

CITIZEN ADVISORY COMMITTEE ORIENTATION PACKET



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Lower Minnesota River Watershed District

CITIZEN ADVISORY COMMITTEE



Welcome

Congratulations, and welcome to the Lower Minnesota River Watershed District (LMRWD) Citizen Advisory Committee (CAC)! This packet was developed by Young Environmental Consulting Group, based on Capitol Region Watershed District and other watershed districts' orientation packets, to help orient you to your new position.

Contents

Welcome	3
LMRWD Map	4
Introduction.....	5
CAC Framework.....	5
Mission	5
Roles and Responsibilities	5
Organization	6
Initiatives	6
Representing the LMRWD	6
Resources	7
Communication	7
LMRWD Organization Chart	8
Appendix	9

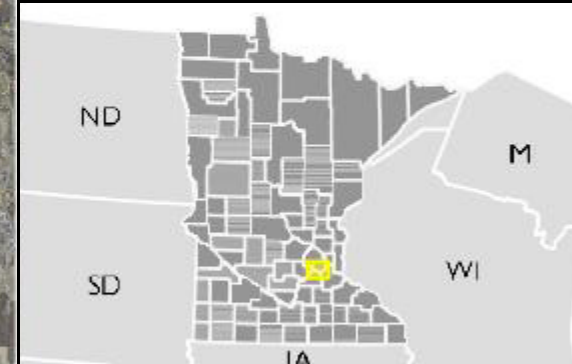
Lower Minnesota River Watershed District and Partner Communities



LEGEND

- Public Waters
- Public Waterbodies
- Cities, Townships, Unincorp. Areas
- County Boundaries
- LMRWD Boundary

Location Map



INTRODUCTION

LMRWD Mission

Its mission is to manage and protect the Minnesota River, lakes, streams, wetlands, and groundwater and to assist and facilitate in providing river navigation.

LMRWD Background

In 1960, the LMRWD was established primarily to be a legal entity to provide local participation to the U.S. Army Corps of Engineers to construct a navigation channel within the Minnesota River. With this purpose in mind, a 9-foot channel was developed.

Our Water Resources

The LMRWD boundary generally follows the Minnesota River. The quantity and quality of surface water resources are closely tied to groundwater. There are many unique and rare water resources in the LMRWD, including floodplain wetlands, calcareous fens, and trout waters. The LMRWD continues to play a critical role ensuring the commercial navigation of Minnesota goods and products bound for locations near and far.

The LMRWD covers 80 square miles and includes portions of 14 communities and five metro counties.



Our Work

The [2018–2027 LMRWD Watershed Management Plan](#), located on the LMRWD’s website, describes how the LMRWD will address water resources management over the next 10 years as required by Minnesota statutory and District requirements. The purpose of the plan is to protect, preserve, and manage the surface water resources and groundwater within the LMRWD.

The LMRWD accomplishes its mission through the following:

- Watershed rules and permitting
- Capital improvement projects
- Education and outreach
- Technical assistance
- Cost share funding assistance for water and natural resources-related residential projects
- Collaboration with public and private stakeholders and partners

CAC FRAMEWORK

The CAC framework serves to guide the committee's work.

Mission

The mission of the CAC is to assist and advise the LMRWD Board of Managers (Board; Appendix A) in accordance with Minnesota Statutes section 103D.331 (Appendix C). This is accomplished by reflecting community values in the development of local projects and programs and by increasing public awareness about ways to protect and improve water resources and habitat within the LMRWD.

Roles and Responsibilities

The CAC shall actively participate in LMRWD planning processes, watershed plan preparation, and long-term implementation of LMRWD programs. The CAC is a communication link between LMRWD residents and the Board. The CAC will be integral in informing residents about the LMRWD and its resources, and the committee will provide opportunities for public input on LMRWD programs and projects. The CAC, as facilitated by the Education and Outreach Coordinator, District Administrator or a designee, will collaborate with local community groups on education and outreach goals and engage volunteers in LMRWD programs. The CAC will assist with the development of the LMRWD's education and outreach plan.

