



Our Vision

Red Wing thrives as a vibrant, creative river town that values its natural environment, welcomes all people, and unlocks opportunity for everyone.

Our Mission

We strive to create a sustainable, healthy, accessible, resilient, and equitable community where every person feels at home.

Meeting Announcement and Agenda Charter Commission Annual Meeting City Council Chambers, 315 West 4th Street, Red Wing, MN & Virtually Wednesday, June 18, 2025, at 6:00 PM

This meeting will be held in the City Hall Council Chambers and virtually via Webex at the same time. Members of the public can join this meeting either in person at City Hall or virtually. To join this meeting via Webex, [click this link](#). To join via telephone, please dial (415) 655-0001. Enter access code 2556 293 6011 and password 2025 when prompted.

The purpose of the Charter Commission is to consider and recommend amendments, revisions and restatements to the Charter of the City of Red Wing and to perform such other duties as required in accordance with the Constitution and Laws of the State of Minnesota, and Bylaws and rules of the Charter Commission.

A. [Link to online City Charter](#)

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Motion to Excuse Absent Commission Members**
- 4. Approval of Agenda**
- 5. Approval of Minutes**

5.A. Motion to Approve June 24, 2024, Minutes.

- 6. Election of Chairperson and Vice Chairperson**

Chairperson Terri Cook to ask for nominations (does not need a motion or a second) for Chairperson. Following the nominations, Staff Liaison Melissa Hill will announce the nominations and ask for a roll call vote. Afterward, the newly elected Chairperson will ask for nominations (does not need a motion or a second) for Vice Chairperson. Following the nominations, Staff Liaison Melissa Hill will announce the nominations and ask for a roll call vote.

- 7. Public Comment**

Members of the public can speak on any agenda item, or any topic consistent with the purpose of the Charter Commission. The Commission will hear public comments, but will not debate or

discuss them during this meeting. Instead, relevant topics brought forward during public comment may go on future Charter Commission agendas for consideration. Each public comment is limited to three minutes, and should be addressed to the Commission as a whole, instead of an individual commissioner. Speakers are encouraged to be courteous and respectful and to refrain from the use of vulgar language, profanity, inappropriate gestures, insults, personal attacks, or accusations.

8. Motions & General Business

- 8.A.** Consider Motion to Recommend to the Chief Judge of the First Judicial District the Reappointment of Charles Richardson to a First Term on the Charter Commission. Commissioner Richardson has fulfilled a partial term and has indicated he is interested in serving a first term on the Charter Commission. The Charter Commission is asked to consider recommending the reappointment of Charles Richardson to a first term on the Charter Commission. A recommendation can be done by a motion and a second followed by a voice vote. Once approved, an Order will be forwarded to the Chief Judge of the First Judicial District for reappointment.
- 8.B.** Consider Motion to Recommend to the Chief Judge of the First Judicial District the Reappointment of Peggy Rehder to a Second Term on the Charter Commission. Commissioner Rehder has fulfilled a first term and has indicated she is interested in serving a second term on the Charter Commission. The Charter Commission is asked to consider recommending the reappointment of Peggy Rehder to a second term on the Charter Commission. A recommendation can be done by a motion and a second followed by a voice vote. Once approved, an Order will be forwarded to the Chief Judge of the First Judicial District for reappointment.
- 8.C.** Consider Motion to Recommend to the Chief Judge of the First Judicial District the Appointment of Janet Brandt to a First Term on the Charter Commission. The Charter Commission is asked to consider recommending the appointment of Janet Brandt to a first term on the Charter Commission, filling Commissioner Bjornstad's seat as she is not seeking a second term. Charter Commission members can continue to serve until replaced. A recommendation can be made by a motion and a second followed by a voice vote. Once approved, an Order will be forwarded to the Chief Judge of the First Judicial District for reappointment.
- 8.D.** Consider Motion to Approve the 2024 Charter Commission Annual Report. Attached is the annual report. The Charter Commission is asked to review and approve the 2024 Annual Report. Approval of the annual report can be done by a motion and a second followed by a voice vote. Once approved, the report will be forwarded to the District Court and the City Council.
- 8.E.** Consider Motion to Adopt City of Red Wing Data Practices Procedures and Data Inventory Public Document as the Official Data Practices Policy of the Charter Commission. This policy and information document is approved annually and is intended to provide direction and procedures for access to and/or copies of government data maintained or collected by the City of Red Wing and Charter Commission. City Council approved the attached Data Practices Procedures and Data Inventory document on February 10, 2025, with the changes highlighted in yellow. Adopting of the policy can be done by a motion and a second followed by a voice vote.
- 8.F.** Review Legislative Changes that Affect the Charter Commissions. The City Attorney's office reviews the charter law (Minnesota Statutes chapter 410), the

Minnesota Government Data Practices Act (chapter 13), the Open Meeting Law (chapter 13D), election laws, and election rules annually to determine if any would impact the Charter Commission. They will share any pertinent information with the Charter Commission.

8.G. Annual Materials.

The attached materials are provided for your information. No action is needed.

1. City Attorney Material - Legal Considerations for City Officials
2. Code of Conduct
3. Board and Commission Policy

8.H. Training for Board Members and Chairs.

Public Information and Engagement Officer Michelle Leise will give a short presentation on the basics of Robert's Rules of Order, which is the protocol the Charter Commission uses during its regular meetings. There will also be time to ask questions.

8.I. Public Comment During Special Meetings.

During the previous Charter Commission meeting, the Commission discussed adding Public Comment to Special Meetings. A follow-up discussion will be held regarding this topic.

8.J. Officers of the Council Discussion.

Chapter 3, Section 3.01 of the City Charter, Departments and Offices of Administration, lists ten officers of the Council. Council Administrator Heineman will lead a discussion regarding these positions and their inclusion in the City Charter.

8.K. Form of Government Discussion.

Chapter 2, Section 2.01 of the City Charter defines Red Wing's form of government as the "Mayor/Council Plan." Council Administrator Heineman will present information regarding a Council/Manager plan and how it could apply to the City's operations.

8.L. Consider Motion to Adopt the Charter Commission Regular Meeting Schedule.

