



The Office of
Minnesota Attorney General Keith Ellison

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OPEN MEETING LAW

Advisory Task Force on the Future of Minnesota's Water

June 11, 2025

What?

- With limited exceptions, all meetings of public bodies must be open to the public
- The public has the right to attend open meetings, but participation is at the discretion of the public body
- Minnesota Statutes Chapter 13D “Open Meeting Law”

Why?

- Prohibit secret meetings where decision-making process is hidden
- Assure the public's right to be informed
- Give the public an opportunity to present its views to the public body

Subject to Open Meeting Law

A gathering is subject to Open Meeting Law when:

- 1) Quorum (majority) of full public body or quorum of committee, subcommittee, etc. present

AND

- 2) Quorum discusses, decides, or receives information on issues relating to its official business

Not Subject to Open Meeting Law

A gathering is NOT subject to Open Meeting Law when:

- Less than a quorum (majority)
- By chance or social
- Training or team building activities so long as business is not discussed

Other Considerations

- Email
 - ✓ Tool for sharing information or materials
 - ✓ Avoid “discussion”
- Serial meetings
 - ✓ Meetings of less than a quorum held to avoid public discussion
 - ✓ Might be a violation
- Committees/Workgroups
 - ✓ Discuss specific issue areas
 - ✓ Bring recommendations to full group

Notice of Meetings

Regular Meetings

- Schedule kept on file at office or on website

Special Meetings

- Not on the regular schedule
- 3-day advance posting on website (date/time/place/purpose)

Emergency Meetings

- Immediate consideration required
- Good faith effort to notify media that requested notice

Materials/Documentation

- Printed copy of materials available in the meeting room for inspection by the public while they are being discussed
(Does not include “not public” materials or those relating to closed meetings)
- Agendas and minutes are not required (in most situations)
- Votes must be recorded and maintained

Closed Meetings

- Meetings can be closed only if required or permitted in the law
- All closed meetings must be recorded (attorney-client exception)
- No general “personnel exception” to close a meeting
- Statement on the record before closing a meeting
 - Legal authority to close the meeting
 - Describe what will be discussed

Technology

- State-level public bodies may hold remote or hybrid meetings if:
 - ✓ All members can hear one another and testimony
 - ✓ Public can hear discussion, votes, testimony
 - ✓ One member of the entity is physically in the regular room
 - ✓ Votes taken by roll call
- Public may monitor from remote site, if practicable
- Notice that members may participate remotely
- 10 days in advance web-posting requirement for regular meetings

Penalties and Remedies

- Intentional violation
 - Personal liability – up to \$300 fine
- Three or more separate intentional violations
 - Forfeit office
- Court may award reasonable costs, disbursements, attorney fees
- No reversal of public body actions taken while in violation of the law

Resources

Department of Administration – Data Practices Office

<https://mn.gov/admin/data-practices/>

- Written resources
- Statutes
- Advisory Opinions
- Videos