Organization

- The Board will annually appoint an advisory committee (Appendix A), if needed.
- The CAC will elect its own leadership consisting of, at minimum, a chair and secretary.
- The CAC will create, update, and operate under a set of bylaws (Appendix B) that are adopted by the committee and approved by the Board.
- The CAC will establish a meeting schedule.
- CAC members must be residents of the LMRWD and will serve at the pleasure of the Board. The Board may appoint other interested and technical persons who may or may not reside within the LMRWD to serve at the pleasure of the Board.

CAC FRAMEWORK

Initiatives

In addition to its roles and responsibilities, the CAC will undertake several initiatives that enhance its knowledge base and create greater cohesion among committee members.

These initiatives could include the following:

- Recruiting new CAC members and updating this orientation packet
- Increasing interaction between the LMRWD and neighborhoods
- Organizing and promoting community events
- Interacting with adjoining watershed districts and watershed management organizations on managing shared water and natural resources such as lakes, streams, trails, and parks
- Organizing or attending tours of projects and features in the LMRWD
- Participating in public education about LMRWD and its projects

Representing the LMRWD

Members of the CAC will have opportunities to attend programs, represent the LMRWD at events, and speak about LMRWD issues. Members are LMRWD ambassadors in the community. When representing themselves as members of the CAC and/or as representatives of the LMRWD, CAC members must apply the following guidelines to their actions:

- Only identify yourself as a representative of the LMRWD if the information you are presenting is in accordance with LMRWD official positions and policies.
- If you do not agree with an LMRWD position on an issue but choose to talk about it, please make it clear to the audience that you are not representing the positions of the LMRWD or acting in your official role as a CAC member.
- Be positive about the efforts of the LMRWD, and use polite and respectful language.
- Members are asked to communicate with the District Administrator regarding any significant conversations or meetings that take place. This is particularly important when dealing with sensitive issues and helps prepare the LMRWD for any additional phone calls or inquiries. The District Administrator is also available to complete any follow-up communications that are needed as a result of CAC member activities.

CAC FRAMEWORK

Resources

The District Administrator, Education & Outreach Coordinator or designee is available to assist CAC members. However, there may be times that workload, LMRWD priorities, and CAC priorities limit how much time can be dedicated to a request or project.

Members of the CAC may at times wish to request supporting information or documents related to an issue of interest. This may be an issue in their own community, a high-profile topic, a request by a LMRWD resident, or another reason. The LMRWD can provide supporting information or documents but may require approval from the District Administrator or the Board of Managers.

There may be times when requests for staff assistance and/or information and documents must be made in writing. In some circumstances, inquiries may require using Data Practices Act protocols. The Education and Outreach Coordinator and District Administrator will assist CAC members with the appropriate processes.