Per MN Statutes 410.05 the Charter Commission shall meet at least once during each calendar year. In 2021, the Charter Commission established the third Wednesday in June of each year to be the regular meeting of the Charter Commission. Chairperson Cook has asked that the Charter Commission consider approving the following 2026 meeting schedule, including the third Wednesday of March as a regular meeting, if needed. Adopting the regular meeting schedule can be done by a motion and a second followed by a voice vote.

- The Third Wednesday in March, if needed (March 18, 2026).
- The Third Wednesday in June (June 17, 2026).

9. Adjournment

Accommodations for signing interpreter, Braille, large print, etc. can be made. Call City Hall at 385.3600 seven days prior to the need. Hearing assistance devices are available during meetings.



CHARTER

Chapter 1

Names, Boundaries, Powers, and General Provisions

Section 1.01 Names and Boundaries

The City of Red Wing in the County of Goodhue and State of Minnesota, shall, upon the taking effect of this Charter, continue to be a municipal corporation, under the name and style of the City of Red Wing, with the same boundaries as now are or hereafter may be established.

Section 1.02 Change in Ward Boundaries

The City Council may change ward boundaries by ordinance adopted as provided for herein or by State or Federal law.

Section 1.03 Powers of the City

The City shall have all powers which may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitutions of this state and of the United States. It is the intention of this Charter that every power which the people of the City of Red Wing might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this Charter, shall be deemed to have been so conferred by the provisions of this section. This Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

Unless otherwise expressly provided in this Charter, the City Council shall have all powers granted to the City, including management and control of the finances and property of the City, with full power and authority to make, ordain, establish, publish, alter, modify, amend and repeal ordinances, resolutions, rules and regulations for the government and good order of the City. It shall have full power and authority to declare and impose penalties and punishment against any person, firm, or corporation violating any ordinance, rule, or regulation. Its ordinances, rules, and regulations shall have the force of law.

Section 1.04 Charter a Public Act

This Charter shall be a public act and need not be pleaded or proved in any case. It shall take effect 90 days from and after its adoption by the voters and amendments hereto shall become effective as provided by State law.

Chapter 2 **Form of Government**

Section 2.01 Form of Government

The form of government established by this Charter is the "Mayor/Council Plan."

Section 2.02 Elective Officers

The elected officers shall be a Mayor and seven Council Members, all of whom shall be eligible voters and meet all requirements provided by law. One Council Member shall be elected from each of four wards of the City, and shall be a resident thereof unless otherwise provided herein. One Council Member shall be elected from both of the two westernmost contiguous wards and shall be a resident of one of the combined wards unless otherwise provided herein, one Council Member shall be elected from both of the two easternmost contiguous wards and shall be a resident of one of the combined wards unless otherwise provided herein, and one Council Member shall be elected at large. The Mayor and Council Members, unless otherwise provided by State Law or an orderly transition schedule adopted as part of a Charter amendment, shall be elected for a term of four years or until their successors are elected and qualified. The Council shall be the judge, as to qualification only, of the election of the Mayor and Council Members.

Section 2.03 Qualifying

Every person elected to any office shall take and subscribe to the oath provided by law.

Section 2.04 Boards

This Section 2.04 does not apply to the Charter Commission, the Port Authority, the Housing and Redevelopment Authority, or the T.B. Sheldon Auditorium Board. The City Council may by ordinance establish or abolish any board or commission as it deems necessary for the operation of the City. The powers, duties, and responsibilities of such boards or commissions shall be fully set forth in said ordinance. Notwithstanding any other provision to the contrary, all funds and accounting of any board or commission must be handled by the City's financial officer and shall be deemed to be public funds of the City. Notwithstanding any other provision to the contrary, the administrative officer shall be an ex officio member of all boards and commissions and has the right to attend meetings, including special and closed meetings. As an ex officio member of all boards and commissions, the administrative officer does not have the right to vote, make motions, or be counted for purposes of determining a quorum.

The Mayor, subject to confirmation by the Council, shall appoint all board and commission members who shall be residents of the City, unless specifically provided for by Ordinance. The Ordinance will set forth the parameters governing any nonresident members, including, but not limited to, the boundaries from which nonresidents may be drawn, the number of nonresidents who may serve on a board or commission, and whether nonresidents may vote, provided such members are less than a quorum. The Council may provide by ordinance for advisory members who shall be members without the right to vote, make motions, or be counted for purposes of a quorum. Advisory members need not be residents of the City. Each board shall consist of not less than three nor more than fifteen members who shall each serve for a term of three years. No board member, or advisory member, shall serve more than two full consecutive terms.

Section 2.041 Public Library

Notwithstanding any provision to the contrary, the Mayor shall, subject to confirmation by the Council, appoint a Library Board consisting of nine members to manage, supervise, and control the City's Public Library, its building and other facilities, and such other related functions as may be authorized by law or ordinance.

General provisions of this Charter and City Code shall govern member appointments, removal from office for cause, terms, and any limitations thereon. Members of the Library Board must be residents of the City provided, however, one member may be a non-City resident of Goodhue County, if the County financially contributes to the Library. The Library Board shall elect its own officers and adopt rules of procedure consistent with law and the provisions of this Charter and City Code governing boards and commissions.

The Library Board shall govern the operations of the Library, adopt policies therefore, and have final authority in material selection and programming. The Library Board shall annually present its budget request and Capital Improvement Plan to the City in accordance with the procedures of the City. Once the budget is approved by the Council it shall not be later reduced by the Council without the consent of the Library Board. The Library Board may make line item budget changes if the City's administrative officer approves. The City's financial officer shall be the financial officer of the Library, shall maintain Library monies in a separate fund and shall make disbursements therefrom only in accordance with the policies of the Library Board. The Library shall follow all City accounting, purchasing, and personnel policies and procedures, including pay and classification plans, as the same apply to other City departments.

All employees of the Library are employees of the City. The Library Board shall hire a director who shall be the chief administrative officer with authority to implement Library Board policy. The director shall have the authority to hire, to terminate, and to discipline other Library employees with approval of the City's administrative officer, and to perform such other duties and responsibilities as the Library Board may assign. The City's administrative officer shall assist the Library Board in supervising the director and shall have supervisory authority over the director in those areas where, under this section, the Library must follow City policy and procedures, and shall further report any dereliction of duty by the director to the Library Board.

