

## **ESTABLISHING AN ADMINISTRATIVE POLICY FOR TOWN BOARD MEETINGS**

Town boards encounter a variety of issues related to how they conduct their meetings, citizen participation in board meetings, and how people may gain access to town records. The following is a sample administrative policy written to help boards develop a uniform method for addressing many of these issues. Some of the issues dealt with in the policy only rise occasionally while others are part of every board meeting.

Keep in mind that this policy is only a sample and, in every case, will need to be adjusted to fit the circumstances of each town wishing to use it. The language in *italics* reflects information that is unique to a town or must be reviewed and decided upon. There are also blanks that need to be filled in.

This policy was drafted with the following limitations:

- Intended for three-supervisor rural towns that do not hold regular office hours.
- This policy was not drafted for urban towns in the metropolitan area since it assumes the data practices act does not apply. These towns may find some of the information helpful, but they must develop a separate data practices act policy to satisfy their statutory obligations under Minn. Stat. Chap. 13.
- The town board has not previously adopted parliamentary rules of procedure.
- The town board does not routinely tape record its meetings.

Town officers with questions about adopting an administrative policy are welcome to contact the Association.

## RESOLUTION ESTABLISHING AN ADMINISTRATIVE POLICY

**WHEREAS**, the town board (Board) is the governing body of \_\_\_\_\_ Township (Town) charged by law with certain powers and duties to conduct the affairs of the Town;

**WHEREAS**, the Board determines the adoption of an administrative policy will enhance the effectiveness of its meetings and establish uniform procedures for the Board in how it conducts its business and for those wishing to attend the proceedings; and

**WHEREAS**, this policy takes into consideration the particular circumstances of the Town, which include, but are not limited to, the following: the Town is *rural in nature; has a limited budget which is set by the town electors at the annual town meeting; does not employ any administrative personnel; does not maintain regular office hours; has limited office facilities; does not own or rent a photocopying machine; holds only one regular town board meeting a month; does not maintain a web site;*

**NOW, THEREFORE, BE IT RESOLVED**, that the town board of \_\_\_\_\_ Township, \_\_\_\_\_ County, Minnesota hereby adopts the following administrative policy:

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### ADMINISTRATIVE POLICY

1. **Scope.** The procedures established in this policy shall apply to the regular board meetings of the Board and, to the extent practicable, special Board meetings and Board hearings. This policy shall not apply to annual town meetings, special town meetings, closed meetings, on-site inspections, or any committee or subcommittee meetings. For the purposes of this policy, the term “meeting” shall be read as including, to the extent practicable, hearings conducted by the Board.
  - 1.1 **Data Practices Act.** The Board is not bound by the requirements of the Minnesota Data Practices Act and nothing herein is intended to adopt, or shall be interpreted as adopting, the restrictions or requirements of the data practices act. Without limiting the forgoing, to the extent the Board is aware it has information that would be classified by the data practices act as something other than public data, it will take reasonable steps to limit its release.
2. **Meeting Time and Location.** The Board conducts *one* regular Board meeting a month on the [second Tuesday of each month, at \_\_\_\_\_ p.m., at the town hall located at \_\_\_\_\_]. If the day of a regular meeting falls on a holiday, or for some other reason may not be held on the regularly scheduled day, the

meeting will then be held on following *Tuesday* at the same time and place unless notice is posted indicating the meeting will be held at a different time or place.

2.1 **Holidays.** As provided in Minn. Stat. § 645.44, subd. 5, Christopher Columbus Day and the Friday after Thanksgiving shall *not* be considered holidays and so public business may be transacted on those days.

3. **Calling a Special Board Meeting.** The Board chairperson may call a special meeting of the Board to address an issue or issues that require consideration before the next regular Board meeting. The chairperson shall contact the town clerk of the need for a special Board meeting and the town clerk shall notify the other supervisors of the date, time, and place of the meeting. The town clerk shall provide notice of the meeting as required by the open meeting law.

4. **Presiding Officer.** The Board chairperson shall be the presiding officer of Board meetings. In the absence of the chairperson, the vice chairperson shall preside. The presiding officer shall have the power to preserve order and decorum at the meetings, enforce rules of procedure, and determine without debate, subject to the final decision of the board on appeal, all questions of procedure and order.

4.1 **Appeal of Presiding Officer's Rulings.** Any member of the Board may appeal from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely to the question(s) involved and the presiding officer may explain his or her ruling, but no other Board member shall participate in the discussion. A majority vote of the Board shall determine the question.

4.2 **Rights of Presiding Officer.** The presiding officer is a full member of the board and retains all of the rights to speak, make and second motions, and to vote on matters of town business to the same extent as any other town supervisor.