Communications

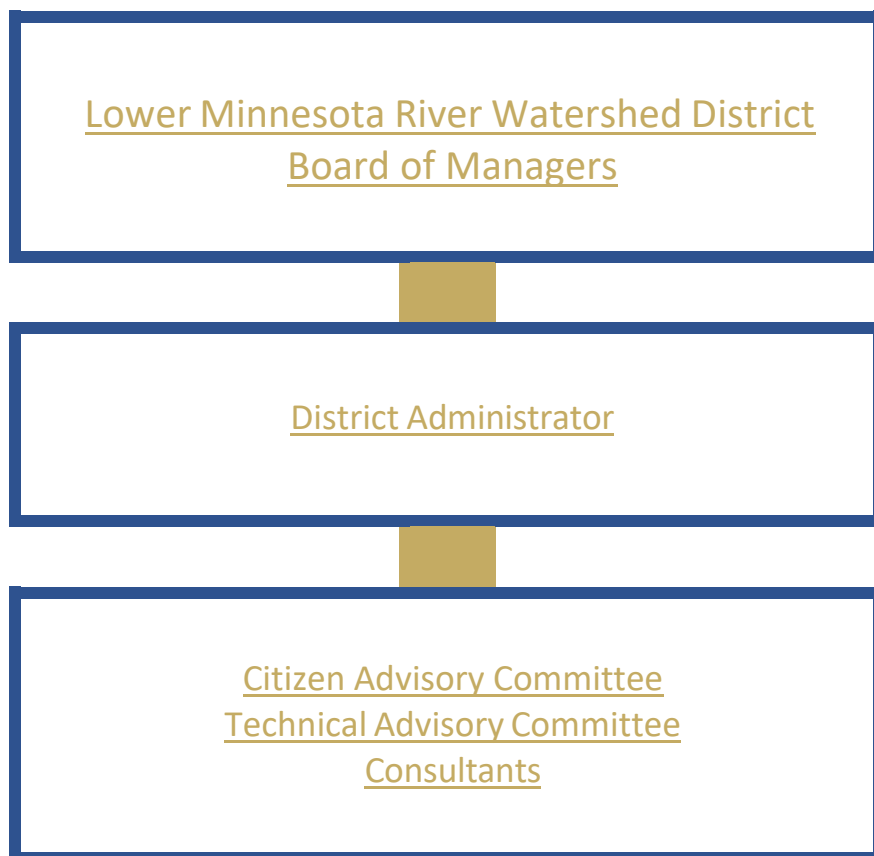
The LMRWD will maintain a CAC contact list and email group. Email will be used to share information with the group, but discussion will be limited. All efforts will be made to conduct CAC discussions at CAC meetings and not over email. Members may send topic requests for meeting discussions to the CAC Chair before the meeting agenda and materials packets are provided.

If a topic requires a timely input or vote from CAC members, then the CAC Chair will provide specific instructions.

The CAC email list is to be used for CAC-specific communication. The CAC should not be copied on email messages but should be the direct recipients. The CAC email list and member email addresses should not be shared with outside parties unless express permission is given.

LMRWD ORGANIZATION CHART

This organization chart illustrates the relationships among the LMRWD Board of Managers, the CAC, and staff and consultants.



APPENDIX A: MEMBERSHIP



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Member	Bio	Term
<p>Judy Berglund judyberglund2@gmail.com</p>	<p>Judy is interested in preserving water quality in our lakes and streams. Judy joined the CAC to work with other residents to encourage them to preserve and improve water quality in our lakes and rivers. Judy hopes to be a spokesperson for the LMRWD and to promote her local grant project as an example of how other residents can use rain gardens and native plant restoration on the banks of streams and lakeshores to improve water quality in our local waterways.</p>	<p>February 2021 – Present</p>
<p>Greg Genz greggenz71@gmail.com</p>	<p>Greg has lived his life on Minnesota rivers. This has allowed him to see the positive and negative impacts on rivers for over 60 years, from swimming in the Mississippi as a youngster to being on several nongovernmental organization boards from Red Wing to the Minnesota River. Greg states that the Minnesota River has outsized impacts on downriver water issues, and he feels he can give voice to those impacts. As a CAC member, Greg hopes to help the public understand how their personal activities affect the health of our rivers.</p>	<p>February 2021 – Present</p>
<p>Thomas Hartle thomasehartle@gmail.com</p>	<p>Tom lives on the Minnesota River Bluffs and he has a vested interest in better understanding how to protect the land from erosion. By participating on the CAC, he hopes to learn more about the environmental factors that affect the waterways in his community, participate in decisions that benefit the environment, and participate in being a good steward of his community resources as well as educating and informing others.</p>	<p>February 2023 – Present</p>

<p>Patty Thomsen Pattythomsen@icloud.com</p>	<p>Patty has lived within the LMRWD her whole life and has seen the changes it has gone through. She works to remove invasive plants and is interested in resorting the watershed to a healthier condition in order to improve the water quality and keep silt out of the Minnesota River by replanting with long-rooted native plants. She has hands on experience working outside and has adopted several storm drains in her community, while also leading several volunteer buckthorn busts in her neighborhood.</p>	<p>February 2023 – Present</p>
<p>Kevin Kedrowski kedrowsk@csp.edu</p>	<p>Kevin Kedrowski lives next to the Minnesota River and enjoys accessing the trails along the river that bring him closer to nature. After recently becoming a father, Kevin has decided to work toward preserving this natural beauty for his child to experience. Kevin’s formative years as a Boy Scout furthered his love of the outdoors and passion for learning about the natural world.</p>	<p>July 2023 – Present</p>
<p>Lee Peterson W.V.Lee1952@gmail.com</p>	<p>Lee Peterson lives in a High Value Resource Area adjacent to the Minnesota River and is concerned about lawn care practices and their effects on the water quality. Lee is a retired conservation practice farmer and former northeast Iowa Soil and Water Conservation District technician. He also has a background as a wetland restoration project manager and is knowledgeable in native grass and flower seeding. As an avid boater, canoer, and kayaker, Lee would like to keep the Minnesota River clean.</p>	<p>October 2023 – Present</p>