All title to property of the Library shall vest in and be held in the name of the City and be under the control of the Library Board. With the consent of the Council, the Library Board may accept any gift, grant, devise, or bequest made or offered for Library purposes and carry out the conditions of such donation. Unconditional gifts of intangible personal property may be accepted without Council consent.

The Library shall follow all City ordinances, policies, and procedures. However, if the Library is not expressly required to follow a City ordinance, policy, or procedure under this section, then the Library Board may by written resolution adopt its own policy or procedure. It is the intent of this section that the authority, duties, and responsibilities of the Library Board under this section and City Code shall be interpreted broadly and in favor of the Library Board.

Section 2.05 Removal

Every elected officer may be removed from this office by vote of two-thirds of the City Council, provided that such official shall not be removed except for cause, after having been furnished with a written statement of the reasons therefore and after being given a reasonable opportunity to be heard in his/her defense. The City Council shall fix a date for a hearing on such charges not less than 10 days after notice to the accused officeholder and shall have authority to compel the attendance of witnesses and to request any necessary records and papers. In the event the officeholder neglects to appear to answer the charges or the City Council finds that the charges are sustained and provides sufficient cause for removal, it may, by two-thirds vote, declare the office vacant. Nothing contained in this section shall preclude the Council from establishing by ordinance criteria whereby an elected official who is absent from a prescribed number of meetings is deemed to have resigned.

Section 2.06 Vacancies

A vacancy in the Council or office of Mayor shall be deemed to exist when any of the following events occur:

- 1) The failure of the candidate elected to qualify on or before the date of the second regular meeting after the new Council's organizational meeting;
- 2) By reason of the death, resignation, removal from office, change of residence from the ward or wards from which elected, or continuous absence from the ward or wards from which elected for more than three months;
- 3) By reason of the conviction of a felony which disqualifies an individual from holding office.

Procedure for resignations shall be as provided by State law. In the case of a vacancy, the Council shall, by resolution adopted within seven days of the vacancy, declare such vacancy to exist and shall fill the vacancy by special election held on a date authorized by Minnesota Statutes section 205.10, subdivision 3a, as amended. The special election will be held on the first possible date authorized by said statute where the City can also follow the affidavit of candidacy filing period and notice of filing period requirements in Minnesota Statutes section 205.13, as amended. The vacant seat shall remain vacant until the replacement elected at the special election qualifies and takes office. The replacement elected at the special election shall fill the unexpired part of the term of the person requiring replacement.

If, however, a vacancy occurs in a general election year on or after April 1 and the term of the vacant seat is scheduled to expire the following year (in January), no special election shall be held. The vacant seat shall remain vacant until the replacement elected at the general election qualifies and takes office.

Section 2.07 Mayor

The Mayor shall be the titular head of the City. The Mayor may address the Council on any matters of interest. The Mayor shall exercise all powers and perform all duties conferred and imposed upon the Mayor by this Charter, the ordinances of the City, and the laws of the State. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the Governor for the purposes of martial law. The Mayor shall study the operations of the City, and make recommendations as he/she believes to be desirable. The Mayor shall review concerns on City activities raised by citizens and make recommendations as he/she believes desirable as to any corrective action(s) necessary. The Mayor shall also report to the Council any neglect, dereliction of duty or waste on the part of any officer or department of the City. The Mayor shall consult with the administrative officer and chief law enforcement official on policy matters affecting public safety within the City.

Section 2.08 Acting Mayor

In the event of a vacancy in the office of the Mayor or the Mayor's inability from illness, absence from the City, or other cause to perform the duties of the Mayor's office, the President of the Council or, if the Council President is also absent or incapacitated, the Vice President of the Council, and in the event of his/her absence or incapacity, such other member of the City Council as it may designate, shall exercise the powers and perform the duties of the Mayor, except the Acting Mayor shall have no power to veto during such absence or disability. While so acting the Mayor shall be styled "Acting Mayor" and his/her acts in that capacity shall have the same force and effect as if performed by the Mayor.

Section 2.09 Investigation of City Affairs

The Council or any officer or officers authorized by the Council shall have the power to make investigations into the City's affairs, administer oaths and compel the production of books and papers. The Council shall provide for an audit of the City's accounts at least once a year by the State Auditor or by a certified public accountant. The Council may at any time provide for an examination or audit of the accounts of any officer or department of the City government, and it may cause to be made any surveyor research study of any subject of municipal concern.

Chapter 3 **General Administration**

Section 3.01 Departments and Offices of Administration

The Council may, consistent with the provisions of this Charter, create, abolish, rearrange, and combine such departments, divisions, and offices as it may deem necessary or proper, and from time to time alter their respective powers, duties and organization, provided, however, that the Council shall appoint an administrative officer, a financial officer, a clerical officer, legal officer(s), a director of engineering, a chief law enforcement official, a chief fire official, an administrative services director, a community development director, a public works director, and such other officers as may be required by State or Federal law. All such officers shall be at-will employees and may be removed from office at any time by a majority vote of the entire Council or as otherwise provided herein or by State or Federal law. The administrative officer shall exercise all supervisory duties not specifically reserved to the Council over such officers. The administrative officer shall have full supervisory authority over other employees and department heads including the right to hire and fire. The Council shall determine the powers and duties to be performed by, and assign them to, the appropriate department and determine departmental organization. The Council shall prescribe the powers and duties of all officers and may assign one individual to perform the duties of more than one office, or in two or more departments or divisions.

The Council shall make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the City.

Section 3.02 Filing and Execution of Documents

Unless otherwise specifically provided, filing of all documents provided for in this Charter or the ordinances of the City shall be at the administrative offices of the City. All contracts with the City, ordinances and resolutions of the Council, and other documents, shall be executed in the name of the City and signed by the officers designated by the City Code, Purchasing Manual, Personnel Policy Manual, or other applicable policy.

Section 3.03 City Employees, Their Wages, Salaries, Benefits, and Regulations

Council shall provide in the City Code, Personnel Policy Manual, Organizational Chart, or other applicable collective bargaining agreement or policy for the authority with reference to employment or discharge of all City employees, wages and salaries to be paid such employees, employee benefits, supervision and line of authority, and all other matters of regulation, control, and other contract provisions. Provided, however, that this section shall not restrict the authority of the Council to delegate any such authority contained herein that it deems appropriate.

