

## **OPEN MEETING LAW (OML) “BASICS”**

(Minnesota Statutes Chapter 13D)

- I. OML regulates meetings of:
  - A. Governing bodies of schools, counties, cities and townships;
  - B. State agencies, boards, commissions when transacting public business;
  - C. Some\* commissions, committees, subcommittees, and boards of the above; and,
  - D. A variety of local boards, commissions and so forth. (Examples include zoning and planning police, charter, and so forth.)

\*In some cases, whether a meeting is subject to the OML will depend on whether or not a quorum of members of a governing body are at the meeting.
- II. With limited exceptions, all meeting of public bodies must be open to the public.
  - A. Members of the public can attend all open meetings.
  - B. The OML is silent on whether public attendees can speak or otherwise participate in meeting.
  - C. The OML is silent on how public meetings are actually conducted.
- III. The quorum rule.
  - A. Quorum or more of a public body or a quorum of any of the public body's committees, etc. must be present for the meeting to be subject to the OML.
  - B. Quorum of members must be deciding or receiving information as a group on issues relating to official business.
  - C. Meetings of less than quorum of members or that are training sessions or chance or social gatherings are not subject to the OML.
- IV. The OML recognizes three types of meetings. Each type has different notice requirements.
  - A. For regular meetings, a schedule must be on file at the primary offices of the body. If there is a change to time or place of a regular meeting, notice must be given in the manner provided for special meetings.
  - B. For special meetings, the public body must post notice of the date, time, place, and purpose for the meeting on the bulletin board of the body or on the door where meetings are held.

1. Notice of the special meeting must be provided to persons who have requested notice and must be provided at least three days before to the meeting. Notice of a special meeting may be provided by newspaper publication at least three days before the meeting.

C. Notice of emergency meetings shall be provided to each news medium that has filed a written request for notice.

V. Meetings Closed to the Public.

- A. Before closing a meeting, the public body must state on the record the grounds for closing the meeting and the subject to be discussed. Generally, meetings may only be closed as provided in the OML.
- B. All closed meetings, except for those permitted by attorney client privilege, must be recorded.
- C. Some meetings must be closed that include discussions involving various types of data that are not public. Examples: educational data; active criminal investigative data; health data; welfare data; and a number of other types of data identified in the OML.
- D. Some meetings may be closed depending on what may be discussed. Examples: attorney client privilege; consideration of discipline against an individual subject to the body's authority; to evaluate the performance of an individual subject to the body's authority; and other situations identified in the OML.
- E. For disciplinary matters, if the body determines discipline is warranted, all further meetings must be open. Any discipline related meetings must be open at the request of the employee.
- F. At the next meeting after an evaluation discussion, the body must summarize its conclusions regarding the evaluation. Evaluation meetings must be open at the request of the employee.

VI. Availability of meeting materials.

- A. At least one copy of printed materials that are provided to members of a public body must be available to the public in the meeting room of the body. This does not apply to materials classified as not public or to materials relating to agenda items of closed meetings.

VII. Penalties and remedies.

- A. Any person who violates the Chapter may have to pay a three hundred dollar fine if the violation is intentional.
- B. Intentional violations found in three separate actions brought under this Chapter may result in forfeiture of office.
- C. Any person may bring an action to enforce the OML. A court may award costs and attorney fees of up to \$13,000 to a prevailing party.