



MAYOR & COUNCIL COMMUNICATION

DATE: February 24, 2015
REGULAR
ITEM #: 16

AGENDA ITEM: Recording City Meetings
SUBMITTED BY: Councilmember Bloyer
THROUGH: City Council
REVIEWED BY: City Administrator / City Clerk

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item Mayor
- Report/Presentation.....City Administrator
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: Council Member Bloyer

FISCAL IMPACT: Negligible...cost of DVDs if reproduced for viewing

SUMMARY AND ACTION REQUESTED: The City Council is asked to consider formally adopting a policy that all decision-making public bodies that are subject to the MN Open Meeting Law electronically record their proceedings in the interest of public transparency by taking the following action:

“Move to adopt a policy of all City of Lake Elmo public bodies subject to the Open Meeting Law be required to electronically record their proceedings in the interest of public transparency.”

BACKGROUND INFORMATION:

Since 2013, the City has strived to implement the practice of electronically recording, via audio or video, all public meetings, including but not limited to the City Council, the Planning and Park Commissions, the Economic Development Authority, and the Human Resources, Finance, and Public Safety Committees. As these bodies are subject to the state Open Meeting Law (OML) and there is a public interest in the actions taken during the meetings, it is common for bodies such as these to record the proceedings; however, it is not statutorily required to do so.

This policy would formalize the previously implemented practice of recording public meetings by all Lake Elmo decision-making authorities subject to the MN OML for the purpose of public

transparency and engagement, Council education, and promoting public information.

According to the League of Women Voters:

The legal framework [that public sector entities operate] is one where unlike private entities, government entities are statutorily required to conduct their business through open, transparent processes to ensure that they are accountable to the citizenry. This modern practice of open government is viewed as both a key feature and a necessary condition of a contemporary democratic state. It is based upon the conviction that the people can only effectively exercise their constitutional role as overseers of government action where their unfettered rights of access to information about government operations are secure.

Public transparency laws thus have been enacted throughout the United States at both the federal and state level for the purpose of maintaining free and open access to the government's proceedings, deliberations, decision-making and records. Such laws include sunshine or open meeting laws, which seek to ensure that the public may observe the meetings and deliberations of government bodies, and freedom of information or public record acts, which seek to ensure public access to the documents and records of government.

In Minnesota, the OML allows the public to make an audio or videotape of an open meeting if doing so does not have a significantly adverse impact on the order of the meeting. The city council may not prohibit dissemination or broadcast of the tape. If a government entity makes a recording, the recording is a government record that must be kept in compliance with the city's record-retention policy. It must also be made available to the public if it contains public data.

As mentioned above, there is no legal requirement to record the proceedings of open meetings. All closed meetings however, except meetings closed under the attorney-client privilege, must be electronically recorded at the city's expense. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting.

RECOMMENDATION: Based on the aforementioned, the Council is asked to formally adopt the policy of recording all public meetings by taking the following action:

“Move to adopt a policy of all City of Lake Elmo public bodies subject to the Open Meeting Law be required to electronically record their proceedings in the interest of public transparency.”