Section 3.04 Purchase and Sale Contracts

All City purchase and sale contracts shall be made or let in accordance with a uniform policy adopted by the Council unless the Council shall otherwise order. Contracts shall be made in compliance with any regulatory statute. The Council may adopt further regulations for making bids and letting contracts, including provisions as to notice. The Council may, by ordinance, provide a means for declaring personal property or real estate which comes into the possession of the City, by any means whatsoever, to be surplus property and providing for the classification and sale thereof upon such notice as the Council considers reasonable.

Chapter 4 **Elections**

Section 4.01 Conduct of Elections

All City elections shall be held and conducted and the votes canvassed in the manner provided by law.

Section 4.02 General Election

The City General Election shall be held on the first Tuesday after the first Monday in November in every even-numbered year at such place or places as the Council may designate.

Section 4.03 Primary Election

The City Primary Election shall be held on the same date as the state primary election as determined by state statute at such place or places as the Council may designate. The city clerical officer shall place upon the City Primary Election ballot, without party designation, the names of individuals whose candidacy has been filed. The two candidates receiving the highest number of votes for any single office shall be placed on the City General Election ballot as nominees for that office. When no more than two individuals file for nomination to any single office, their names shall not be placed upon the City Primary Election but shall be placed upon the City General Election ballot as the nominees for that office and no Primary Election for that particular office shall be held.

Section 4.04 Filing

Not more than 10 nor less than 8 weeks before the City Primary Election any individual who is eligible and desires to become a candidate for either the office of Mayor or Council Member shall, upon payment of the fee established by law, file an Affidavit of Candidacy with the city clerical officer.

In addition, the city clerical officer shall also accept, without the payment of any fee, a Nominating Petition signed by at least 100 registered voters for the office of Mayor and Council Member-at-Large, 75 registered voters for the combined ward Council Members, and 50 registered voters for a Council Member elected from a ward, provided that the individual on whose behalf the petition has been circulated endorses the petition with a statement indicating his/her willingness to accept the office if duly elected. All signers of a petition to be counted as valid must be registered voters within a precinct eligible to vote for that particular office. No registered voter shall sign more than one petition for a particular office and should a voter do so, his/her signature shall be valid only as to the petition or petitions first filed.

All Affidavits of Candidacy and Nominating Petitions must be filed no later than 5:00 pm on the day filings close. Any candidate may withdraw from the election by filing an Affidavit of Withdrawal with the city clerical officer no later than 5:00 p.m. two days after the last day for filing affidavits of candidacy.

Section 4.05 Special Elections

The Council may by resolution order a special election and provide all means for holding it. A special election must be held on a date authorized by Minnesota Statutes Section 205.10, subdivision 3a, as amended. No primary shall be required in a special election

held under this section. All other procedures at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Section 4.06 Affidavit of Candidacy

Any Affidavit of Candidacy or Nominating Petition to be valid must state the name of the office sought; shall state that the candidate is an eligible voter and is, or will be on assuming the office, 21 years of age; has no other affidavit on file as a candidate for any office to be elected at the next ensuing City General Election or any other election to be held in conjunction therewith that would be deemed to be in conflict with the City office sought; will have maintained residence in the City if seeking the office of Mayor or Council Member-at-Large, in one of the two combined wards for the combined ward Council Member seats, or in the respective ward if seeking the office of Council Member from a ward for at least 30 days before the City General Election; and include a statement that the candidate's name as written on the affidavit of Candidacy or Nominating Petition is the candidate's true name or the name by which the candidate is commonly and generally known within the City.

Section 4.07 Forms

The city clerical officer shall be responsible for devising the form of the Affidavit of Candidacy and Nominating Petition consistent with the provisions contained herein and by law. Any Nominating Petition need not be appended to one paper, but to each separate paper there shall be attached an affidavit by the circulator thereof stating the number of signers on such paper and that each signature appended thereto was made in his/her presence and is the genuine signature of the person whose name it purports to be. With each written signature a place for the legible printed name of the signer and his/her place of residence in sufficient form is required so as to identify whether he/she is a valid registered voter.

Chapter 5 **City Council**

Section 5.01 Council and Quorum

The Council Members shall constitute the City Council and shall elect a President and Vice President from their membership. A majority of the membership holding office shall constitute a quorum to transact business, but a smaller number may recess or adjourn from time to time and compel the attendance of absent members.

Section 5.02 Presiding Officers

The President or in his/her absence the Vice-President shall preside at all meetings and rule on all matters of procedure. The City Council may elect a President Pro Tem who shall have the powers, duties, and responsibilities of the President in the absence of the President and Vice-President. If no President Pro Tem is elected, the member present with the most seniority in office shall be deemed the President Pro Tem.

Section 5.03 Council Meetings

On the first Tuesday after the first Monday in January following a City General Election, the Council shall hold its organizational meeting after the newly elected officers having qualified take the oath of office and assume the duties thereof. Thereafter, the Council shall meet at such times each month as may be prescribed by ordinance or resolution. The Mayor, the President of the Council, or any three members of the Council may call special meetings of the Council.

Unless there is an emergency for the meeting, notice of the meeting shall be at least three days in advance or otherwise as required by law, and an electronic copy of the proposed agenda and supporting materials for each regular or special meeting will be made available to each member. Unless an emergency is declared by a three-fourths vote of the Council, no other business shall be transacted at a special meeting than that which is designated in the call and matters relating thereto. Meetings of the Council and the Minutes and records thereof shall be open to the public in the manner provided by State law, and the Council shall not meet in closed or executive session unless allowed by State law.

Section 5.04 Rules of Procedure

The Council shall determine its own rules and order of business. It may punish members for misconduct. Unexcused absence from three consecutive regular Council meetings shall be grounds for removal of any Council Member.

Council officers serve at the pleasure of the Council and may be removed by a super majority vote of the Council for any reason. Any member of the Council may move for the removal of a council officer if: (1) they placed the item on the Council agenda by at least noon of the Wednesday before that meeting; (2) before placing the item on the agenda, they had provided the Council officer proposed for removal with the reason for the motion; (3) there has been an opportunity for the Council officers to discuss the reason; and, (4) the reason for the removal is stated with the motion. If a motion for the removal of a Council officer is seconded, the Council officer sought to be removed has the right to respond to the motion before any debate on the motion. In the event that a Council officer is removed, the Council will immediately fill that office.

