

*Committee/Commission  
Board/Task Force  
Handbook*



**Forest Lake**

**AS GOOD AS IT SOUNDS**

*Adopted: June 27, 2005*

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## **OPEN APPOINTMENT POLICY**

### **A. PURPOSE**

It is the City's intent to provide an open, accessible appointment process which invites all interested citizens to become involved in city government by seeking available appointments. It is the City Council's desire to effect full citizen engagement in the development and implementation of the policies of the City of Forest Lake. Therefore, it is the declared policy that membership on the various commissions, committees, boards and task forces shall be open to all residents, consistent with their commitment to providing equal employment opportunities pursuant to affirmative action concepts.

### **B. GENERAL GUIDELINES**

1. Announcement of vacancies will be published in the official city newspaper and other sources such as the web site, bulletin boards, etc.
2. A minimum application period of two weeks will be provided and a deadline date will be specified. However, the Mayor and City Council may consider applications received after the deadline date as long as they are received prior to review by the City Council.
3. Applications shall remain active until the City Council makes an appointment.
5. Nominations will be made only from those who applied for the specific committee with the vacancy.
6. If applicable, ordinances, resolutions, and budgetary data relating to the commission, committee, board, or task force will be available for the applicants to review.
7. Applications from all candidates will be provided to the Mayor and City Council prior to consideration of appointments.

### **C. APPOINTMENT PROCESS**

1. Applications shall be forwarded to the Mayor and City Council as soon as practical following the close of the application period.
2. Applications shall be considered and recommended as per City ordinance or policy.
  - Mayor shall make recommendations for appointments to the City Council as per City ordinance or policy; or
  - City Council shall consider appointments as per City ordinance or policy.
3. Applications shall be considered in a timely manner and scheduled for a City Council meeting at which time the Mayor and City Council may:
  - Proceed to make the appointment, if in their judgment, enough data is available;
  - Seek recommendations regarding the appointment from the advisory committees and commissions; or
  - Re-advertise the vacancy, if necessary.

## PRINCIPLES OF CONDUCT

The following principles will ensure the commissions, committees, boards, and task forces operate with the maximum of efficiency and effectiveness and respect.

The following principles relating to how persons work together are very important. It is expected that all commissions, committees, boards, and task forces will follow these guidelines:

1. Commission, committee and board members shall prepare for and attend meetings, listen to each other with respect, and with the knowledge that reasonable people with the best of intentions may disagree with one another. Treat everyone with respect. Do not publicly embarrass or humiliate fellow commissioner, citizens, or staff.
2. By listening to one another, the possibilities for arriving at a consensus or a compromise that can be supported by all members' increases. Listen with an open mind and urge persons of various points of view to speak.
3. When disagreement on an issue is unavoidable, it should be tempered by a respect for the opinions of others while pointing out the objective reasons for the disagreement. Disagreements should be set aside once each issue is decided. Each individual member should respect the official position or action of the commission, committee, board, task force, or Mayor and City Council. This does not preclude expressions of minority opinions. The successful resolution of conflict can bind people together in powerful ways. It is important to disagree amicably.
4. Respect the results of the majority vote on an issue. Once a decision is made and vote taken, it is important to recognize this decision as the intent of the majority of the commission. A written minority report to the City Council may, however, be submitted.
5. Commission, committee, and board members should operate in an atmosphere of good will and respect and do nothing to intentionally embarrass one another or staff members. Be sensitive to the feelings and concerns of those who do not agree with the majority.
6. Commission, committee, board, and task force members should share and discuss relevant information with one another so that each member has the same information. Staff members should ensure all members has the same information in a timely manner.

## CODE OF ETHICS

### Code of Ethics for Public Officials in the City of Forest Lake

It is imperative that the officials in the public service not only maintain the highest possible standards of ethical conduct in their transactions of public business, but that such standards be clearly defined and known to the public as well as to the public officials.

The following Code of Ethics applies to the public officials of the City of Forest Lake.

#### SECTION 1. DECLARATION OF POLICY

**Statement:** The proper operation of democratic government requires that public officials be independent, impartial, and accountable to the people; that government decisions and policy be made in the proper channels of the government structure; that public office not be used for personal gain; and the public have confidence in the integrity of its government.

