A or any rules promulgated under that chapter.
- (1) For commission of a felony related to the licensed activity, sale of alcoholic beverages while the license is under suspension, sale of intoxicating liquor where the only license is for 3.2 percent malt liquor, or failing to disclose information or making false statements on the application, the license shall be revoked.
 - (2) The license shall be suspended and/or fined by the city council after a finding that the holder has failed to comply with any applicable statute, rule, or provision of this chapter for at least the minimum periods as follows:
 - a. For the first violation within any three-year period, at least a one-day suspension or a \$500.00 fine, in addition to any criminal or civil penalties which may be imposed;
 - b. For the second violation within any three-year period, at least a ~~threetwo~~ consecutive days suspension or a \$1000.00 fine, in addition to any criminal or civil penalties which may be imposed;
 - c. For the third violation within any three-year period, at least a seven consecutive days suspension in addition to any criminal or civil penalties which may be imposed;
 - d. For a fourth violation within any three-year period, the license shall be revoked.

Section 2. This ordinance amendment shall take effect and be in force after its passage and publication in accordance with Section 3.05 of the City Charter.

First Reading: October 12, 2021

Second Reading: October 26, 2021

Publication Date: October 30, 2021

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator



Council Work Session Memorandum

TO: Mayor and City Council
THROUGH:
FROM: Tim Murray, City Administrator
MEETING DATE: October 5, 2021
SUBJECT: Discussion on Remote Meeting Attendance Options

Discussion:

Outside of the occurrence of a health pandemic or State and/or Local Emergency Declaration, there are provisions within State Statute that allow for attendance at public meetings by "interactive technology"--these provisions existed prior to the COVID-19 pandemic. This ability to meet remotely is addressed under the Open Meeting Law, Minnesota Statutes 2020, Chapter 13D (a copy of the full Chapter from 2020 is attached, along with the revisions approved by the Legislature in 2021).

The Council will be asked to provide their position on the allowance of remote meeting participation for the various boards and commissions (note this could also apply to the City Council). If the Council is supportive of some level of remote participation, any conditions, restrictions, or expectations should also be established and these will be shared with the various boards and commissions through the appropriate staff liaison.

Attachments:

1. MN Statute 13D (2020)
2. MN Statute 13D (2021 Revisions)

CHAPTER 13D

OPEN MEETING LAW

13D.01	MEETINGS MUST BE OPEN TO THE PUBLIC; EXCEPTIONS.	13D.04	NOTICE OF MEETINGS.
13D.015	MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS.	13D.05	MEETINGS HAVING DATA CLASSIFIED AS NOT PUBLIC.
13D.02	MEETINGS CONDUCTED BY INTERACTIVE TV; CONDITIONS.	13D.06	CIVIL FINES; FORFEITURE OF OFFICE; OTHER REMEDIES.
13D.021	MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS; CONDITIONS.	13D.065	USE OF SOCIAL MEDIA.
13D.03	CLOSED MEETINGS FOR LABOR NEGOTIATIONS STRATEGY.	13D.07	CITATION.
		13D.08	OPEN MEETING LAW CODED ELSEWHERE.

13D.01 MEETINGS MUST BE OPEN TO THE PUBLIC; EXCEPTIONS.

Subdivision 1. **In executive branch, local government.** All meetings, including executive sessions, must be open to the public

- (a) of a state
 - (1) agency,
 - (2) board,
 - (3) commission, or
 - (4) department,

when required or permitted by law to transact public business in a meeting;

- (b) of the governing body of a
 - (1) school district however organized,
 - (2) unorganized territory,
 - (3) county,
 - (4) statutory or home rule charter city,
 - (5) town, or
 - (6) other public body;
- (c) of any
 - (1) committee,
 - (2) subcommittee,
 - (3) board,
 - (4) department, or
 - (5) commission,

of a public body; and

(d) of the governing body or a committee of:

(1) a statewide public pension plan defined in section 356A.01, subdivision 24; or

(2) a local public pension plan governed by sections 424A.091 to 424A.096, or chapter 354A, or Laws 2013, chapter 111, article 5, sections 31 to 42.

Subd. 2. **Exceptions.** This chapter does not apply

(1) to meetings of the commissioner of corrections;

(2) to a state agency, board, or commission when it is exercising quasi-judicial functions involving disciplinary proceedings; or

(3) as otherwise expressly provided by statute.

