



# Holding Open Meetings during the COVID-19 Pandemic

Article for *Minnesota Fire Chief*  
Winter 2020 Issue

By *Julie Blaha, State Auditor*

It seems lately that every article to first responders begins the same. First with deep gratitude for all the good work you do, then how the pandemic makes it obvious how critical your work is, and finally how lucky we are that you continue to serve in these challenging circumstances. The reason for the repetition? It is all true and we can't say it enough. Thank you for your service- you are a huge part of how we get through these, and all other, difficult times.

## Holding Open Meetings

Many relief associations will be holding board meetings and annual meetings in January, and those of you working on the front lines understand how important it is right now to keep your firefighters safe. In light of the COVID-19 pandemic and public health recommendations for social distancing, questions have arisen around how relief association board meetings can be held safely and still be in compliance with the Open Meeting Law.

Minnesota Statutes, sections 13D.021 and 13D.04 answer most of these questions. Section 13D.021 permits meetings by telephone or other electronic means in some emergency situations, including a health pandemic, if certain conditions are met. Here is a short summary of the conditions:

- The governing body's presiding officer, chief legal counsel, or chief administrative officer has determined that "an in-person meeting is not practical or prudent" because of a qualifying emergency situation;
- All participating members can hear one another;
- Members of the public at the physical meeting location can hear all discussion "unless attendance at the regular meeting location is not feasible due to the health pandemic";
- At least one member of the public body is present at the meeting location, "unless unfeasible due to the health pandemic"; and
- All votes are taken by roll call.

The Data Practices Office of the Minnesota Department of Administration is the state office with oversight of the Open Meeting law. It further advises, "To the extent practical, public bodies should allow the public to monitor the meeting remotely, pursuant to subdivision 3 of [13D.021]. However, the public body may charge for the costs incurred as a result of those additional monitoring connections."

Meetings conducted telephonically or by other electronic means are subject to the same notice requirements as in-



person meetings. The level of notice required can be found in section 13D.04, and is tied to what kind of meeting it is: regular, special, or emergency.

### **Additional Information**

The Data Practices Office has issued helpful guidance and compiled resources to help entities understand open meeting requirements while the emergency is ongoing. The resources can be accessed on the Data Practices website. Go to [mn.gov/admin/data-practices](http://mn.gov/admin/data-practices). Choose the link at the top of the page entitled “Data Practices & OML Resources During a State of Emergency.” Resources posted on this page include a webinar on Open Meeting requirements during the COVID-19 State of Emergency, and answers to questions posed by public officials during the webinar.

If you have questions about Open Meeting Law requirements, please contact the Data Practices Office by email at [info.dpo@state.mn.us](mailto:info.dpo@state.mn.us) or by phone at 651-296-6733 or 800-657-3721.