Section 5.05 Records

The appointed clerical officer shall keep a record of the proceedings of the Council. The votes of Council Members shall be recorded in accordance with law.

Section 5.06 Ordinances, Resolutions, and Motions

Except as otherwise provided in this Charter, all legislation shall be by ordinance. A roll call shall be taken on all ordinances, resolutions, and the levying of any taxes. The minutes shall clearly delineate those voting in favor and those voting against all motions or other actions. An affirmative vote of a majority of the membership holding office shall be required for the adoption of any ordinance or resolution except as otherwise provided in this Charter or by State or Federal law.

Section 5.07 Procedure on Ordinances

The enacting clause of all ordinances shall be the words, "The City Council of the City of Red Wing does ordain". Every ordinance shall be presented in writing and shall embrace a single subject, which shall be expressed in the title. No ordinance, except an emergency ordinance, shall be adopted on the same day it was introduced and at least three days shall pass between its introduction and passage.

Section 5.08 Emergency Ordinances

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety, or welfare in the emergency as defined and declared in a preamble thereto, and is adopted by a majority of the Council Members holding office. No prosecution shall be based upon the provisions of any emergency ordinance until 24 hours after the ordinance has been filed with the clerical officer and posted in three conspicuous places within the City or until the ordinance has been published, unless the person charged with the violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

Section 5.09 Procedure on Resolutions

Every resolution shall be presented in writing or read in full before a vote is taken thereon.

Section 5.10 Signing and Publication of Ordinances and Resolutions

Every ordinance or resolution adopted by the Council shall be signed by the presiding officer of the Council, and attested by the clerical officer. Every ordinance shall be published at least once in the official newspaper. In the case of lengthy ordinances, or ordinances which include charts or maps, if the City Council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the Council may, by two-thirds vote of its members, direct that only the title of the ordinance and a summary be published, as required by State law, with notice that a printed copy of the ordinance is available for inspection by any person. A copy of the entire text of the ordinance shall be posted in the community Library and in any other public location which the Council designates.

Prior to the publication of the title and summary, the Council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. To the extent and in the manner provided by State law, an ordinance may incorporate by reference a

statute of Minnesota, a state administrative rule or a regulation, a code, or an ordinance or part thereof without publishing the material referred to in full. All ordinances and resolutions with the Affidavit of Publication shall be recorded by the clerical officer in a separate book. The record of any ordinance or resolution, or a duly certified copy of the record, shall be evidence of adoption passage, approval, and publication.

Section 5.11 Mayor's Veto of Ordinances and Resolutions

Every ordinance or resolution shall be delivered to the Mayor within 48 hours from the time of adoption of the ordinance or resolution by the City Council. The 48-hour deadline excludes Saturday, Sunday, or a legal holiday, in which event the period runs until 5:00 p.m. on the next day that is not a Saturday, a Sunday, or a legal holiday. Within 96 hours from the time of adoption of the ordinance or resolution by the City Council, the Mayor shall either approve the ordinance or resolution by delivering the signed ordinance or resolution to the clerical officer or veto the ordinance or resolution by delivering a veto with written objections concerning the ordinance or resolution to the clerical officer. The 96-hour time frame excludes Saturday, Sunday, or a legal holiday, in which event the period runs until 5:00 p.m. on the next day that is not a Saturday, a Sunday, or a legal holiday. If the Mayor fails to deliver a veto with written objections to an ordinance or resolution within the time period specified above, the ordinance or resolution shall be deemed in effect without the approval of the Mayor. If the ordinance or resolution is vetoed within the time and manner specified above, the vetoed ordinance or resolution may be reconsidered by the City Council. If, upon reconsideration, the City Council shall pass the ordinance or resolution by two-thirds vote of the City Council, then the ordinance or resolution shall be in full force and effect without approval of the Mayor.

For the purposes of this Section, a "legal holiday" is as defined in the City of Red Wing Personnel Policy Manual.

The Mayor shall have only one hour after adoption of an emergency ordinance to approve and sign or veto the emergency ordinance. If the Mayor does not deliver an approved or vetoed emergency ordinance within one hour from the time of adoption by the City Council, the emergency ordinance shall be deemed in effect without the approval of the Mayor. For the purposes of an emergency ordinance, deliver means to hand to the recipient or electronically transmit the approval or veto to the recipient. If the emergency ordinance is vetoed by the Mayor within one hour from the time of adoption, the emergency ordinance shall be immediately reconsidered by the City Council. If, upon reconsideration, the City Council shall pass the emergency ordinance again, then the emergency ordinance shall be in full force and effect without approval of the Mayor.

For purposes of this Section, "delivered" shall mean:

- 1) Handed to the recipient;
- 2) Mailed to the recipient at an address designated by the recipient or at the last known address of the recipient;
- 3) Deposited with a nationally recognized overnight delivery service for overnight delivery or, if overnight delivery to the recipient is not available, for delivery as promptly as

practicable, to the recipient at an address designated by the person or at the last known address of the recipient; or

- 4) Transmitted by electronic communication. "Electronic communication" means any form of communication, not directly involving the physical transmission of paper that creates a record that may be retained, retrieved, and reviewed by a recipient of the communication, and that may be directly reproduced in paper form by the recipient through an automated process.
- 5) An item is delivered by mail when deposited in the United States mail with sufficient postage affixed or when deposited for delivery by a nationally recognized delivery service after having made sufficient arrangements for payment by the sender. An item is deemed received when it is delivered in the manner specified above.

Section 5.12 When Ordinances and Resolution Take Effect

Resolutions and emergency ordinances shall take effect immediately upon its approval by the Mayor or at such later date as is fixed in it. Every other ordinance shall take effect 14 days after adoption and publication of the ordinance or summary of the ordinance or at such later date as is fixed therein or required by State law. Every ordinance and resolution adopted by the voters of the City shall take effect immediately upon certification of the election results, or at such later time as is fixed therein.

