



STAFF REPORT

TO: Mayor Keis and Members of City Council
FROM: Chris Heineman, City Administrator
DATE: May 26, 2021
RE: Discuss Returning to In-Person City Meetings

ACTION TO BE CONSIDERED:

Provide direction to staff about when the City Council would like to return to in-person meetings.

BACKGROUND:

In March of 2020, City Hall and other city facilities were closed to the public due to the emerging COVID-19 pandemic. Since that time, the City Council and commissions have been meeting virtually. Based on the latest guidance from Governor Walz, most of the pandemic restrictions are in the process of being lifted and residents and businesses can begin returning to normal operations.

Based on the guidance from the Minnesota Department of Health (MDH) and Governor Walz, staff is asking the City Council to discuss when the City of Little Canada will return to in-person meetings. An important factor to keep in mind is that during the pandemic, remote meetings have been held pursuant to a provision of the Minnesota Open Meeting Law that allows remote participation due to a health pandemic or a special declared emergency.

City Council and City Commissions are allowed to continue meeting virtually as long as the public health emergency is in place. Once the Governor's emergency declaration has ended, local government entities will no longer have authority to meet remotely under that section of the Open Meeting Law and must return to following the Open Meeting Law as before the pandemic/emergency where public meetings must be conducted in person.

The current statewide emergency declaration was recently extended and is in effect until June 13, 2021. It is not known if the public health emergency will be extended beyond this date. Given the projected timeline related to emergency declarations, the City Council may be required to begin convening in-person as soon as the June 23rd City Council meeting. City staff is also prepared to return to in-person meetings beginning on June 9th if desired. Staff is requesting further direction from the City Council regarding your preference for returning to in-person meetings. Both the Parks and Recreation Commission and the Planning Commission will be returning to in-person meetings beginning in July.

According to a new state law, there is a limited ability for an elected official to participate virtually in a public meeting for medical reasons, however it is capped at three times in 2021 and only for a period of 60-days after a state of emergency has been rescinded. There is also another exception related to interactive television. Additional information related to Open Meeting Law requirements are as follows:

Remote meetings under Minnesota Open Meetings Law (Minn. Stat. 13D.021)

Open Meeting Law allows meetings to be conducted by "interactive television" if all five of the following requirements are met:

1. At least one member of the body is physically present at the regular meeting location;
2. 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;
3. 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;
4. All votes are conducted by roll call so each member's vote on each issue can be identified and recorded; and
5. Each location at which a member of the body is present is open and accessible to the public.

Minn. Stat. 13D.02, Subd. 1(a). The term "interactive television" is not defined in the statute, however the Department of Administration has advised that video meetings such as Skype, Microsoft Teams, or Zoom could qualify as interactive television for the purposes of complying with the Open Meeting Law.

REQUESTED ACTION:

Staff is requesting further direction from the City Council regarding your preference for returning to in-person meetings at the June 9th or the June 23rd City Council meeting. Both the Parks and Recreation Commission and the Planning Commission will be returning to in-person meetings beginning in July.