

OPEN MEETING LAW

- Meetings of the Metropolitan Council and Council committees are governed by the Minnesota Open Meeting Law.
- The Open Meeting Law generally requires that all meetings of public bodies must be open to the public so members of the public have a reasonable opportunity to participate and observe decision-makers' deliberations on public business.
- A meeting is "open" to the public when: (1) members of the public have prior notice of the meeting so they can attend and view the meeting; and (2) the meeting is held at a location that is accessible to the general public.
- The Open Meeting Law generally does not apply to "advisory committees" because advisory committees provide advice or recommendations to the Council (or to Council committees) and typically do not have decision-making authority.
- The Metropolitan Council notifies the public of its advisory committee meetings with the expectation that interested members of the public will have an opportunity to attend and view advisory committee meetings and, when appropriate, provide input into advisory committee discussions.

GOVERNMENT DATA PRACTICES

- The Minnesota Government Data Practices Act governs how governments collect, create, store and use information (*i.e.*, "government data").
- Under state law, all "government data" are presumed public which means that anyone who asks to see or have copies of government data must be given the opportunity to see or have copies of that information, unless the information is classified as "nonpublic data."
- The Council has an obligation to protect "nonpublic data," but it also has an obligation to provide "public data" when someone requests information that is public.
- All information in the possession of the Council is "government data" and is subject to the Minnesota Government Data Practices so any correspondence you might have with the Council or its staff (*e.g.*, e-mail messages) is presumed to be public information. All e-mail correspondence should be written with the understanding that the message is public information and will be provided to anyone who asks for copies.
- Requests for information (government data) should be directed to Cedrick Baker.

ADVISORY COMMITTEE BYLAWS

- According to the *Bylaws of the Metropolitan Council*, the Council must adopt bylaws for each of its advisory committee.
- Advisory committee bylaws must contain provisions addressing conflicts of interest.
- Conflicts of interest generally arise when an individual, in the discharge of official duties, is required to take an action or make a decision that will substantially affect the individual's financial interests or the financial interests of an associated business or organization, unless the effect on the individual is no greater than on other members of the individual's business classification, profession, or occupation.
- Perceived conflicts can be as significant as actual conflicts because even perceived conflicts can undermine the public's confidence in public processes and decisions.
- According to the *Bylaws of the Metropolitan Council*, advisory committee members are automatically removed if they miss three consecutive regular committee meetings unless the absences are excused.
- By statute, members of Council advisory committees "shall serve without compensation, but shall be reimbursed for their reasonable expenses as determined by the Metropolitan Council." (Minn. Stat. § 473.129)

MEETINGS BEST PRACTICES

- Address the Committee (or others) through the Chair and should speak only when recognized by the Chair. This is especially important with a Committee with many members.
- Committee members who want to ask follow-up questions or make additional comments should ask the Chair for permission to ask follow-up questions, *etc.*
- Inform Committee staff about absences (or late arrivals) before the meeting.