Section 5.13 Amendment and Repeal of Ordinances and Resolutions

Every ordinance or resolution repealing a previous ordinance or resolution or section or subdivision thereof shall give the applicable section, subdivision, or paragraph of the City Code, or the number (if any) and the title of the uncodified ordinance or resolution to be repealed in whole or in part. No ordinance or resolution or section or subdivision thereof shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth each section or subdivision to be amended and shall clearly indicate new matter and old matter to be omitted in the case of partial amendments.

Section 5.14 Revision and Codification of Ordinances

The City shall revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary by the Council. Such ordinance code shall be published in book, pamphlet, or continuously revised loose-leaf form, and copies shall be made available by the Council at the office of the clerical officer for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of the ordinance provision not previously published if a notice that copies of the codification are available at the office of the clerical officer is published in the official newspaper for at least two successive weeks.

Section 5.15 Acquiring and Selling Property

The City Council may acquire such real and personal property as the purposes of the City may require by purchase, gift, devise, condemnation, lease, or otherwise, and may hold, manage, control, sell, convey, lease, or otherwise dispose of such property as its interest require. It may also sell, convey, lease, or otherwise dispose of property for a nominal consideration to encourage and promote industry and provide employment for citizens, as its interest require. The approval of any sale of real property owned by the City or purchase of any real property shall be by resolution.

Section 5.16 Expenditures for Goods or Services

Every expenditure by the City Council for goods and services of a value in excess of \$1,000,000 shall be by resolution, with the exception of construction projects. For construction projects estimated to exceed \$1,000,000, the first expenditure of the project shall be by resolution, but any further expenditures may be done by motion.

Chapter 6 **Initiative, Referendum, and Recall**

Section 6.01 Powers Reserved by the People

The people of Red Wing reserve to themselves the powers, in accordance with the provisions of this Charter, to initiate and adopt ordinances, to require ordinances when adopted by the Council to be referred to the electors for approval or disapproval, and to recall elected public officials through the petition process. These powers shall be called the initiative, the referendum, and the recall respectively.

Only ordinances that are legislative in character may be enacted through the initiative and referendum process. Ordinances relating to the budget, a capital program, appropriating money, authorizing the levy of taxes, the salaries of city officers and employees, the zoning and purchase of land, or other acts that are considered executive, administrative, or quasi-judicial acts of the City may not be enacted through the initiative or referendum process.

Initiative

Section 6.02 Initiation of Measures

Any five registered voters may form themselves into a committee for the initiation of any ordinance except as provided in Section 6.01. Before circulating any petition, they shall file a verified copy of their proposed ordinance with the clerical officer together with their names and addresses as members of such committee. Such committee may, at time of filing, seek the opinion of the City concerning whether their proposed measure is a proper question for an initiative. If a committee seeks such opinion, the clerical officer shall, within 10 working days of the filing of the proposal and after review by the city attorney, inform at least one member of the committee and the City Council whether or not said proposal is a proper question for an initiative. Proposals determined at this time to be an improper question may be amended and re-filed.

Section 6.03 Form of Petition and of Signature Papers

The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and notarized affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered voters equal to at least five percent of the total number of registered voters in the last general election. When gathering signatures for their proposed measure, committee members need not collect all signatures on one signature paper; however, all signature papers must be in substantially the same form. All signatures shall be gathered on forms prescribed by and available from the clerical officer.

Each circulator of signature papers shall attach a notarized affidavit to those papers upon time of filing; this affidavit shall certify to the authenticity of the petition signatures, and shall also certify that each signature paper had attached to it, when circulated, a copy of the proposed ordinance. Circulators of signature papers need not be committee members.

6.04.01 Sufficiency of the Petition

Within 10 days after the filing of the petition, the clerical officer shall ascertain by examination the number of registered voters whose signatures are appended thereto and whether this number is at least five percent of the total number of registered voters in the last general election. If the clerical officer finds the number of signatures to be insufficient, the clerical

officer shall immediately notify the committee of that fact, certifying the reasons for that finding. The committee shall then be given 30 days in which to file additional signature papers and to correct the signatures in all other particulars. If at the end of that period the number of signatures is found to be still insufficient, the clerical officer shall file the petition in his/her office and shall notify the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

6.04.02 – Validity of Petition

The city attorney shall examine whether the proposed ordinance is a proper question for an initiative. The city attorney shall, within 10 business days after filing of the petition, return the petition with findings and conclusion regarding whether the petition is or is not a proper question. The city attorney shall issue the findings and conclusion to the committee and City Council, citing legal authority for said conclusion.

6.04.03 – Procedure after Determination

When the clerical officer has determined the sufficiency of the petition and the attorney has issued a finding to the Council and the committee, the clerical officer shall present the same to the Council at its next regular meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute.

Section 6.05 Action of Council on Petition

Upon the presentation of the petition and findings by the clerical officer, the Council shall, at its next regular meeting, determine the sufficiency or legal validity of the substance of the petition and issue a resolution either accepting or rejecting the petition. If the Council rejects the petition, no public hearing or further action is required. The finding of insufficiency does not prevent the filing of a new petition for the same purpose. If the Council accepts the petition, the Council shall provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than 30 days after the date of acceptance. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to two-fifths of the committee, the proposed ordinance shall be submitted by the Council to the vote of the electors at the next general election; but if the number of signers of the petition is equal to at least 10 percent of the total number of registered voters in the last general election, the Council shall call a special election upon the measure.

Section 6.06 Initiative Ballots

The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question of adoption. The Council shall formulate the ballot question, clearly and succinctly stating the essentials of the question. If a majority of the electors voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election, but the voter shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of electors voting on the question shall prevail to the extent of the inconsistency.

Section 6.07 Initiation of Charter Amendments

Nothing in this Charter shall be construed as in any way affecting the right of the electors under the Constitution and Statutes of Minnesota to propose amendments to this Charter.

Referendum

Section 6.08 Initiation of Measures

Any five registered voters may form themselves into a committee for the purpose of bringing about a referendum on any ordinance adopted by the Council, except as provided in Section 6.01.

