



CALLING AND CONDUCTING A SPECIAL TOWN MEETING

Meetings related to town government fall into two broad categories - board meetings and town meetings. Board meetings are meetings of the board of supervisors to conduct the town's business within the control of the board. Board meetings also include meetings of any subcommittee created by the board related township business. Town meetings are meetings of the town voters, also called electors, held to conduct those items of town business given to the people to decide. Electors can exercise their powers only at an annual or special town meeting.

The annual town meeting, held on the second Tuesday in March, is the most common of these. Sometimes a town finds a need to hold a town meeting before the next annual town meetings to conduct some item of town business. These meetings are called special town meetings. One can find the statues outlining the procedures for calling a special town meeting at Minn. Stat. §§ 365.52-.58. The following will discuss the purposes for special town meetings and how one may call a special meeting, and then the procedures for conducting special town meetings.

I. WHY SPECIAL MEETINGS ARE CALLED

Special town meetings are usually called by either the board or the voters because there is a need or desire for input or action from the voters. Town meetings could be called to reconsider the annual levy because of an unexpected need for more funding, or to ask the voter's permission to build a new town buildings, relocate the town hall, re-open a road that has not been maintained by the town for 25-years, or authorize some other power for the board.

A special town meeting can be called to conduct any lawful business of the town.¹ In general, any item of business that can be completed by the voters at the annual town meeting can be done at a special meeting. However, there are some exceptions. Some statutes indicate that a town can **only**

¹ Minn. Stat. § 365.52, subd. 1

discuss an issue at the annual meeting or election. For example, the vote to allow the sale of liquor on Sundays within the town “**must** be held on the day of the annual election of town officers.”²

In some instances, the statutes refer to calling a special town meeting to conduct an election or to ask a ballot question. It seems that such references are outdated and should be read as referring to special town **elections** rather than special town meetings.

If the board does not intend or expect the voters to exercise one of their powers, then it is unnecessary to call a special town meeting. Instead, the board may call for a public hearing or a board meeting that includes opportunity for voters to be heard.

II. HOW SPECIAL MEETINGS ARE CALLED

There are three ways to call a special town meeting:

1. By all the supervisors and the clerk, agreeing to call the meeting. *See APPENDIX A*;
2. By any two supervisors or a supervisor and the clerk along with at least 12 other town township landowners. *See APPENDIX B*; or
3. By petition of the town electors. *See APPENDIX C*. The petition must be signed by at least 20 percent of the number of voters at the last general election.³ “General election” includes any “election held at regular intervals on a day determined by law or charter at which the voters of the state or any of its subdivisions choose by ballot public officials or presidential electors.”⁴ This definition includes town elections.

For a town to call a special meeting, it must provide a statement indicating why they are calling the meeting, the particular business they seek to transact, and their interests of the town requiring the meeting. The board members calling for the meeting must provide the issues for the special meeting if the meeting is called under one of the first two methods above.⁵ The petition under the third method (elector petition) should also contain this information. The clerk is then required to file the statement of need in the town records.⁶ The clerk must give 10-days published notice of the time, place, and purpose of the meeting.⁷ *See APPENDIX D*. The notice should refer to the meeting as a “special town meeting.” By referring to the notice in this way, the town can distinguish it from special board meetings, which are merely meetings of the board occurring outside of

² Minn. Stat. § 340A.504, subd. 3(d) (emphasis added) (note that a town could consider an “annual meeting” item at a continued part of the annual meeting. For example, the voters may choose to continue their annual meeting rather than adjourn it. If so, the voters could consider the “annual meeting” item during the continued meeting).

³ Minn. Stat. § 365.52, subd. 1.

⁴ Minn. Stat. § 200.02, subd. 2.

⁵ Minn. Stat. § 365.52, subd. 1.

⁶ Minn. Stat. § 367.11, subd. 5

⁷ Minn. Stat. § 365.53, subd. 1.

the regular monthly meetings. The town must publish the notice in a qualified newspaper of general circulation in the town.⁸ It is possible to post notice as an alternative to published notice unless the electors at the annual town meeting have directed otherwise. The town should always use published notice when calling a special town meeting.