**Purpose:** In recognition of these goals, this Code of Ethics is established for all public officials of the City of Forest Lake. The purpose of this code is to establish ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interests of the City, and by directing disclosure by such officials of private financial or other interests in matters affecting the City. The provisions and purpose of this code and such rules and regulations as may be established are declared to be in the best interests of the City of Forest Lake.

**Education:** Recognizing that education in government is the key to having good government, this Code requires that the City Administrator shall arrange for a discussion of the meaning of this Code with new public officials at the organizational meeting of the City Council in January of each year.

#### SECTION 2. DEFINITION OF TERMS

**Public Official:** Any person who has been elected to office, appointed by the Mayor and City Council, appointed to a City Council or Commission, or hired by the City to serve as a Department Head or Assistant Department Head. This list includes the following:

- a. A member of the City Council or other elected official;
- b. The Department Head and Assistant Department Head of each City Department;
- c. A member of any City Committee or Commission or Board;
- d. The City Administrator or like position;
- e. Consultants retained by the City and those individual professionals (such as but not limited to engineers, architects, lawyers, auditors and appraisers) in the consultant's firm who perform work for the City.

**Anything of Value:** Money, real or personal property, a permit or license, a favor, a service, forgiveness of a loan or promise of future employment. It does not mean reasonable compensation or expenses paid to a public official by the City of Forest Lake for work performed.

**Compensation:** A payment of “anything of value” to an individual in return for that individual’s services of any kind.

**Association:** A business entity of any kind, a labor union, a club, or any other group of two or more persons other than the immediate family.

**Immediate Family:** A reporting individual, spouse, minor children, minor stepchildren, or other person residing in the same household.

**Gift:** The payment or receipt of “anything of value” unless consideration of greater or equal value is provided in return.

**City Administrator:** The person who heads up the administration of the operating government of the City.

### SECTION 3. ETHICAL CONSIDERATIONS

**Statement:** Public officials are to serve all persons fairly and equitably without regard to their personal or financial benefit. The credibility of Forest Lake City government hinges on the proper discharge of duties in the public interest. Public officials must assure that the independence of their judgment and actions, without any consideration for personal gain, is preserved.

**Guidelines:** Specific ethical considerations are enumerated below for the guidance of public officials, but these do not necessarily encompass all the possible ethical considerations that might arise.

- a. **Other Offices or Employment:** An elected public official shall not hold another incompatible office as that term has been interpreted from time to time by statute, the courts, and by the Attorney General. Employed public officials shall not hold such incompatible office nor shall they engage in regular outside employment without notice to and approval by the City Council. Elected and appointed public officials shall not hold other office or employment which compromises the performance of their elected or appointed duties without disclosure of said office or employment and self disqualification from any particular action which might be comprised by such office or employment.
- b. **Use of Confidential Information:** No public official shall use information gained as a public official, which is not generally made available to and/or is not known to the public, to directly or indirectly gain anything of value.
- c. **Solicitation of or Receipt of Anything of Value:** A public official shall not solicit or receive anything of value from any person or association, directly or indirectly, in consideration of some action to be taken or not to be taken in the performance of the public official’s duties.

- d. **Holding Investments:** No public official shall hold any investment that might compromise the performance of the public official's duties without disclosure of said investment and self-disqualification from any particular action that might be compromised by such investment, except as permitted by statute, such as Minnesota Statute §471.88.
- e. **Representation of Others:** A public official shall not represent persons or associations in dealings with the City in consideration of anything of value.
- f. **Financial Interest:** Where a public official or a member of the public official's immediate family has a financial interest in any matter being considered by the public official, such interest, if known to the public official, shall be disclosed by the public official. If the public official has such a financial interest or if the minor child of a public official has such a financial interest, the public official shall be disqualified from further participation in the matter.
- g. **City Property:** No public official shall use City owned property such as vehicles, equipment, or supplies for personal convenience or profit, except when such property is available to the public generally or where such property is provided by specific City policy in the conduct of official City business.
- h. **Special Consideration:** No public official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
- i. **Authority:** No public official shall exceed his or her authority, or breach the law, or ask others to do so.
- j. **Giving Anything of Value:** No elected public official shall give anything of value to potential voters in return for their votes, promises, or financial considerations which would be prohibited by the State Minnesota Fair Campaign Practices statute.
- k. **Public Funds, etc.:** No public official shall use public funds, personnel, facilities, or equipment for private gain or political campaign activities.
- l. **Expenses:** Public officials shall provide complete documentation to support requests for expense reimbursement. Expense reimbursement shall be made in accordance with City policy.
- m. **Donations:** No public official shall take an official action that will benefit any person or entity because of a donation of anything of value to the City by such person or entity.
- n. **Official Action:** No public official shall take an official action that will benefit any person or entity where such public official would not have otherwise have

taken such action but for the public official's family relationship, friendship, or business relationship with such person or entity.