Subd. 3. **Subject of and grounds for closed meeting.** Before closing a meeting, a public body shall state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

Subd. 4. **Votes to be kept in journal.** (a) The votes of the members of the state agency, board, commission, or department; or of the governing body, committee, subcommittee, board, department, or commission on an action taken in a meeting required by this section to be open to the public must be recorded in a journal kept for that purpose.

(b) The vote of each member must be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute.

Subd. 5. **Public access to journal.** The journal must be open to the public during all normal business hours where records of the public body are kept.

Subd. 6. **Public copy of members' materials.** (a) In any meeting which under subdivisions 1, 2, 4, and 5, and section 13D.02 must be open to the public, at least one copy of any printed materials relating to the agenda items of the meeting prepared or distributed by or at the direction of the governing body or its employees and:

(1) distributed at the meeting to all members of the governing body;

(2) distributed before the meeting to all members; or

(3) available in the meeting room to all members;

shall be available in the meeting room for inspection by the public while the governing body considers their subject matter.

(b) This subdivision does not apply to materials classified by law as other than public as defined in chapter 13, or to materials relating to the agenda items of a closed meeting held in accordance with the procedures in section 13D.03 or other law permitting the closing of meetings.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 1Sp2001 c 10 art 4 s 1; 2010 c 359 art 12 s 3; 1Sp2011 c 8 art 8 s 2,14; 2013 c 111 art 5 s 4,80

13D.015 MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS.

Subdivision 1. **Application.** This section applies to:

- (1) a state agency, board, commission, or department, and a statewide public pension plan defined in section 356A.01, subdivision 24; and
- (2) a committee, subcommittee, board, department, or commission of an entity listed in clause (1).

Subd. 2. **Conditions.** An entity listed in subdivision 1 may conduct a meeting governed by this section and section 13D.01, subdivisions 1, 2, 4, and 5, by telephone or other electronic means so long as the following conditions are met:

- (1) all members of the entity participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;
- (2) members of the public present at the regular meeting location of the entity can hear all discussion and all votes of members of the entity and participate in testimony;
- (3) at least one member of the entity is physically present at the regular meeting location; and
- (4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Subd. 3. **Quorum; participation.** Each member of the entity participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 4. **Monitoring from remote site; costs.** If telephone or another electronic means is used to conduct a meeting, the entity, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The entity may require the person making a connection to pay for documented marginal costs that the entity incurs as a result of the additional connection.

Subd. 5. **Notice.** If telephone or another electronic means is used to conduct a regular, special, or emergency meeting, the entity shall provide notice of the regular meeting location, of the fact that some members may participate by electronic means, and of the provisions of subdivision 4. The timing and method of providing notice is governed by section 13D.04. In addition, the entity must post the notice on its website at least ten days before any regular meeting as defined in section 13D.04, subdivision 1.

History: 2009 c 80 s 1; 2012 c 290 s 63

13D.02 MEETINGS CONDUCTED BY INTERACTIVE TV; CONDITIONS.

Subdivision 1. **Conditions.** (a) A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive television so long as:

- (1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
- (2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
- (3) at least one member of the body is physically present at the regular meeting location;

(4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded; and

(5) each location at which a member of the body is present is open and accessible to the public.

(b) A meeting satisfies the requirements of paragraph (a), although a member of the public body participates from a location that is not open or accessible to the public, if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public, and:

(1) the member is serving in the military and is at a required drill, deployed, or on active duty; or

(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.

Subd. 2. Members are present for quorum, participation. Each member of a body participating in a meeting by interactive television is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 3. Monitoring from remote site; costs. If interactive television is used to conduct a meeting, to the extent practical, a public body shall allow a person to monitor the meeting electronically from a remote location. The body may require the person making such a connection to pay for documented marginal costs that the public body incurs as a result of the additional connection.

Subd. 4. Notice of regular and all member sites. If interactive television is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice of any site where a member of the public body will be participating in the meeting by interactive television. The timing and method of providing notice must be as described in section 13D.04.

Subd. 5. School boards; interactive technology with an audio and visual link. A school board conducting a meeting under this section may use interactive technology with an audio and visual link to conduct the meeting if the school board complies with all other requirements under this section.

