MAT short course information

Linnea Lentz

May 14, 2024

Agenda

- Data Practices and Management
  - Slide information mostly from Steve Fenske's 2024 MAT Clerk/Treasurer training handout
  - Supplemental information from Bob Ruppe consult

- Public Meeting Rules
  - Sample directions from MAT handout
  - Public comment interruptions
  - Enforcement of rules

- Harassment prevention policy and concern handling procedure
  - Majority of information taken from Steve Fenske MAT training handout

Data Practices and Management

- Oxford township is outside of the 7 county metro and not subject to Data Practices Act

- Clerk has worked extensively with MAT and Bob Ruppe to understand statutes Oxford must abide by
  - **MUST protect personal and sensitive data**

- Per MAT and town attorney, Oxford should adopt a policy for data requests that could include a data request form.

- MN statute 13D.01, subd. 5 requires that *"the journal or any minutes used to record votes of a meeting subject to this chapter must be open to the public during **all normal business hours where records of the public body are kept**"*.

Data Practices and Management

- Per MAT and town attorney, Oxford should adopt business hours when the public can view the minutes.

- Many townships have a designated responsible authority responsible for data request response. If there is not one named, this is primarily a clerk responsibility.
    - MN statute 367. 11 Clerk duties:
        - **(2) unless otherwise provided by law, to have custody of the records, books, and papers of the town and file and safely keep all papers required by law to be filed in the clerk's office;**
        - On April 25, 2024 it was discovered that there are some misplaced files. Linnea, Peggy, and Paula currently working to take an inventory

- Statute 13D.01, subd.6 requires that a copy of any documents provided to the town board members as part of an agenda packet or distributed to the supervisors at a meeting must be made available to the public at the town hall **while the Town Board considers their subject matter.**

Data Management supplemental information

- From Bob Ruppe email:
  - Further, the Township has never adopted a resolution adopting urban town powers pursuant to Minn. Stat. § 368.01. ==As such, the Township may decline to respond to requests for documents.==
  - The only exception to this general rule would be requests for the Town Board's meeting minutes which are required to "be open to the public **during all normal business hours where records of the public body are kept.**"

- Bob Ruppe has offered to have Couri and Ruppe admin help scan all Oxford minutes and archive free of charge.

Request for supervisors

- Set Oxford township business hours
  - Clerk recommendation is 5:30-6:30 pm the second Tuesday of each month
- Assign supervisor to write and adopt a data management policy
  - Supervisors have a copy of Linwood township's data management policy as an example
- Create a data request form and procedure for data requests
  - Clerk is willing to create the data request form if supervisors agree this should be part of the data management policy
- Assign person responsible for printing out supplemental information from the agenda items
  - Request 25 cents per page for supplemental and financial material printed from personal printers to have available for town meetings
  - Also request reasonable reimbursement for printer ink cartridges

Public Meeting Rules

- First amendment does not include right to interrupt governmental proceedings (US v. Grace, 461 U.S. 171, 177)
- Minnesota's Open Meeting Law
  - Applies to town board and all committees
  - Provides public the opportunity to see and hear meetings of the governing body
  - NOT A RIGHT TO SPEECH
- Public comment Methods
  - Free for all- all attendees allowed to speak on any matter; no rules adopted or applied; similar to an annual meeting; opens the door to arbitrary and capricious treatment.
- Reasonable Rules
  - Sign-up; time limit for speakers; comments should relate to the township;

Public Meeting Rules cont.

- Sample Directions given at the MAT short course:
  - Wait to be recognized before speaking
  - Direct comments to the Town Board
  - Please no clapping or speaking out of turn
  - Please avoid personal attacks and derogatory statements
  - Comments should focus on the proposed ordinance
  - Comments should be succinct and not be repetitive of others
  - Each person is allowed to speak once unless the Town Board allows a second round of comments

Public comment interruptions

- Occurs when a person does not "have the floor" as the recognized speaker
- Can be speaking, use of devices, use of items or equipment that interferes with others' ability to observe the meeting
- What to do if there are repeated disruptions and interruptions:
  - Leave
  - Get Help
  - Stop the speaker and advise of the Rules
  - Direct person to leave the meeting and building
  - Call the Sheriff and have the person removed as a trespasser (Statute 609.605)

Township Board Meeting Rules Resolution

- MAT provided a sample resolution on Town Board Rules of Procedure
  - Authority- The town board adopts the following rules for the efficient and orderly conduct of its town board meetings
  - Order of agenda
  - Public attendance at meetings
  - Enforcement of rules

- Recommendation is for township to adopt meeting rules resolution to set expectations and provide clarity

- MAT short course information was sent and/or provided to all supervisors in order to be prepared to adopt meeting rules by Oxford's June meeting.

Enforcement of Rules

- The Presiding Officer has the authority to issue a verbal warning to a person violating the rules

- If the person issued a warning by the Presiding Officer continues to violate the rules and disrupt the meeting, the Presiding Officer and/or Town Board will direct the person to be ejected or excluded from the meeting room; and

- The ejection shall be for the remainder of the session at which the violation of the rules occurred.

Request for supervisors

- Assign supervisor to modify sample resolution on Town Board Rules of Procedure provided by MAT.

- Adopt meeting Rules of Procedure resolution at Oxford's June regular meeting

Resolution and Process for Harassment Concerns

- Harassment can include:
  - Unwelcome conduct or environment that is severe and pervasive such that it interferes with a person's job, creates an unpleasant environment, or affects the person's dignity
  - Bullying- Staring, Micro-aggressions, Criticism that is arbitrary, unfair, or frequent; Intimidation, Micromanaging, Humiliation
  - Bothering- Unfriendliness/Ignoring, Assertiveness, Over-taking, Interrupting, Disrupting
- Warning signs of Harassment
  - Would you want the conduct in the public?

Board's duties

- Make the "workplace" free of unlawful discrimination, harassment, and retaliation

- Inform all employees, elected officials of policies

- Promptly investigate complaints

- When discrimination, harassment, or retaliation is found, take prompt and proper action to prevent the conduct from reoccurring

Policy

- Get a written Anti-harassment policy
- Have a complaint process; no artificial hurdles to use
- Inform all relevant parties of the policy
- Train supervisors on their duties under the policy
- Impose discipline as appropriate
- Treat all complaints as serious and investigate
- Once adopted, employee has a duty to use the process in the policy
- Having a policy is a first step to relieve liability

Simple rules to Manage by

- Create a G-rated Workplace
- Good Management is not harassment- some people are not good managers
- Think before speaking
- Rethink your expectations
  - Diversity will be present
  - Others will not share your opinions and values
  - You are not always right
  - Friendliness does not mean sexual interest
- Platinum Rule- Treat others the way they want to be treated

Request for supervisors

- Request that the board adopt a discrimination and harassment prevention policy

- Request supervisor assignment to create a procedure to address any harassment concerns brought to the board

- Review draft policy and procedures at Oxford's June regular meeting

Thank you for your attention