- o. Compliance with Law:** Public officials shall comply with all local ordinances and State and federal statutes including, but not limited to, the Criminal Code, Fair Campaign Practices Act, and laws governing the functioning of municipalities, their elected and appointed officials, and employees.

#### **SECTION 4. SPECIAL CONSIDERATIONS**

**Voting:** Situations can arise where a member of the City Council, a Commission, or a Committee abstains from voting because of a conflict of interest, but his or her abstention becomes a vote either for or against the matter because a majority is required to pass or reject that matter. This can happen where four-fifths vote is needed to pass an issue, or the vote has to be a clear majority and a split vote does not pass or reject. When this happens, the City Attorney must be consulted and the final vote should carry a public notice explaining what took place and how it was resolved.

#### **SECTION 5. DISCLOSURE OF FINANCIAL INTERESTS**

**Guidelines:** Not later than ninety (90) days after the date of approval of this code, each public official of the City shall file as a public record, in the office of the City Administrator, a statement containing the following:

- a.** A list naming all business enterprises known by the public official to be licensed by or to be doing business with the City which the public official or any member of the public official's immediate family is connected as an employee, officer, owner, investor, creditor of, director, trustee, partner, advisor, or consultant; and
- b.** A list of the public officials and members of the public officials' immediate family's interests in real property located in the city or which may be competing with the interests of the City located elsewhere, other than property occupied as a personal residence.

**Initial Filing:** Each person who enters upon duty after the date of this Code in an office or position as to which a statement is required by this Code shall file such a statement on forms to be provided by the City not less than thirty (30) days after the date of his/her entrance on duty.

**Subsequent Filings:** Each person who made an initial filing shall file a new statement by January 30 of each year thereafter giving the information called for above as of the time of the new statement. If a change in financial interest or property ownership occurs between filings, a new filing shall be made within thirty (30) days of the change.

**Immediate Family Interest:** The interest of any member of the immediate family shall be considered to be an interest of a person required to file a statement by or pursuant to this ordinance.

**Non-Business Organizations:** This Code shall not be construed to require the filing of any information relating to any person's connection with or interest in any professional society or any charitable, religious, social, fraternal, educational, recreational, public service, civil, or political organization, or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. However, if any such organization seeking any action or benefit comes before the City Council, then membership in the organization may be a potential conflict of interest and must be reported as such to the City Administrator by the public official in an amended disclosure statement. The other stipulations of this Code then apply.

**Responsible Authority:** The City Administrator shall inform each person who is required to file of the time and place for filing. The City Administrator shall inform the Council whenever a person who is required to file a statement fails to do so.

**Adopted by the City Council of the City of Forest Lake this 27<sup>th</sup> day of June, 2005.**

## **DUTIES AND RESPONSIBILITIES OF COMMISSION, COMMITTEE, BOARD, AND TASK FORCE MEMBERS**

### **INTRODUCTION**

Serving on a City commission, committee, board, or task force is an honor that also implies a responsibility to act in the best interest of the City of Forest Lake and the objectives of the commission, committee, board or task force on which you serve.

#### **A. MEMBER**

1. Attends scheduled meetings and is fully prepared for each meeting.
2. Fully participates in meetings and carries out assignments.
3. Utilizes community members to provide feedback on topics under consideration.
4. Appointed to prepares for meetings by reviewing prior meeting minutes the current agenda and supporting documents.
5. Is considerate of fellow members.
6. Abides by the City Code of Ethics policy.

#### **B. CHAIR**

1. Develops meeting agenda with City Staff.
2. Chairs and leads committee meeting and encourages active, positive, and open discussion with participants.
3. Delegates the vice chair to conduct committee meetings in the absence of the chair.
4. Coordinates all meeting material with City staff.
5. May give updates to the City Council at the direction of Staff or the Council.