Subd. 6. Record. The minutes for a meeting conducted under this section must reflect the names of any members appearing by interactive television and state the reason or reasons for the appearance by interactive television.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 1Sp2011 c 11 art 2 s 1; 2019 c 33 s 1-3; 2020 c 74 art 1 s 1

13D.021 MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS; CONDITIONS.

Subdivision 1. Conditions. A meeting governed by this section and section 13D.01, subdivisions 1, 2, 4, and 5, may be conducted by telephone or other electronic means so long as the following conditions are met:

(1) the presiding officer, chief legal counsel, or chief administrative officer for the affected governing body determines that an in-person meeting or a meeting conducted under section 13D.02 is not practical or prudent because of a health pandemic or an emergency declared under chapter 12;

(2) all members of the body participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(3) members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration;

(4) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the health pandemic or emergency declaration; and

(5) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Subd. 2. **Members are present for quorum, participation.** Each member of the body participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 3. **Monitoring from remote site; costs.** If telephone or another electronic means is used to conduct a meeting, to the extent practical, the body shall allow a person to monitor the meeting electronically from a remote location. The body may require the person making a connection to pay for the documented additional cost that the body incurs as a result of the additional connection.

Subd. 4. **Notice of regular and all member sites.** If telephone or another electronic means is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of subdivision 3. The timing and method of providing notice is governed by section 13D.04 of the Open Meeting Law.

History: 2007 c 110 s 1

13D.03 CLOSED MEETINGS FOR LABOR NEGOTIATIONS STRATEGY.

Subdivision 1. **Procedure.** (a) Section 13D.01, subdivisions 1, 2, 4, 5, and section 13D.02 do not apply to a meeting held pursuant to the procedure in this section.

(b) The governing body of a public employer may by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25.

(c) The time of commencement and place of the closed meeting shall be announced at the public meeting.

(d) A written roll of members and all other persons present at the closed meeting shall be made available to the public after the closed meeting.

Subd. 2. **Meeting must be recorded.** (a) The proceedings of a closed meeting to discuss negotiation strategies shall be tape-recorded at the expense of the governing body.

(b) The recording shall be preserved for two years after the contract is signed and shall be made available to the public after all labor contracts are signed by the governing body for the current budget period.

Subd. 3. **If violation claimed.** (a) If an action is brought claiming that public business other than discussions of labor negotiation strategies or developments or discussion and review of labor negotiation

proposals was transacted at a closed meeting held pursuant to this section during the time when the tape is not available to the public, the court shall review the recording of the meeting in camera.

(b) If the court finds that this section was not violated, the action shall be dismissed and the recording shall be sealed and preserved in the records of the court until otherwise made available to the public pursuant to this section.

(c) If the court finds that this section was violated, the recording may be introduced at trial in its entirety subject to any protective orders as requested by either party and deemed appropriate by the court.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

13D.04 NOTICE OF MEETINGS.

Subdivision 1. **Regular meetings.** A schedule of the regular meetings of a public body shall be kept on file at its primary offices. If a public body decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it shall give the same notice of the meeting that is provided in this section for a special meeting.

Subd. 2. **Special meetings.** (a) For a special meeting, except an emergency meeting or a special meeting for which a notice requirement is otherwise expressly established by statute, the public body shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the public body, or if the public body has no principal bulletin board, on the door of its usual meeting room.

(b) The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings with the public body. This notice shall be posted and mailed or delivered at least three days before the date of the meeting.

(c) As an alternative to mailing or otherwise delivering notice to persons who have filed a written request for notice of special meetings, the public body may publish the notice once, at least three days before the meeting, in the official newspaper of the public body or, if there is none, in a qualified newspaper of general circulation within the area of the public body's authority.

(d) A person filing a request for notice of special meetings may limit the request to notification of meetings concerning particular subjects, in which case the public body is required to send notice to that person only concerning special meetings involving those subjects.

(e) A public body may establish an expiration date for requests for notices of special meetings pursuant to this subdivision and require refiling of the request once each year.

(f) Not more than 60 days before the expiration date of a request for notice, the public body shall send notice of the refiling requirement to each person who filed during the preceding year.

Subd. 3. **Emergency meetings.** (a) For an emergency meeting, the public body shall make good faith efforts to provide notice of the meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.

(b) Notice of the emergency meeting shall be given by telephone or by any other method used to notify the members of the public body.