DISTRICT MANAGER BIOGRAPHIES

The LMRWD Board of Managers represents each county in the LMRWD. Below are the current Board of Managers.

Jesse Hartmann - Scott County, President

Jesse grew up in the woods and in the water; he was always hunting, fishing, camping, and participating in other outdoor experiences, so it felt natural to him to take an interest in conserving these resources. Jesse believed that joining the LMRWD Board was an opportunity to make a positive impact in the world of natural resources. The river has always been a part of his life, and Jesse hopes to preserve one of the greatest natural resources in Minnesota.

Theresa Kuplic - Dakota County, Vice President

Theresa recently completed a degree in environmental studies at the University of St. Thomas. She lives in the Minnesota River Valley and loves the beauty of our rivers and lakes. She joined the board to do her part to care for these wonderful natural resources. As a board member, Theresa hopes to support ways of fostering environmental awareness and the importance of civic collaboration to support a healthy world.

Lauren Salvato - Carver County, Secretary

Lauren Salvato is a policy and programs director at the Upper Mississippi River Basin Association. The Association is a regional interstate organization formed to coordinate multi-state river related programs. Lauren's focus at the Association is on water quality and ecosystem restoration initiatives. After relocating from North Minneapolis to Chaska, Lauren decided to apply to the LMRWD board to become an active resident in her local watershed. In her role as a Board member, Lauren hopes to balance the multipurpose use of the LMRWD's natural resources while preserving those resources for future generations.

DISTRICT MANAGER BIOGRAPHIES

Laura Amundson - Hennepin County, Treasurer

Laura Amundson understands that the lower Minnesota River is unique in that while it is rich in natural resources and recreation opportunities, it also provides environmentally friendly transportation of farm and industrial products by barge shipping. As a civil engineer in the transportation industry, Laura knows how important it is to maintain the shipping corridor, protect natural resources, and provide recreation opportunities in an urban watershed. Living and recreating in the lower Minnesota watershed encouraged Laura to be active in preserving all its unique qualities.

Joseph Barisonzi - Hennepin County, Assistant Treasurer

Joseph Barisonzi is an alternative finance consultant working with impact businesses. As a volunteer, he is cofounder and advisor of the Green Crew, vice president of the Minnesota Division of the Izaak Walton League, curator of the Kouba Gallery, officer of the Minnesota Valley Chapter of the Izaak Walton League, and advisor for BSA VC 3111. He is currently the live-in caretaker of the Minnesota Valley Chapter of the Izaak Walton League property adjacent to the Minnesota Valley National Wildlife Refuge. Joseph is the proud father of a 15-year-old theater, synchro, and Green Crew kid.

APPENDIX B: BYLAWS



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Acknowledgements

Citizen Advisory Committee:

Judy Berglund
Craig Diederichs, Chair
Greg Genz
Jenny Karkowski, Vice-Chair
Theresa Kuplic, Secretary

Lower Minnesota River Board of Managers:

Jesse Hartmann, President
Patricia Mraz, Vice President
David Raby, Treasurer
Lauren Salvato, Secretary

Date of CAC Endorsement: April 6, 2021

Date of LMRWD Board Approval: April 21, 2021

Date of LMRWD Board Approval with Amendments: May 19, 2021

Date of CAC Adoption: June 1, 2021

Date of LMRWD Board Approval with Amendments: June 16, 2021

Update

Citizen Advisory Committee:

