



Minnesota Counties Computer Cooperative
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Memorandum

DATE: August 22, 2025
TO: MnCCC Membership
FROM: MnCCC Board
SUBJECT: Update to Open Meetings in Minnesota

A Memorandum regarding the updated Open Meeting Law in Minnesota was distributed in May of 2024, and there have since been updates. This Memorandum will summarize the procedures for MnCCC meetings of the Board, User Groups, and other decision-making bodies that have adopted videoconferencing technologies to enable remote meeting participation. We ask that each member review the following links to familiarize themselves with the updated statutory obligations for open meetings and remote participation.

- [SF 787 as introduced - 94th Legislature \(2025 - 2026\)](#)
- [HF 4554 Status in the House for the 93rd Legislature \(2023 - 2024\)](#)

The following information from MCIT and the Minnesota Department of Administration remain helpful and relevant.

- <https://www.mcit.org/blog/resource/minnesota-open-meeting-law/>
- <https://www.mcit.org/blog/resource/meeting-remotely-under-open-meeting-law/>
- <https://www.mcit.org/blog/resource/when-how-open-meeting-law-applies-to-committees/>
- <https://mn.gov/admin/data-practices/meetings/>

Open Meeting Requirements and Updates

Minnesota's Open Meeting Statute for all governing bodies of non-state level public bodies (and their committees¹, subcommittees, boards, departments, or commissions)² may be conducted by interactive technology, so long as:

1. 1. All members of the body participating in the meeting, wherever their physical location, can hear and see one another and 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. All votes are conducted by roll call so each member's vote on each issue can be identified and recorded

Removed from §13D.02, Subd. 1, and no longer applicable are the following:

- Each location at which a member of the body is presented is open and accessible to the public
 - A meeting satisfies the requirements of paragraph (a), although a member of the public body participates from a location that is not open or accessible to the public, if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public, and
 - The member is serving in the military and is at a required drill, deployed, or on active duty; or
 - The member has been advised by a health care professional against being in a public place for personal or family medical reasons

If interactive technology is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice that some members may be participating in the meeting by interactive technology. The timing and method of providing notice must be as described in section §13D.04.

§13D.04, subd. 4 was amended to remove the requirement to share all locations of members of the public attending such meetings. Also removed were the limitations laid out in the removed portions of §13D.02, subd. 1 (above).

Except for "emergency meetings" as defined in Mn. Stats. §13.04. Subd. 3, all public meeting locations (in-person or remote) must be posted on the body's principal bulletin board if applicable, or otherwise on the door of its usual meeting room at least three days prior to the meeting, and all remote public locations must be provided by mail at least three days prior to the meeting date to any person who has filed a written request for meeting notices of the body. If a body intends to

¹ MCIT source materials suggest that advisory committees that have no delegated or decision-making authority may be exempt from the open meeting requirements

² Mn. Stats. §13.01, subds. (b)(6) and (c))

close a meeting, the notice should also include that possibility and the permitted reason(s) for closing.

All meeting records must also identify those members who participate remotely³. Where practical, the public body must also allow members of the public to monitor the meetings via remote technology.

It is recommended that each member identify a central public office location for all MnCCC meetings, and that all members who participate remotely do so from the designated location, in order to comply with the open meeting notice and remote participation requirements and avoid situations where home or other addresses must be published and open to public attendance.

Closing Open Meetings

Limited exceptions are available for closing open meetings/executive sessions under Mn. Stats. §13D.01, Subd. 3. Before closing a meeting, a public body shall state on the record the specific grounds for closing the meeting, which are limited to those identified in Mn. Stats. §13D.05, other statutes, and/or permitted by the attorney-client privilege. The subject(s) to be discussed must also be identified and advance notice of the closed session by public posting and prior mailing to those members of the public who have requested meeting notices. In most cases, the body must also record and preserve (for at least three years) the closed session of the meeting at its expense.

The discussion of non-public data or subjects is not alone sufficient justification for closing a meeting and the open meeting statutes contain protective provisions that insulate the body and preserve the character of non-public information discussed in an open meeting⁴. Subd. 6 allows open meetings to 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.”

Penalties

Any person who intentionally violates the open meeting laws may be assessed a civil penalty in an amount not to exceed \$300 for a single occurrence, which may not be paid by the public

³ Mn. Stats. §13.02, subd. 6

⁴ Mn. Stats. §13D.05, subd. 1

body.⁵ A court finding an individual to have intentionally violated Chapter 13D in three separate actions may also remove, temporarily disqualify, and/or replace the person so convicted. In certain cases, the court may also award reasonable costs, disbursements, and reasonable attorney fees of up to \$13,000 to any party, which may be reimbursed by the public body. Such costs will not be assessed against any member unless the court finds an intent to violate the open meeting laws.

⁵ Mn. Stats. §13D.06