(c) Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the members.

(d) Notice shall include the subject of the meeting. Posted or published notice of an emergency meeting is not required.

(e) An "emergency" meeting is a special meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body.

(f) If matters not directly related to the emergency are discussed or acted upon at an emergency meeting, the minutes of the meeting shall include a specific description of the matters.

(g) The notice requirement of this subdivision supersedes any other statutory notice requirement for a special meeting that is an emergency meeting.

Subd. 4. Recessed or continued meetings. (a) If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

(b) For purposes of this subdivision, the term "meeting" includes a public hearing conducted pursuant to chapter 429 or any other law or charter provision requiring a public hearing by a public body.

Subd. 5. Closed meetings. The notice requirements of this section apply to closed meetings.

Subd. 6. State agencies. For a meeting of an agency, board, commission, or department of the state required or permitted by law to transact public business in a meeting:

(1) the notice requirements of this section apply only if a statute governing meetings of the agency, board, or commission does not contain specific reference to the method of providing notice;

(2) all provisions of this section relating to publication are satisfied by publication in the State Register or posting on the website of the agency, board, commission, or department; and

(3) a schedule of the regular meetings shall be kept on file at the primary offices or posted on the website of the agency, board, commission, or department.

Subd. 7. Actual notice. If a person receives actual notice of a meeting of a public body at least 24 hours before the meeting, all notice requirements of this section are satisfied with respect to that person, regardless of the method of receipt of notice.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 2014 c 274 s 1

13D.05 MEETINGS HAVING DATA CLASSIFIED AS NOT PUBLIC.

Subdivision 1. General principles. (a) Except as provided in this chapter, meetings may not be closed to discuss data that are not public data.

(b) Data that are not public data may be discussed at a meeting subject to this chapter without liability or penalty, if the disclosure relates to a matter within the scope of the public body's authority and is reasonably necessary to conduct the business or agenda item before the public body.

(c) Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

(d) All closed meetings, except those closed as permitted by 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.

Subd. 2. When meeting must be closed. (a) Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:

(1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

(2) active investigative data as defined in section 13.82, subdivision 7, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a state agency, statewide system, or political subdivision;

(3) educational data, health data, medical data, welfare data, or mental health data that are not public data under section 13.32, 13.3805, subdivision 1, 13.384, or 13.46, subdivision 2 or 7; or

(4) an individual's medical records governed by sections 144.291 to 144.298.

(b) A public body shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

Subd. 3. What meetings may be closed. (a) A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

(b) Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege.

(c) A public body may close a meeting:

(1) to determine the asking price for real or personal property to be sold by the government entity;

(2) to review confidential or protected nonpublic appraisal data under section 13.44, subdivision 3; and

(3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.

Before holding a closed meeting under this paragraph, the public body must identify on the record the particular real or personal property that is the subject of the closed meeting. The proceedings of a meeting closed under this paragraph 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 real or personal property discussed at the meeting has been purchased or sold or the governing body has abandoned the purchase or sale. The real or personal 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 paragraph was transacted at a closed meeting held under this paragraph during the time when the tape is not available to the public, section 13D.03, subdivision 3, applies.

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 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.

(d) Meetings may be closed to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures and to discuss security deficiencies in or recommendations regarding public services, infrastructure and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting. Before closing a meeting under this paragraph, the public body, in describing the subject to be discussed, 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.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 1999 c 227 s 22; 2002 c 379 art 1 s 5; 2004 c 276 s 1; 2004 c 290 s 18; 2007 c 110 s 2; 2007 c 147 art 10 s 15; 2008 c 335 s 1; 2010 c 365 art 1 s 8

13D.06 CIVIL FINES; FORFEITURE OF OFFICE; OTHER REMEDIES.

Subdivision 1. **Personal liability for \$300 fine.** Any person who intentionally violates this chapter shall be subject to personal liability in the form of a civil penalty in an amount not to exceed \$300 for a single occurrence, which may not be paid by the public body.

Subd. 2. **Who may bring action; where.** An action to enforce the penalty in subdivision 1 may be brought by any person in any court of competent jurisdiction where the administrative office of the governing body is located.

