

The Basics of Good Governance

Red River Watershed Management Board

&

Flood Damage Reduction Work Group

March 20, 2019





Introduction & Overview

Open Meeting Law

**Minnesota Government Data
Practices Act**

**Deadlines for Land Use and Zoning
Decisions**

Governance

Open Meeting Law

- **Sanctions**

- *Personal liability for \$300 fine*
- *Any person may bring enforcement action*
- *Forfeit office if three violations*

Open Meeting Law

What is a “meeting”?

“...any gathering of a quorum or more members of a governing body, committee or subcommittee...

where members discuss, decide, or receive information as a group...

about the official business of that body.”

Open Meeting Law

What is a “committee”?

- Standing or Ad Hoc?
- Delegated decision authority?
- Recommendations adopted without deliberation?
- Limits flow of information to Board?
- Limits public access?

Open Meeting Law

Meetings generally must be noticed and open to the public, except may close for:

- Attorney – client privilege to discuss litigation strategy;
- Employee evaluations or investigations;
- Sale or purchase of property.

Open Meeting Law

Meeting notice requirements:

- Include date, time, place, and subject or purpose of meeting;
- Publish and post annual schedule of regular meetings;
- Meeting materials must be made available to the public.

Open Meeting Law

Notice for Special Meetings:

- Post notice on principal bulletin board or meeting room accessible to public;
- Mail notice to requesting persons 3 days prior to meeting; or
- Publish notice in newspaper 3 days prior.

Open Meeting Law

Emergency Meetings

- Circumstances require immediate consideration;
- Good faith notice to media.

Open Meeting Law

Recessed or Continued Meetings

No further notice required for a recessed or continued meeting if established time and place in previous meeting.

Open Meeting Law

Electronic Meetings?

- By telephone:
 - only for state government;
- By interactive TV:
 - okay for local government, including watershed districts;
 - note special requirements:

Open Meeting Law

- (1) all members . . . can hear and see one another and can hear and see all discussion and testimony presented at any location;
- (2) members of the public present at the regular meeting location of the body can hear and see all discussion, testimony and 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.

Open Meeting Law

Electronic Meetings?

- Advisory Opinion 13-009, City of Cohasset
- Participating via Skype out of state
- “Open and accessible to public” Quast v. Knutson (Minn. 1967)
- Advisory Opinion 18-019, Rice Creek WD

Open Meeting Law

Be Careful with Email

- Serial meetings prohibited
- Avoid “Reply All”
- Advisory Opinion 09-020: Metro Gang Strike Force Advisory Board

Data Practices Act

What is “Government Data”?

“all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media, or conditions of use.”

Data Practices Act

Government data is presumed to be public unless specifically classified otherwise

Some exceptions:

- Attorney-client privilege;**
- Data collected in anticipation of pending civil litigation;**
- Initial employee investigations.**

Data Practices Act

Data Access Procedures

- Must adopt data policy
- Designate “responsible authority”
- Public access within reasonable time

Data Practices Act

Data Access - Costs

- No charge for inspection;
- No charge for separating public from non-public data;
- Reasonable fees for copies, related labor costs, if over 100 pages;
- \$0.25 per page only if less.

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Deadlines for Land Use & Zoning Decisions (Permits)

Permit application is deemed “complete” unless agency notifies applicant within 15 business days.

Deadlines for Land Use & Zoning Decisions (Permits)

- Must approve or deny (a complete) permit application within 60 days or deemed approved.
- Denial must provide written reasons.
- 60 day period may be extended another 60 days.

Governance

- Governance Manual
 - Bylaws
 - Public Access to Data
 - Records Retention
 - Fees, Financial Assurances
 - Public Purposes Expenditures
 - Fund Balances
 - Financial Management

Governance

- Conflict of Interest
 - Personal financial interest, or other private interest or relationship that limits the manager's ability objectively to consider, deliberate or vote;
 - Disclosure by written statement, or orally
 - Abstention from chairing, participating, voting, motion

Governance

- Speaking for Board or District
- Board delegation to Administrator
 - Management of staff, consultants (note auditors, legal counsel)
 - Direction to Administrator is from Board
 - Individual manager requests

Legal Compliance Audit

- State Auditor's Legal Compliance Audit Guide
 - Conflicts of Interest
 - Open Meeting Law
 - Minutes, Records
 - Public Purpose
 - Public bidding, contracting

The image features a solid blue background. In the upper left corner, there are two green, elongated leaf-like shapes. The lower half of the image is filled with concentric, circular ripples, suggesting a stone dropped into water. Centered in the middle of the image is the word "Questions?" in a white, italicized serif font.

Questions?