Judy Berglund, Chair
Greg Genz
Thomas Hartle
Kevin Kedrowski, Vice-Chair
Patty Thomsen, Secretary

Lower Minnesota River Board of Managers:

Jesse Hartmann, President
Theresa Kuplic, Vice President
Laura Amundson, Treasurer
Joseph Barisonzi, Assistant Treasurer
Lauren Salvato, Secretary

Date of CAC Adoption with Update: September 5, 2023

Date of LMRWD Board Approval with Update:

**Lower Minnesota River Watershed District
Citizen Advisory Committee
Draft Bylaws**

ARTICLE I: AUTHORITY

The Lower Minnesota River Watershed District (LMRWD) Citizen Advisory Committee (CAC) is hereby established with such powers and duties as are delegated to the CAC by the LMRWD Board of Managers (Board).

ARTICLE II: RESPONSIBILITIES

Per the Board and as outlined in the LMRWD Plan, the responsibilities of the CAC include the following:

- a) Acting as a liaison between the LMRWD and residents.
- b) Increasing public awareness by educating LMRWD residents about actions necessary to protect and improve water resources and habitat within its boundary.
- c) Advising the Board and staff on issues important to residents.

ARTICLE III: MEMBERSHIP

CAC members are appointed by the Board. The CAC strives to contain a minimum of five members made up of interested and technical persons who are residents and non-residents of the LMRWD. CAC members are appointed to two-year terms.

ARTICLE IV: CONFLICT OF INTEREST

Prior to deliberation on an issue, a member who feels that they have a perceived conflict of interest shall disclose that information to the Chair and members. Members may also report other members' potential conflicts of interest to the Chair and members. A majority vote of members present will determine whether the conflict of interest is sufficiently substantial to exclude the member from voting on the issue. All conflicts of interest disclosures and subsequent determination of whether to exclude a member from a vote shall be noted in the minutes.

ARTICLE V: PARTICIPATION

To ensure the CAC's efficiency, regular attendance at meetings is necessary. Any member may be removed for repeated, unexcused absences from CAC meetings. The Chair or LMRWD staff if directed by the Chair must notify the Board president when any member has three or more

consecutive unexcused absences or when a member's sporadic attendance prevents meaningful participation in CAC matters.

An absence shall be deemed excused if the member notified the Chair, another CAC member, or LMRWD staff prior to the meeting. Excused absences shall be noted in the minutes of the meeting.

Any member may be removed from office for just cause and on written charge by a majority vote of the Board.

Members may request a leave of absence from the CAC by sending a letter to the Board president. The Board may grant a leave of absence for a period of no less than three months and up to a maximum of one year. While a member is on leave of absence, they shall not be eligible to vote and shall not be counted toward the quorum.

Members shall communicate their intention to resign in writing to the CAC Secretary, who in turn will notify members and the Board president.

Members are encouraged to attend Board meetings and LMRWD functions.

ARTICLE VI: VACANCIES

The Chair will notify the Board president of vacancies in membership. The Board will act in good faith to fill vacancies within 60 days from the date that the Board is notified of the vacancy.

ARTICLE VII: OFFICERS

Officers shall be elected for a one-year term. Elections shall be held during the first CAC meeting of the calendar year. The officers shall be chair, vice-chair, and secretary.

Duties of the officers are as follows:

1. The chair will do the following:
 - a. Preside at all meetings of the CAC.
 - b. Lead meetings in an efficient and orderly fashion.
 - c. Plan meeting agendas in cooperation with staff.
 - d. Encourage participation by all members at meetings.
 - e. Serve as the primary contact to the Board.
 - f. Appoint members to serve on subcommittees and task forces, as appropriate.
2. The vice-chair shall perform the duties of the chair in the chair's absence.
3. The secretary administers the paperwork at each meeting, prepares and distributes meeting minutes, handles all CAC correspondence, maintains a CAC file of pertinent

information, and coordinates with the education and outreach coordinator and the District administrator.

