



Centennial Office Building
St. Paul, MN 55155
Phone: 651-296-0099
www.lcc.mn.gov

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To: Electricity as Vehicle Fuel Working Group

From: Austin Turman, LCC Research Analyst

RE: Open Meeting Law

Memorandum

Working Group members should be careful about communicating with each other outside of meetings.

Meetings of the Working Group are also subject to Minnesota's Open Meeting Law, Chapter 13D. Minnesota's Open Meeting Law has three established purposes:

1. "To prohibit actions being taken at a secret meeting where it is impossible for the interested public to become fully informed concerning [public bodies'] decisions or to detect improper influences;
2. To assure the public's right to be informed; and
3. To afford the public an opportunity to present its views to the [public body]"¹

The Minnesota Supreme Court defined meetings as any gathering of a quorum of members including discussions and not just meetings where official business is decided.² A meeting is considered open when proper notice was given in advance, the public can attend, and meeting materials are available.³ Notice may be given via multiple mediums but generally needs to be given 24 hours before the meeting.⁴ The law does allow remote meetings via interactive technology.⁵ The law also creates an exception for public discussions on social media, but email is singled out as not being considered a type of social media.⁶

¹ *Prior Lake American v. Mader*, 642 N.W.2d 729, 735 (Minn. 2002) (en banc).

² *Moberg v. Independent School Dist. No. 281*, 336 N.W.2d 510 (Minn. 1983) (en banc).; *St. Cloud Newspapers, Inc. v. District 742 Community Schools*, 332 N.W.2d 1, 4 (Minn. 1983).

³ Minn. Stat. § 13D.01, 13D.04.

⁴ Minn. Stat. § 13D.04.

⁵ Minn. Stat. § 13D.02.

⁶ Minn. Stat. § 13D.065.

Members should take care to avoid discussions of the work of the Working Group online or outside these meetings with groups of members. An email chain could run afoul of this law. Conversely, members meeting up at a non-Working Group related event, and not as a group making decisions about the work of the Working Group would not violate the Open Meeting Law.