



CENTER *for* RURAL AFFAIRS

February 26, 2021

State Government Finance and Elections
Remote Hearing, State Capitol
Saint Paul, MN 55155

Attn: HF 820

Re: Center for Rural Affairs Statement of Support

I. General Comments

The coronavirus pandemic has disrupted our way of doing business. As a society, we have rapidly shifted our work practices to the home office allowing us to move forward safely and efficiently. The Open Meeting Law, which regulates how local governance takes place, does not reflect this widespread adaptation of new technologies.

Technology and access to reliable internet have evolved dramatically since the law was written and continue to evolve. Security, accessibility, and user experience and proficiency have progressed faster than modifications and it is time to modernize the law.

Local governments play a fundamental role in our democracy. Enabling participation in this process is crucial for the integrity of our democracy. The public is able to participate in our democracy via remote technology, but the board members are limited in their ability to participate remotely.

II. Practical Implications

Board and committee members ought to be allowed the responsibility and freedom to choose to participate remotely from a private location. They have been elected to represent their constituents and should be granted the authority to determine for themselves whether or not remotely serving is feasible. The law as it stands has the following real-life implications:

1. **Transportation:** Elected officials are affected by Minnesota winters just like anyone else. Elected officials get snowed in. Elected officials have car trouble. Transportation issues are exacerbated in rural communities where people are more spread out and public options are non-existent. According to the law as it stands, it would be a violation of the Open Meeting Law if an elected official were to log in to the zoom and vote in non-pandemic times due to lack of notice opening their space to the public.
2. **Family:** After giving birth, elected women have three options: they must open up their home or other location they remotely participate from to the public, go to meetings in person, or remove themselves from service for a period of time. This year in particular this stipulation is concerning, since there is no such thing as a COVID-19 vaccine for an infant.



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3. Health: COVID-19 is not the only health issue affecting board members. In non-pandemic times, the most common issues with this piece of the Open Meeting Law are when board members have something like a knee replacement, cancer treatment, or heart surgery. According to The Association of Minnesota Counties, the average birth year of the County Commissioners serving in 2020 was 1956, so health is a consideration. If a board member is recovering at home and able to participate via remote technology, they must open up their home to the public which can not only be uncomfortable, but risky to their health. It also effectively prohibits individuals with auto-immune diseases and/or compromised immune systems from safely participating in their democracy at the local government level.

III. Improvements

The modification before the committee today expires on July 1, 2021. We propose the expiration be removed and board members allowed to participate from a remote, private location without restriction.

Remote, private participation would not impede the public's access to proceedings because of the other conditions of the Open Meeting Law section 13D.02:

Sec. 4. Minnesota Statutes 2020, section 13D.02, subdivision 1, is amended to read:

Subdivision 1. Conditions. (a) 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 as well as participate in testimony or public comment periods;
- (3) at least one member of the body is physically present at the regular meeting location;
- (4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded;

This modification will simply support the boards governed by section 13D.02 and remove barriers to participation.

III. Conclusion

Modernizing the Open Meeting Law will not only improve access in a pandemic, it will also ensure members of the public and the board are engaged more fully in our democracy in the future. We urge the committee to support families and rural, local government by making this change.

Molly Malone
Policy Associate, Center for Rural Affairs
Murray County Commissioner