Any officer whose membership ceases prior to the expiration of his/her term as an officer shall be replaced for the balance of his/her term by a special election of the CAC. Such special elections shall be held during the second regular meeting of the CAC immediately following termination of the officer's membership.

ARTICLE VIII: MEETINGS

The CAC will meet regularly pursuant to a schedule established by the CAC. Regular meetings shall be held on the first Tuesday of every month at 4:30 p.m. Members present at the prior regularly scheduled meeting may change this meeting schedule by a majority vote. Notice of the date, time, place, and proposed agenda of the meeting shall be published on the LMRWD's website at least seven days before the meeting.

The CAC will be subject to the Open Meeting Law, Minnesota Statute 13D (Appendix C). A quorum of at least half the members plus one CAC member must attend regularly scheduled meetings to vote on action agenda items or to vote on motions made during regularly scheduled meetings.

All CAC meetings shall be public. Public participation at meetings will, to the extent possible, be for the purpose of presenting information or providing comments that were not previously available to the CAC.

The CAC may utilize technology, including a conference call or web-based participation for members, presenters, or other necessary participants when feasible.

ARTICLE IX: VOTING

Each member is entitled to one vote. The CAC will function by a majority vote of the members present. A quorum must be present to vote. A tie vote by the CAC constitutes an impasse, and the result in question will remain a tie and be reported to the Board as a tie.

ARTICLE X: OFFICIAL MINUTES

The minutes of the CAC will be recorded by the secretary and will include the time, date, and place of the meeting; the attendance of the members and guests; the topics of the meeting and actions taken, or findings made; the results of roll-call votes; and a narrative or summary of pertinent discussions. A copy of the minutes for each meeting will be made available to members of the Board and the CAC.

ARTICLES XI: RULES AND RESPONSIBILITIES

The CAC will use Robert's Rules of Order to govern its meetings and business transactions. See Appendix D.

ARTICLE XII: COMMITTEES

To accomplish its prescribed responsibilities, the CAC may create committees of its members to study and report on projects, plans, and programs under consideration by the Board. Such committees will operate under the bylaws and rules of the full CAC.

The chair may appoint nonmembers who have expressed an interest in the topic or who have specialized expertise to a subcommittee or taskforce as appropriate.

If a regularly scheduled meeting is canceled, or if a quorum is not available to conduct business at a regularly scheduled meeting, a subcommittee or task force may meet during the time of the regularly scheduled meeting without providing 24-hour notice.

ARTICLE XIII: STAFF SUPPORT

Education and outreach coordinator, the District administrator, or a representative is expected to attend each CAC meeting unless otherwise directed by the Board; other LMRWD staff attendance will be overseen by the District Administrator. Staff will be responsible for the following:

- Preparing agendas with input from the Board, CAC Chair, and CAC priorities.
- Recording minutes, as requested.
- Assisting the CAC Chair in matters related to running the meetings.
- Preparing background information for items requiring CAC action.
- Coordinating attendance by consultants and other staff, as needed.
- Preparing memorandums to communicate CAC recommendations to the Board.

ARTICLE XIV: AMENDMENTS TO THE BYLAWS

Any member may offer a motion to amend the bylaws. The motion must receive a second before a vote on an amendment will be scheduled. All proposed amendments must be read before the CAC at a regularly scheduled meeting. Voting on any amendment will be held at the first meeting after a motion to amend has been made and seconded. Amendments to the bylaws will require a majority vote of those present at the meeting.

Bylaws and any changes thereto shall be submitted to the Board for comment prior to adoption.

ARTICLE XV: SEPARABILITY PROVISIONS

Should any article of these bylaws be considered unconstitutional or void, the remaining provisions will remain in full effect.

ARTICLE XVI: EFFECTIVE DATE

These bylaws will take effect upon approval by the Board.

APPENDIX C: Minnesota Statue 103D.331S and 13D



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

103D.331 ADVISORY COMMITTEE.

Subdivision 1. **Purpose.** The managers must annually appoint an advisory committee to advise and assist the managers on all matters affecting the interests of the watershed district and make recommendations to the managers on all contemplated projects and improvements in the watershed district.