III. CONDUCTING SPECIAL TOWN MEETINGS

Towns should conduct special town meetings in the same way as annual town meetings. The primary difference is that the town can only discuss those matters listed in the notice of the meeting.⁹ The town should have the moderator indicate at the beginning of the meeting that discussions cannot be outside the scope of the business listed in the notice. If someone attempts to raise issues not related to the specified purpose of the meeting, the moderator should remind the person of the meeting's limited scope. If the person persists, it is appropriate for the moderator to rule the person out of order. The clerk should develop the minutes at the special meeting, and the town should approve them at the next annual meeting.

IV. OVERVIEW OF THE SPECIAL TOWN MEETING PROCESS

Below is an outline of the necessary steps to properly conduct a special town meeting:

1. One of the three specified groups files the statement or petition with the town clerk to call the special town meeting.
2. The clerk files the statement in the town records and publishes 10-days' notice of the date, time, place, and purpose of the "special town meeting."
3. The clerk calls the meeting to order within one hour of the time the meeting convenes.
4. The electors select a moderator to conduct the meeting.
5. The moderator states the order of business and explains the limited scope of the meeting.
6. The moderator conducts the meeting, and the clerk keeps the minutes.
7. The participants conduct the scheduled business.
8. Upon motion and a positive vote of the majority, the moderator adjourns or continues the meeting.
9. Someone files the minutes in the clerk's office within two days after the meeting.

⁸ Minn. Stat. § 365.53, subd. 2.

⁹ Minn. Stat. § 365.56, subd. 2.

**STATEMENT OF THE TOWN BOARD
CALLING FOR A SPECIAL TOWN MEETING
(Minn. Stat. § 365.52, subd. 1)**

We, the undersigned town supervisors and the town clerk of _____
Township, _____ County, Minnesota, do hereby declare that the interests of the town
require a special town meeting to be held because:

The particular business to be transacted at the meeting is as follows:

The meeting is to be held on the _____ day of _____, 20____, at _____, at
the following place: _____.

This statement shall be filed in the town clerk's office. After the statement is filed, the clerk
shall record this statement of need and provide ten days' published notice of the time, place, and
purpose of the meeting in a qualified newspaper having general circulation in the town.

Dated this _____ day of _____, 20____.

Supervisor

Supervisor

Supervisor

Clerk

**STATEMENT OF TOWN OFFICERS AND FREEHOLDERS
CALLING FOR A SPECIAL TOWN MEETING
(Minn. Stat. § 365.52, subd. 1)**

We, the undersigned town officers (one being a supervisor and the other being a supervisor or clerk), along with at least 12 landowners, of _____ Township, _____ County, Minnesota, do hereby declare that the interests of the town require a special town meeting to be held because:

The particular business to be transacted at the meeting is as follows:

The meeting is to be held on the _____ day of _____, 20____, at _____, at the following place: _____.

This statement shall be filed in the town clerk’s office. After the statement is filed, the clerk shall record this statement of need and provide ten days’ published notice of the time, place, and purpose of the meeting in a qualified newspaper having general circulation in the town.

Dated this _____ day of _____, 20____

Supervisor

Town Freeholder

Supervisor or Clerk

Town Freeholder

**PETITION OF TOWN ELECTORS
CALLING FOR A SPECIAL TOWN MEETING
(Minn. Stat. § 365.52, subd. 1)**

We, the undersigned town electors of _____ Township, _____ County, Minnesota, which constitute at least 20 percent of the number of voters at the last general election, declare that the interests of the own require a special town call a special town meeting held because:

Therefore, we hereby call a special town meeting, to be held as soon as is practicable, for the following purpose(s):

This petition shall be filed in the town clerk’s office. Once filed, a date for the meeting shall be set and the clerk will provide ten days’ published notice of the time, place, and purpose of the meeting in a qualified newspaper having general circulation in the town.

Dated this _____ day of _____, 20__

Town Elector

Address

_____ Township, _____ County

NOTICE OF A SPECIAL TOWN MEETING

Notice is hereby given that a special town meeting of the _____ Township electors will be held on _____, at _____, at the _____ for the following purpose(s):

All interested parties are encouraged to attend, but only town electors are authorized to vote at the meeting.

Given under my hand this _____ day of _____, 20__.

Town Clerk