Section 6.09 Form of Petition and Signature Papers

The petition for any referendum shall consist of the ordinance sought to be repealed, setting the same out in full, indicating the date of adoption and the date of publication, if the same has been published, together with all the signature papers and notarized affidavits thereto attached. Such petition shall not be complete unless signed by at least 10 percent of the total number of registered voters in the last general election. The petition for the referendum on an ordinance shall be in a form prescribed by and available from the clerical officer.

Each circulator of signature papers shall attach a notarized affidavit to the signature papers upon time of filing; this affidavit shall certify to the authenticity of the petition signatures and shall also certify that each signature paper had attached to it, when circulated, a copy of the ordinance in question. Circulators of signature papers need not be committee members.

Section 6.10 Filing of Petition

If prior to the date when an ordinance takes effect a petition signed by at least 10 percent of the registered voters of the City from the last general election is filed with the clerical officer requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into effect. The Council shall thereupon reconsider the ordinance at its next regular meeting and by roll-call vote either repeal it or re-affirm its adherence to the ordinance as passed. In the latter case, the Council shall immediately order a special election to be held thereon or submit the ordinance at the next general election, pending which the ordinance shall remain suspended.

Section 6.11 Referendum Ballots

The ballots used when voting upon any such referred ordinance shall be written by the Council, clearly and succinctly stating the essentials of the question, and be published two weeks before the election in the official newspaper of the municipality. The ballot shall state the substance of the ordinance and give the voters the opportunity to vote either "yes" or "no" on the question of repeal. If a majority of the voters vote in favor of repeal, the ordinance shall not take effect. If, however, the majority votes against repeal, the ordinance shall take effect immediately or on the date therein specified.

Recall

Section 6.12 The Recall

Any five registered voters may form themselves into a committee for the purpose of bringing about the recall of any elected Council Member or Mayor of the City for malfeasance or nonfeasance in office. In the case of the Mayor and Council Member At Large, the committee may be composed of registered voters from any ward of the City. In the case of all other Council Members the committee shall consist of registered voters from the ward or wards in which said Council Member is elected. The committee shall certify to the clerical officer the name of the officer whose removal is sought, a statement of the grounds for removal in not

more than 250 words, and their intention to bring about this recall. A copy of this certification shall be attached to each signature paper, and no signature paper shall be put into circulation previous to such certification.

Section 6.13 Recall Petitions

The petition for the recall of any official shall consist of a certificate identical with that filed with the clerical officer together with all the signature papers and affidavits thereto attached. The recall petition shall be in a form prescribed by and available from the clerical officer.

Section 6.14 Filing of Petition

Within 30 days after the filing of the original certificate, the committee shall file the completed petition in the office of the clerical officer. The clerical officer shall examine the petition within 5 days and, if he/she finds it irregular in any way or finds, in the case of Council Members elected by ward or wards, that petitioners are not registered in the ward or wards said Council Member is elected from, or finds that the number of signers is less than 20 percent of the registered voters of the City or of the ward or wards said Council Member is elected from, he/she shall so notify the committee.

The committee shall then be given 10 days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the clerical officer finds the petition still insufficient or irregular, he/she shall notify the committee to that effect and shall file the petition in his/her office. No further action shall be taken thereon. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 6.15 Recall Election

If the petition or amended petition is found sufficient, the clerical officer shall transmit it to the Council without delay and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall, at its next meeting, by resolution provide for filing dates and other provisions necessary for the holding of a special recall election not less than 45 nor more than 60 days after such meeting, but if any other election is to occur within 90 days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

Section 6.16 Procedure at Recall Election

The clerical officer shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than 500 words, the answer of the officer concerned in justification of his/her course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible in accordance with the usual procedure in municipal elections.

Section 6.17 Recall Ballot

Unless the officer whose removal is sought resigns within 10 days after the receipt by the Council of the completed recall petition, the recall ballot shall contain two separate questions. The first question shall be a "yes" or "no" question on the recall of the elected officer. The second question shall be an alternative question containing the names of the candidates to fill the vacancy in the event the recall is successful. If a majority voting on the question of recall vote in favor, the officer shall be immediately removed from office upon certification of the

election results and the candidate receiving a majority of the votes for filling the vacancy shall be elected to fill said vacancy. In the event no candidate receives a majority of votes, the top two vote getters shall be nominated to a "run-off" election to be conducted within 45 days of certification of such results. The "run-off" election may be held in conjunction with a regular municipal election provided one is scheduled to occur no less than 45 days nor more than 60 days after said results are certified. In the event the officer resigns within 10 days after the receipt by the Council of the completed recall petition, the vacancy shall be handled in the manner provided for in this Charter irrespective of any recall activities which were initiated prior to said vacancy occurring.

Chapter 7 **Taxation and Finances**

Section 7.01 Council to Control Finances

The Council shall have full authority over the financial affairs of the City and shall provide for the collection of all revenue and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies, and in the exercise of sound discretion shall make appropriations for the payment of all liabilities and expenses.

Section 7.02 Fiscal Year

The fiscal year of the City shall be the calendar year.

Section 7.03 Taxation

All property taxes shall be assessed and collected in the manner provided by law. Subject to law, the Council shall have full power to provide by ordinance for a system of local taxation for general or special purposes.

Section 7.04 Board of Equalization

The City Council shall constitute a Board of Equalization to equalize assessments of property for taxation purposes according to law.

Section 7.05 Budget Estimates

The administrative officer shall be responsible for presenting the annual budget calendar for approval by the Council. Said calendar shall, in accordance with law, set the dates by which department heads, officers, boards, commissions or committees of the City shall deliver to the administrative officer an estimate, in writing, of all projected revenues and expenditures for such departments during the ensuing fiscal year, specifying in detail the purpose thereof. Said calendar shall also clearly delineate dates for submission, consideration, public hearings, and proposed adoption for the budget.

Section 7.06 Budget Preparation

The administrative officer in consultation with the financial officer shall, in accordance with the budget calendar, prepare all estimates for the annual budget. The budget shall be by funds and shall include all funds of the City. The estimates of revenues and expenditures for each fund budgeted shall be arranged for each department or division of the City in accordance with generally accepted accounting procedures.

