

The Open Meeting Law

The Open Meeting Law (Minnesota Statutes, Chapter 13D) requires meetings of public bodies to be open to the public. The law also identifies limited times when a public body may or must hold a closed meeting, and the requirements for doing so. The Open Meeting Law does not address administrative concerns like agendas, meeting minutes, or parliamentary procedure (such as Roberts Rules). There may be other laws public bodies have to follow that affect how they conduct their meetings.

•• WHO? ••

Public bodies: public bodies are defined in the law and includes State-level public bodies and local public bodies (such as county boards, city councils, and school boards). State public bodies and local public bodies have different requirements. The law also applies to committees, subcommittees, boards, departments, or commissions of public bodies.

The public: The public has the right to attend open meetings to observe the decision-making process of its governing bodies. The Open Meeting Law does not require that public bodies allow public participation at the meetings, but it does not prohibit public participation, either.

•• WHAT? ••

A public meeting occurs whenever a quorum (majority) of the public body is present and conducts official business. There are three types of meetings: regular meetings, special meetings, and emergency meetings. A meeting or a portion of a meeting may be closed if the circumstances allow or require closure. Those meetings must be recorded (except those closed for discussions protected by attorney-client privilege).

•• WHEN? ••

Every public meeting must be properly noticed. The Open Meeting Law has different requirements for notifying the public regarding when and where meetings are to take place depending on the type of meeting to be held:

Regular meetings: Public bodies must have a schedule of regular meetings.

Special meetings: Any meeting not on the regular schedule or that takes place at a different time, date, or location, than a regular meeting requires a special meeting notice.

- The notice must include time, date, location, and purpose of the special meeting
- The public body must post the notice at least three days before the meeting
- A public body may only discuss matters related to those listed on the notice

Emergency meetings: Special meetings when urgent circumstances do not allow for the three-day notice, such as in the event of a natural disaster. No additional notice is required, except that public bodies must make a good faith effort to notify media that have requested notice.

•• WHY? ••

The Minnesota Supreme Court has stated that the purpose of the Open Meeting Law is to:

- Prohibit public bodies from holding secret meetings where they may hide their decision making process from the public
- Allow the public to be informed
- Allow the public to present its views to their public bodies