5. **Order of Business.** At the appointed time for the meeting, the presiding officer shall call the meeting to order. If a quorum is present, the Board shall then proceed with its business in the following order.

- 1) Call to Order and Roll Call
- 2) Review and Approval of Minutes
- 3) Review and Approval of Treasurer's Report
- 4) Review and Approval of Claims for Payment
- 5) Citizen Comments
- 6) Old Business
- 7) New Business
- 8) Adjournment

5.1 **Varying Order of Business.** The presiding officer may vary or alter the order of business.

- 5.2 **Consent Agenda.** The Board may use a consent agenda to approve matters of a routine or non-controversial nature.
6. **Rules of Parliamentary Procedure.** The list of parliamentary rules attached as **APPENDIX A** is made a part of this policy and shall govern regular and special Board meetings.
- 6.1 **Effect of Tie Votes.** For all purposes, including application of the 60 day rule under Minn. Stat. § 15.99, ties votes of the Board means the motion fails and shall constitute a denial of any requests to which the motion applies.
7. **Committees.** Committees or subcommittees of the board may only be established by motion adopted by the board.
8. **Public Participation.** Members of the public may address the Board at the time designated in the order of business for citizen comments and at such other times during the meeting as may be allowed by the presiding officer to address specific issues before the Board. Unless further time is granted by a vote of the Board, remarks from the public shall be limited to five minutes per speaker. Citizens addressing the Board shall confine their remarks to the specific matter under debate. Everyone who attends a meeting shall at all times conduct themselves in a professional manner and shall not: speak until recognized by the presiding officer; engage in disorderly conduct; disrupt the proceedings; speak longer than the allotted time; speak to matters beyond the scope of the particular matter currently before the Board; use profane language; or engage in any other activity which disturbs the peace and good order of the meeting. Any person who persists in disturbing the meeting after having received a warning from the presiding officer may be asked to leave the meeting. If the person does not leave, the presiding officer or other town officer may contact law enforcement to have the person removed from the meeting.
- 8.1 **Spokesperson.** The presiding officer may ask a group attending a meeting that wishes to address the Board on the same subject to appoint a spokesperson for the group to expedite matters and avoid repetition. The person speaking on behalf of a group may be allowed additional time if needed to fully present the opinion of the group. After a spokesperson has spoken on behalf of a group, the presiding officer may limit the number and/or the time other persons allowed to speak to present similar opinions.
- 8.2 **Audio or Video Taping.** Those attending meetings may use sound or video recording devices provided their use does not interfere or disrupt the meeting and does not violate the constitutional rights of others.
- 8.3 **Written Materials.** Citizens may submit written comments or materials to the Board before or at a meeting and may ask that they be added to the record. The Board shall enter the information into the record as requested unless doing so would be unduly burdensome.

9. **Record.** Minutes of all public board meetings shall be kept in a journal. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute.

9.1 **Tape Recording.** Unless the board expressly states otherwise in the minutes of a particular meeting, any tape recordings made of meetings by the Board are solely for the purpose of assisting in the development of accurate minutes. Such tapes are not part of the Town's official records and, after approval of the minutes of the meeting to which a tape applies, will be recycled for use at future meetings. If the Board is taping a meeting, the Board may make a motion at the meeting to make the tape recording part of the official record of the meeting. If a motion is passed to make a tape a part of the official record, the Town clerk shall preserve the tape as part of the official record and make it available in the same manner as written minutes.

10. **Continuing Meetings.** The Board may by motion continue a meeting to a later time by announcing as part of the motion and recording in the minutes the date, time, and place of the reconvened meeting. Whether notice of the reconvened meeting will be provided is left to the discretion of the Board.

11. **Access to Public Information.** It is the intent of the Board to provide reasonable means of access to public information held by the Town. Information in the possession of the Town shall be considered public unless the Board determines the information to be non-public. Access to information determined by the Board to be non-public shall be limited to Town officers and those who have a right to access the information by law.

11.1. **Request for Information.** Anyone may request, either verbally or in writing, to inspect or to receive photocopies of public information held by the Town. Those wishing to inspect public records should contact the Town Clerk to make arrangements to view the information either at a Board meeting or at such other time as may be mutually convenient. Those wishing to obtain photocopies of public documents shall complete an Information Request Form (Appendix B) detailing the information requested.

11.1.1 **Fees for Photocopies.** The following fees shall be charged persons requesting photocopies of public information from the Town and must be paid in full before receiving the photocopies:

(1) **Labor:** The time spent by those acting on behalf of the Town to satisfy the request for photocopies, including the time to search for, compile, and photocopy the information, shall be charged at a rate of \$\_\_\_\_\_ per hour for every hour over two hours.