Subd. 3. **Forfeit office if three violations.** (a) If a person has been found to have intentionally violated this chapter in three or more actions brought under this chapter involving the same governing body, such person shall forfeit any further right to serve on such governing body or in any other capacity with such public body for a period of time equal to the term of office such person was then serving.

(b) The court determining the merits of any action in connection with any alleged third violation shall receive competent, relevant evidence in connection therewith and, upon finding as to the occurrence of a separate third violation, unrelated to the previous violations, issue its order declaring the position vacant and notify the appointing authority or clerk of the governing body.

(c) As soon as practicable thereafter the appointing authority or the governing body shall fill the position as in the case of any other vacancy.

Subd. 4. **Costs; attorney fees; requirements; limits.** (a) In addition to other remedies, the court may award reasonable costs, disbursements, and reasonable attorney fees of up to \$13,000 to any party in an action under this chapter.

(b) The court may award costs and attorney fees to a defendant only if the court finds that the action under this chapter was frivolous and without merit.

(c) A public body may pay any costs, disbursements, or attorney fees incurred by or awarded against any of its members in an action under this chapter.

(d) No monetary penalties or attorney fees may be awarded against a member of a public body unless the court finds that there was an intent to violate this chapter.

(e) The court shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this section if the public body that is the defendant in the action was also the subject of a prior written opinion issued under section 13.072, and the court finds that the opinion is directly related to the cause of action being litigated and that the public body did not act in conformity with the opinion. The court shall give deference to the opinion in a proceeding brought under this section.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2; 2008 c 335 s 2

13D.065 USE OF SOCIAL MEDIA.

The use of social media by members of a public body does not violate this chapter so long as the social media use is limited to exchanges with all members of the general public. For purposes of this section, e-mail is not considered a type of social media.

History: 2014 c 274 s 2

13D.07 CITATION.

This chapter may be cited as the "Minnesota Open Meeting Law."

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

13D.08 OPEN MEETING LAW CODED ELSEWHERE.

Subdivision 1. **Board of Animal Health.** Certain meetings of the Board of Animal Health are governed by section 35.0661, subdivision 1.

Subd. 2. **Minnesota Life and Health Guaranty Association.** Meetings of the Minnesota Life and Health Guaranty Association Board of Directors are governed by section 61B.22.

Subd. 3. **Comprehensive Health Association.** Certain meetings of the Comprehensive Health Association are governed by section 62E.10, subdivision 4.

Subd. 4. **Health Technology Advisory Committee.** Certain meetings of the Health Technology Advisory Committee are governed by section 62J.156.

Subd. 5. **Health Coverage Reinsurance Association.** Meetings of the Health Coverage Reinsurance Association are governed by section 62L.13, subdivision 3.

Subd. 5a. **MNsure.** Meetings of MNsure are governed by section 62V.03, subdivision 2.

Subd. 6. **Self-insurers' security fund.** Meetings of the self-insurers' security fund and its board of trustees are governed by section 79A.16.

Subd. 7. **Commercial self-insurance group security fund.** Meetings of the commercial self-insurance group security fund are governed by section 79A.28.

Subd. 8. **Lessard-Sams Outdoor Heritage Council.** Certain meetings of the Lessard-Sams Outdoor Heritage Council are governed by section 97A.056, subdivision 5.

Subd. 9. **Enterprise Minnesota, Inc.** Certain meetings of the board of directors of Enterprise Minnesota, Inc. are governed by section 116O.03.

Subd. 10. **Minnesota Business Finance, Inc.** Certain meetings of Minnesota Business Finance, Inc. are governed by section 116S.02.

Subd. 11. **Northern Technology Initiative, Inc.** Certain meetings of Northern Technology Initiative, Inc. are governed by section 116T.02.

Subd. 12. **Agricultural Utilization Research Institute.** Certain meetings of the Agricultural Utilization Research Institute are governed by section 116V.01, subdivision 10.

Subd. 13. **Hospital authorities.** Certain meetings of hospitals established under section 144.581 are governed by section 144.581, subdivisions 4 and 5.

Subd. 14. **Advisory Council on Workers' Compensation.** Certain meetings of the Advisory Council on Workers' Compensation are governed by section 175.007, subdivision 3.

Subd. 15. **Electric cooperatives.** Meetings of a board of directors of an electric cooperative that has more than 50,000 members are governed by section 308A.327.

Subd. 16. **Town boards.** Certain meetings of town boards are governed by section 366.01, subdivision 11.