#### **C. LIAISON**

1. Appointed by the Mayor and City Council. Usually a City Council member.
2. Shall serve as ex-officio members to the committee, commission, or board.
3. Actively participates in discussion at meetings, but does not formally vote on actions of the committee, commission, or board.

#### **D. PROCEEDINGS**

1. All proceedings shall comply with Minnesota State Statute, Chapter 13D. "Meetings of Public Bodies" as follows:
  - 13D.01 Meetings must be open to the public; exceptions
  - 13D.02 Meetings conducted by interactive TV; conditions
  - 13D.03 Closed meetings for labor negotiations strategy
  - 13D.04 Notify of meetings
  - 13D.05 Meetings having data classified as not public
  - 13D.06 Civil fines; forfeiture of office; other remedies
  - 13D.07 Citation

### 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 section 69.77, sections 69.771 to 69.775, or chapter 354A, 422A, or 423B.

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*

#### 13D.02 MEETINGS CONDUCTED BY INTERACTIVE TV; CONDITIONS.

Subdivision 1. Conditions. 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; and

(4) each location at which a member of the body is present is open and accessible to the public.

Subd. 2. Members are present for quorum, participation. Each member of a body participating in a meeting by 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 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.

*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.03 CLOSED MEETINGS FOR LABOR NEGOTIATIONS STRATEGY.

#### Subdivision 1. Procedure.

(a) Section 13D.01, subdivisions 1, 2, 4, 5, subdivision n 13D.02 does 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 refilling 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 refilling 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:

(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; and

(2) all provisions of this section relating to publication are satisfied by publication in the State Register.

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*

## 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.

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; or

(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.

(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 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*

#### 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. Other remedies; 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 a specific intent to violate this chapter.

*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.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*

## **POLICY ON ATTENDANCE OF CITY COMMISSIONS, COMMITTEES, BOARDS, AND TASK FORCES**

The City Council of the City of Forest Lake wishes to have effective commissions, committees, boards and task forces composed of citizens of the community; and, regular attendance of members is necessary for the most effective performance of the commission, committee, board or task force and; other interested citizens should be afforded the opportunity to serve on a city commission, committee, board, or task force in the event a member is unable to attend regularly;

The City Council of the City of Forest Lake adopts the following policies regarding attendance for City Commissions, Committees, Boards, and Task Forces:

1. Members of a City Commission, Committee, Board, or Task Force shall endeavor to maintain an annual attendance record for all regular meetings of at least 80 percent or miss not more than three meetings.
2. The recording of attendance records shall be on a quarterly-calendar year basis.
3. The Deputy Clerk shall report to the City Council on the attendance of all members of commissions, committees, boards, and task forces annually before the appointment or reappointment of members.
4. The City Council shall consider the attendance records and may take action to remove any member in violation of these standards from the commission, committee, board, or task force.

## **POLICIES AND PROCEDURES GOVERNING CITY ADVISORY COMMITTEES, COMMISSIONS, BOARDS, AND TASK FORCES**

### **Terms**

Terms are determined by ordinance.

### **Chair Rotation**

Terms for the position of chair expire on December 31 of each calendar year.

The City Council strongly encourages committees, commissions, boards, and task forces to rotate the chair position and suggests that no member shall serve as chair for more than two consecutive one-year terms.

All members of a committee, commission, board, or task force are eligible to serve as chair.

Each committee, commission, board, or task force will select a chair. This selection is done by a formal annual vote of the committee members.

The selection of chair shall be held at the first committee, commission, board, or task force meeting following the City Council's appointments to the committee, commission, board, or task force.

### **Responsibilities**

All advisory committees, commissions, boards, and task forces shall have a clear idea of its mission. All members will follow these guidelines.

# ***CITY OF FOREST LAKE MISSION & VISION STATEMENTS***



**Forest Lake**  
AS GOOD AS IT SOUNDS

***THE CITY OF FOREST LAKE***  
**is dedicated to providing**  
**friendly and efficient city services that**  
**enhance the quality of life for those who**  
**visit, work, and live in the community.**

**We believe in ethics and integrity.**  
**We believe in fiscal responsibility.**  
**We believe in open and honest communication.**  
**We believe in visionary leadership and planning.**  
**We believe in excellence and quality in our delivery of services.**  
**We believe in trusting relationships between the City and our community.**