Subd. 1a. **Duties.** For purposes of carrying out its duties under this section the advisory committee shall:

- (1) elect a chair from its membership;
- (2) elect a recorder from its membership;
- (3) establish a meeting schedule, which at a minimum meets annually;
- (4) consider issues pertinent to the functions and purposes of the watershed district;
- (5) review and comment on reports, minutes, activities, and proposed projects of the managers; and
- (6) report to the managers the general content of advisory committee meetings and resulting recommendations.

Subd. 2. **Members.** (a) The advisory committee consists of at least five members. If practicable, the advisory committee members selected should include a representative from each soil and water conservation district, a representative of each county, a member of a sporting organization, and a member of a farm organization. Other advisory committee members may be appointed at the discretion of the managers. The members must be residents of the watershed district, except representatives from soil and water conservation districts and counties, and serve at the pleasure of the managers.

(b) In addition, the managers may appoint other interested and technical persons who may or may not reside within the watershed district to serve at the pleasure of the managers.

Subd. 3. **Expense reimbursement.** The managers may reimburse members of the advisory committee for actual traveling and other necessary expenses incurred in the performance of duties in the amount as provided for state employees.

History: 1990 c 391 art 4 s 24; 1995 c 199 s 15

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

APPENDIX D: Robert's Rules of Order – the Basics



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Robert's Rules of Order – the Basics

(This sheet should not be a substitute for *Robert's Rules of Order, Newly Revised*, 11th Edition, but is meant to supplement the full set of rules.)

Parliamentary procedure is a set of rules for conducting orderly meetings that accomplish goals fairly. Most PTAs use Roberts Rules of Order. Benefits of parliamentary procedure include the following:

- Justice and courtesy for all
- Maintenance of order
- Consideration of one item at a time
- All sides get heard
- Ability for each member to provide input
- Majority rule
- Protection of the rights of all members including the minority

Basic Principles

- All members have equal rights, privileges and obligations
- No person can speak until recognized by the chair
- Personal remarks during debate are out of order
- Only one question at a time may be considered, and only one person may have the floor at any one time
- Members have a right to know what the immediately pending question is and to have it restated before a vote is taken
- Full and free discussion of every main motion is a basic right
- A quorum must be present for business to be conducted
- A majority decides a question except when basic rights of members are involved or a rule provides otherwise.
- A 2/3 vote is required for any motion that deprives a member of right in any way (e.g., cutting off debate)
- Silence gives consent. Those who do not vote allow the decision to be made by those who do vote.
- The Chair should always remain impartial

Basic Definitions

Motion – A formal proposal made to bring a subject before an assembly for its consideration and action. Begins with “I move that...”

Second – A statement by a member who agrees that the motion made by another member be considered. Stated as “Second,” or “I second the motion.”

Amendment – Before the vote is taken on a motion, it may be amended by:

- Striking out words
- Inserting or adding words
- Striking out words and inserting others in their place
- Substituting one (1) paragraph or resolution for another

Quorum - the minimum number of members who must be present in order for a PTA to conduct business. The quorum can be found in the local unit's bylaws. For boards and committees, unless stated in the bylaws, the quorum is a majority of the members. PTAs cannot take votes on business matters unless a quorum is present.

Presiding officer/Chair – The individual who facilitates the meeting, usually the President. In the absence of the President, if none of the Vice Presidents are in attendance, the Secretary calls the meeting to order and conducts an election for a Chairman Pro Tem (a presiding officer for that meeting only).

Role of the Presiding officer

- To remain impartial during debate – the presiding officer must relinquish the chair in order to debate the merits of a motion and may not chair the meeting again until after a vote has been taken on the motion has been disposed of
- To vote only to create or break a tie (or 2/3 for matters requiring a 2/3 vote) – exception: the presiding officer may vote on any vote by ballot
- To introduce business in proper order per the agenda
- To recognize speakers
- To determine if a motion is in order
- To keep discussion germane to the pending motion
- To maintain order
- To put motions to a vote and announce results