Subd. 17. **Hennepin County Medical Center and HMO.** Certain meetings of the Hennepin County Board on behalf of the HMO or Hennepin Healthcare System, Inc. are governed by section 383B.217.

Subd. 18. **Hennepin Healthcare System, Inc.** Certain meetings of the Hennepin Healthcare System, Inc. are governed by section 383B.917.

Subd. 19. **Real Estate Appraisal Advisory Board.** Certain meetings of the Real Estate Appraisal Advisory Board are governed by section 82B.073, subdivision 5.

History: 2012 c 290 s 64; 2013 c 9 s 2; 2013 c 108 art 1 s 67; 2018 c 173 s 1

CHAPTER 14--H.F.No. 820

An act relating to Open Meeting Law; providing for recording votes and interactive technology; providing for meetings during certain emergencies; allowing a member of a public body to attend a meeting from a private location more than three times in calendar year 2021; amending Minnesota Statutes 2020, sections 13D.01, subdivisions 4, 5; 13D.015; 13D.02; 13D.021; proposing coding for new law in Minnesota Statutes, chapter 13D.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [13D.001] DEFINITIONS.

Subdivision 1. **Applicability.** For the purposes of this chapter, the terms defined in this section have the meanings given.

Subd. 2. **Interactive technology.** "Interactive technology" means a device, software program, or other application that allows individuals in different physical locations to see and hear one another.

Sec. 2. Minnesota Statutes 2020, section 13D.01, subdivision 4, is amended to read:

Subd. 4. **Votes to be kept in journal or minutes.** (a) The votes of the members of the state agency, board, commission, or department; or of the governing body, committee, subcommittee, board, department, or commission on an action taken in a meeting required by this section to be open to the public must be recorded in a journal ~~kept for that purpose~~ or minutes.

(b) The vote of each member must be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute.

Sec. 3. Minnesota Statutes 2020, section 13D.01, subdivision 5, is amended to read:

Subd. 5. **Public access to journal and minutes.** The journal or any minutes used to record votes of a meeting subject to this chapter must be open to the public during all normal business hours where records of the public body are kept.

Sec. 4. Minnesota Statutes 2020, section 13D.015, is amended to read:

13D.015 STATE ENTITY MEETINGS BY TELEPHONE OR ~~OTHER ELECTRONIC MEANS~~ INTERACTIVE TECHNOLOGY.

Subdivision 1. **Application.** This section applies to:

(1) a state agency, board, commission, or department, and a statewide public pension plan defined in section 356A.01, subdivision 24; and

(2) a committee, subcommittee, board, department, or commission of an entity listed in clause (1).

Subd. 2. **Conditions.** An entity listed in subdivision 1 may conduct a meeting governed by this section and section 13D.01, subdivisions 1, 2, 4, and 5, by telephone or ~~other electronic means~~ interactive technology so long as the following conditions are met:

(1) all members of the entity participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the entity can hear all discussion and all votes of members of the entity and participate in testimony;

(3) at least one member of the entity is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Subd. 3. **Quorum; participation.** Each member of the entity participating in a meeting by telephone or ~~other electronic means~~ interactive technology is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 4. **Monitoring from remote site; costs.** If telephone or ~~another electronic means~~ interactive technology is used to conduct a meeting, the entity, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. ~~The entity may require the person making a connection to pay for documented marginal costs that the entity incurs as a result of the additional connection.~~

Subd. 5. **Notice.** If telephone or ~~another electronic means~~ interactive technology is used to conduct a regular, special, or emergency meeting, the entity shall provide notice of the regular meeting location, of the fact that some members may participate by ~~electronic means~~ interactive technology, and of the provisions of subdivision 4. The timing and method of providing notice is governed by section 13D.04. In addition, the entity must post the notice on its website at least ten days before any regular meeting as defined in section 13D.04, subdivision 1.

Sec. 5. Minnesota Statutes 2020, section 13D.02, is amended to read:

13D.02 OTHER ENTITY MEETINGS CONDUCTED BY INTERACTIVE TV; CONDITIONS TECHNOLOGY.

Subdivision 1. **Conditions.** (a) A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive ~~television~~ technology so long as:

(1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;

(2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;

(3) at least one member of the body is physically present at the regular meeting location;

(4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded; and

(5) each location at which a member of the body is present is open and accessible to the public.