(2) **Photocopying:** The fee for photocopying shall be charged at a rate of \_\_\_\_\_ per page.

(3) **Mailing:** The fee for mailing photocopies shall be the postal rates in effect at the time together with the actual cost of envelopes or other packaging materials.

(4) **Other Costs:** Any other actual costs the Town incurs to provide the photocopies shall be charged to the person making the request including, but not limited to, mileage and office supplies or other items that need to be used to satisfy the request.

11.1.2 . **Prepayment of Fees.** If the total estimated amount of the fees to satisfy a request for photocopies exceeds \$50, the person requesting the photocopies must pay the total estimated amount of the fees to the Town before it will undertake to provide the photocopies. If the actual fees incurred to provide the photocopies are less than the estimated fee amount, the Town shall reimburse the difference at the time of providing the photocopies. If the actual fees incurred to provide the photocopies are more than the estimated fee amount, the person making the request must pay the Town the difference before receiving the photocopies.

12. **Amending the Policy.** The Board may amend this policy by resolution.

13. **Severability.** If any part or portion of this policy is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the policy.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Town Chairperson

Attest: \_\_\_\_\_

Town Clerk

**RULES OF PARLIAMENTARY PROCEDURE FOR  
TOWN BOARD MEETINGS**

The following are the rules of parliamentary procedure the town board (Board) of \_\_\_\_\_ Township, \_\_\_\_\_ County, Minnesota has adopted for use at its regular and special board meetings.

**Voting.** A majority vote of those supervisors present and voting shall be required to pass a motion unless a greater number is required by law or ordinance. Abstentions from voting shall reduce the number considered voting on the motion, shall not be considered as a vote either for or against the matter under consideration, and shall be recorded in the minutes of the meeting along with a reason for the abstention.

Action	Description	Requires Second	Amendable
<b>Main Motion</b>	Used to bring an item of business before the Board.	Yes	Yes
<b>Amend</b>	Used to amend the wording of a main motion.	Yes	Yes
<b>Call the Question</b>	Used to immediately end debate on a motion.	Yes	No
<b>Lay on the Table</b>	Used to postpone debate or a vote on an issue either indefinitely or to a certain time or a certain occurrence mentioned as part of the motion.	Yes	Yes
<b>Point of Order</b>	Used to raise a question of parliamentary procedure to the presiding officer.	No	No
<b>Roll Call</b>	Used with respect to a particular issue before the Board to require each supervisor's vote on the issue to be recorded in the minutes of the meeting.	Yes	No
<b>Suspend Rules</b>	Used to suspend the rules of parliamentary procedure in exceptional circumstances to facilitate the Board taking action on a particular issue.	Yes	No
<b>Appeal Ruling</b>	Used to appeal a ruling of the presiding officer.	Yes	No

**Method of taking action.** All actions of the Board shall be taken by motion, including the adoption of resolutions and ordinances. A supervisor may raise a point of order without making a motion. The following are permitted motions:

If an issue of parliamentary procedure arises that is not addressed in this policy, the presiding officer may rule on the issue and may seek guidance from the most current edition of Robert's Rules of Order to help resolve the issue

\_\_\_\_\_ TOWNSHIP

**INFORMATION REQUEST FORM**

Persons requesting photocopies of public information from the Town must complete this form, return it to the town clerk, and pay the applicable fees as indicated below.

Requester's Name: \_\_\_\_\_ Date of Request \_\_\_\_\_

Requester's Address: \_\_\_\_\_

Requester's Phone Number: \_\_\_\_\_ Signature \_\_\_\_\_

Description of the Information Requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Town Use Only**

The request is:  Approved,  Approved in Part, or  Denied. Reason(s) for a partially approval or a denial: \_\_\_\_\_.

Fees applicable to the request:

			Estimated Cost	Actual Cost
Labor	_____ x \$ _____		_____	_____
	# Hours                      Hourly Rate			
Photocopying	_____ x _____		_____	_____
	Rate                      Hourly Rate			
Mailing	_____		_____	_____
Other Costs	_____		_____	_____
	_____		_____	_____
		Totals: _____ *	_____	_____

Difference: \_\_\_\_\_  To be paid by requestor.

To be refunded by Town.

\* If the total estimated cost exceeds \$50, the requestor must pay the entire estimated amount before the Town will undertake to satisfy the request. If the actual cost is less than the estimated cost, the Town will refund the difference at the time the copies made available to the requestor. If the actual cost is more than the estimated cost, the requestor must pay the additional amount before receiving the copies.