General procedure for Handling a Main Motion

- A member must obtain the floor by being recognized by the chair
- Member makes a main motion
- A motion must be seconded by another member before it can be considered
- If the motion is in order, the chair will restate the motion and open debate
- The maker of a motion has the right to speak first in debate
- The main motion is debated along with any secondary motions that are debatable.
- Debate on Subsidiary, Privileged and Incidental motions (if debatable or amendable) take precedence over debate on the main motion and must be decided before debate on the main motion can continue.
- Debate is closed when:
 - Discussion has ended, or

- A 2/3 vote closes debate (“call the previous question” or “call the question”)
- The chair restates the motion, and if necessary clarifies the consequences of affirmative and negative votes
- The chair calls for a vote by asking “All in favor?” Those in favor say “Aye.” Then asking “All opposed?” Those opposed will say “no”
- The chair announces the result

General rules of Debate

- No member may speak until recognized by the chair
- All discussion must be relevant to the immediately pending question
- No member can speak more than twice to each debatable motion. The second time takes place after everyone wishing to debate the motion has had an opportunity to speak once
- No member can speak more than ten minutes or as decided by members. Many PTAs limit debate to three (3) minutes per speaker by general consent at the beginning of the meeting.
- All remarks must be addressed to the chair – no cross debate is permitted
- It is not permissible to speak against one’s own motion (but one can vote against one’s own motion)
- Debate must address issues not personalities – no one is permitted to make personal attacks or question the motives of other speakers
- The presiding officer must relinquish the chair in order to participate in debate and cannot reassume the chair until the pending main question is disposed of
- When possible, the chair should let the floor alternate between those speaking in support and those speaking in opposition to the motion
- Members may not disrupt the assembly
- Rules of debate can be changed by a 2/3 vote or general consent without objection

Example of Handling a Main Motion:

Member rises and addresses the chair:

Madam (Mister) President.

Chair recognizes member (by title or name).

Member makes the motion.

I move that...

Another member seconds the motion (without recognition).

Second [or] I second the motion.

The chair states the motion and opens debate.

It is moved and seconded that...

Is there any debate? Or Are you ready for the question?

Chair recognizes members wishing to speak.

After debate concludes. Chair restates the motion and puts the question to a vote.

The question is on the motion to...

Those in favor of the motion say "aye." Those opposed say "no."

Chair announces the result of the vote and what action will be taken.

The "ayes" have it, and the motion is adopted. We will [stating action to be taken].

The chair continues with the next business in order.

Common methods of taking a vote:

General consent:

"If there is no objection, we will..." (Pause) "Since there is no objection, we will..."

Voice vote: *"As many as are in favor, say "aye." As many opposed, say "no." The "ayes/noes" have it and the motion is adopted/lost."*

Rising vote (not counted): *"Those in favor will rise. Thank you, be seated. Those opposed will rise. Thank you, be seated. There is a majority (or 2/3) in the affirmative and the motion is adopted." Or "There is less than a majority (or 2/3) in the affirmative and the motion is lost."*

Methods of Amending

By striking out: "I move to amend the motion by striking out the word "Denver."

By inserting: "I move to amend the motion by inserting the word 'Las Vegas' after the word 'Portland' and before the period."

By striking out and inserting: "I move to amend the motion by striking out the word '\$35' and inserting the word '\$50.'"

Helpful terminology

- Recommendations, bylaws, rules, resolutions, budgets, and audits are **adopted**.
- Reports are **filed**.
- Resignations are **accepted**.
- Bills and minutes are **approved**.
- If corrections were made to the minutes, the minutes are then **approved as corrected**.
- Treasurer's statement is neither approved nor adopted; but after questions are answered regarding any item as reported, it is **placed on file for audit** as stipulated in the bylaws.
- Motions are recorded as **"adopted"** or **"lost."**

- It is highly recommended that main motions be put in writing (dated and signed). If so, number motion slips, and note on the slips whether the motion was “**adopted**” or “**lost**.”

Robert’s Rules Help Get Things Done!

- *Make Motions – that are in order*
- *Obtain the floor – properly*
- *Speak – clearly and concisely*
- *Obey – the rules of debate*

And most of all, be courteous! That’s always in order!