(b) A meeting satisfies the requirements of paragraph (a), although a member of the public body participates from a location that is not open or accessible to the public, if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public, and:

(1) the member is serving in the military and is at a required drill, deployed, or on active duty; or

(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.

Subd. 1a. Meeting exception. This section applies to meetings of entities described in section 13D.01, subdivision 1, except meetings of:

(1) a state agency, board, commission, or department, and a statewide public pension plan defined in section 356A.01, subdivision 24; and

(2) a committee, subcommittee, board, department, or commission of an entity listed in clause (1).

Subd. 2. Members are present for quorum, participation. Each member of a body participating in a meeting by interactive ~~television~~ technology is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 3. Monitoring from remote site; costs. If interactive ~~television~~ technology is used to conduct a meeting, to the extent practical, a public body shall allow a person to monitor the meeting electronically from a remote location. ~~The body may require the person making such a connection to pay for documented marginal costs that the public body incurs as a result of the additional connection.~~

Subd. 4. Notice of regular and all member sites locations. If interactive ~~television~~ technology is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice of any site location where a member of the public body will be participating in the meeting by interactive ~~television~~ technology, except for the locations of members participating pursuant to subdivision 1, paragraph (b). The timing and method of providing notice must be as described in section 13D.04.

~~**Subd. 5. School boards; interactive technology with an audio and visual link.** A school board conducting a meeting under this section may use interactive technology with an audio and visual link to conduct the meeting if the school board complies with all other requirements under this section.~~

Subd. 6. Record. The minutes for a meeting conducted under this section must reflect the names of any members appearing by interactive ~~television~~ technology and state the reason or reasons for the appearance by interactive ~~television~~ technology.

EFFECTIVE DATE. Subdivision 4 is effective the day following final enactment.

Sec. 6. Minnesota Statutes 2020, section 13D.021, is amended to read:

13D.021 MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS; CONDITIONS DURING PANDEMIC OR CHAPTER 12 EMERGENCY.

Subdivision 1. Conditions. A meeting governed by this section and section 13D.01, subdivisions 1, 2, 4, and 5, may be conducted by telephone or ~~other electronic means~~ interactive technology so long as the following conditions are met:

(1) the presiding officer, chief legal counsel, or chief administrative officer for the affected governing body determines that an in-person meeting or a meeting conducted under section 13D.015 or 13D.02 is not practical or prudent because of a health pandemic or an emergency declared under chapter 12;

(2) all members of the body participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(3) members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration;

(4) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the health pandemic or emergency declaration; and

(5) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Subd. 2. **Members are present for quorum, participation.** Each member of the body participating in a meeting by telephone or ~~other electronic means~~ interactive technology is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 3. **Monitoring from remote site; costs.** If telephone or ~~another electronic means~~ interactive technology is used to conduct a meeting, to the extent practical, the body shall allow a person to monitor the meeting electronically from a remote location. ~~The body may require the person making a connection to pay for the documented additional cost that the body incurs as a result of the additional connection.~~

Subd. 4. **Notice of regular and all member sites.** If telephone or ~~another electronic means~~ interactive technology is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or ~~other electronic means~~ interactive technology, and of the provisions of subdivision 3. The timing and method of providing notice is governed by section 13D.04 ~~of the Open Meeting Law.~~

Subd. 5. **Public comment period during health pandemic or emergency.** If attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration and the public body's practice is to offer a public comment period at in-person meetings, members of the public shall be permitted to comment from a remote location during the public comment period of the meeting, to the extent practical.

Sec. 7. OPEN MEETING LAW; MEMBER PARTICIPATION FROM PRIVATE LOCATION.

Notwithstanding Minnesota Statutes, section 13D.02, subdivision 1, paragraph (b), a meeting after December 31, 2020, and before July 1, 2021, satisfies the requirements of Minnesota Statutes, section 13D.02, paragraph (a), if a member of a public body participates from a location that is not open or accessible to the public more than three times before July 1, 2021. The location is not required in the notice under Minnesota Statutes, section 13D.02, subdivision 4.

EFFECTIVE DATE. This section is effective retroactively for meetings occurring on or after January 1, 2021.

Presented to the governor May 5, 2021

Signed by the governor May 6, 2021, 2:11 p.m.