Section 7.07 Budget Approval

Adoption of the budget and budget hearing dates shall comply with the budget calendar. The budget estimates shall be presented at the hearings, and the administrative officer shall explain the various items thereof as fully as may be deemed necessary by the Council. The annual budget finally adopted shall be the complete financial plan of the City for the ensuing fiscal year. The Council shall adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund. The tax levy resolution shall be certified to the County Auditor in accordance with law. At the beginning of the fiscal year the sums fixed in the budget resolution shall then be appropriated for the several purposes named in the budget resolution and no other. In the event the entire budget or any item thereof is vetoed by the Mayor, it may be passed by a two-thirds vote in the manner provided in this Charter for vetoed ordinances or resolutions.

Section 7.08 Budget Enforcement

It shall be the duty of the administrative officer to enforce the provisions of the budget. No approval shall be made of any order placed upon the City treasury for any expenditure covered by budget resolution unless there is sufficient unexpended balance or anticipated revenue available for it. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget resolution or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

Section 7.09 Budget Alterations

After the budget resolution has been adopted, the Council shall have no power to increase the amounts fixed in the budget resolution by the insertion of new items or otherwise beyond the estimated revenues, unless actual receipts exceed the estimates and then not beyond the actual receipts. Any budget alteration shall be approved by a majority of Council Members. The administrative officer shall have the authority to transfer budget allocations within departments upon department head requests and encumber unused budgeted funds from one fiscal year to subsequent years.

Section 7.10 Budget Emergency Appropriation

The Council may include an emergency appropriation as a part of the budget but not to exceed five percent in aggregate of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a majority vote of the Council and shall be used only for the purpose designated by the Council.

Section 7.11 Funds

There shall be maintained in the City treasury a general fund and such other funds as may be required. The financial officer may make inter-fund loans, except from trust and agency funds, as are necessary and appropriate.

Section 7.12 Disbursements. How made.

No money shall be paid out of the City treasury except in compliance with procedures approved by the City Council or the board or commission charged with the management of the funds and signed by the officer designated by such managing body. Disbursements shall be made by check, or other commonly accepted method of transferring funds, attested by the financial officer. No such check shall be issued nor transfer of funds be made until the claim to which it relates has been supported by an itemized bill, payroll or time-sheet approved and signed by the responsible City officer who vouches for its correctness and reasonableness. The Council may by ordinance make further regulations for the safekeeping and disbursement of funds.

Section 7.13 Accounts and Reports

The financial officer shall be responsible for all of the accounts of the City. The Council may prescribe and enforce proper accounting and monthly reporting methods, forms, blanks, and other devices consistent with the law, this Charter, and ordinances adopted in accord therewith. No later than 30 days after the audited financial statements are required to be submitted by the City to the state auditor in accordance with Minnesota Statutes, the administrative officer and financial officer shall submit a report to the Council covering the entire financial operation of the City for the past year. The report shall show all operations and conditions in a manner consistent with the accounting method of the City, and shall

include such further information as the administrative and financial officers deem advisable or the Council requires.

Section 7.14 City Indebtedness

Except as provided for herein, no obligations shall be issued to pay current expenses, but the Council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this Charter or by law, no such obligations shall be issued and sold without the approval of the majority of the voters voting on the questions at a general or special election.

Section 7.15 Tax Anticipation Certificates

At any time after January 1 following the adoption of the annual tax levy, the Council, by a vote of two-thirds of all members and under such regulations and terms as it may prescribe, may issue certificates of indebtedness in anticipation of taxes levied for any fund and not yet collected. Such certificates shall become due and payable not later than the first day of April of the year following their issuance. The total amount of such certificates shall not exceed one-third of the anticipated taxes or other revenues. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued, and the full faith and credit of the City, shall be pledged for the redemption of the certificates in the order of their issuance against the fund.

Section 7.16 Emergency Debt Certificates

If in any year the receipts from taxes or other sources should for some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, the Council may by ordinance issue and sell on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed two years and to bear interest at a rate to be determined by the City Council. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by a two-thirds vote of the Council. It may be passed as an emergency ordinance.

Section 7.17 Bank Loans

Whenever the Council, by resolution, deems it necessary and advantageous, it may borrow money from any bank or other source for the purpose of financing any authorized purpose as allowed by this Charter or by law.

Section 7.18 Capital Improvement Program

The administrative officer shall prepare and submit to the Council a recommended five-year capital improvement program in accordance with the budget calendar. The capital improvement program shall include a list of all capital improvements proposed to be undertaken during the next five fiscal years, with appropriate supporting information as to the necessity for such improvements, cost estimates, method of financing, and recommended time schedules for each such improvement. This information shall be revised and extended each year for capital improvements still pending or in process. The Council shall hold a public hearing on the capital improvement program and adopt it with or without amendment as a part of the budget and in accordance with the budget calendar.

Section 7.19 Endowment Fund Investments

The City and its agencies are authorized to create endowment funds to provide for future financing of operations. Endowment funds may be established under City control or in private non-profit foundations. Any endowment fund must be approved by resolution of the City Council adopted by an affirmative vote of two-thirds of the entire City Council. The City Council shall receive an annual report from each endowment fund showing the principal, income, and any payouts.

Chapter 8 **Public Improvements**

Section 8.01 Vacating of Easements, Parks, and Similar Interests in Real Property

Upon the presentation and filing of a verified petition signed by or on behalf of any owner, natural or corporate, of any real estate abutting thereon, or on its own motion, the City Council may, by resolution approved by a majority of all members of the City Council, vacate any easement, park, or similar interest in real property (other than streets and alleys), owned by the City or by the public and located within the City. After such resolution is adopted, the clerical officer shall file a certified copy of the resolution in the office of the County Recorder. Any failure to file said certified copy of resolution shall not invalidate any such vacation proceedings.

Section 8.02 Vacation of Streets by City Council

Upon the presentation and filing of a verified petition signed by or on behalf of any or all owners, natural or corporate, of any real estate abutting thereon, or upon its own motion, the Council may by resolution approved by at least five Council Members vacate any street or alley or part thereof within the City. No vacation shall be made unless it appears in the interest of the public to do so after a public hearing preceded by 10 days published notice. The public hearing must afford a reasonable opportunity for affected property owners and the public to be heard. After such resolution is adopted, the clerical officer shall file a certified copy of the resolution in the office of the County Recorder. Any failure to file said certified copy of the resolution shall not invalidate any such vacation proceedings.

Section 8.03 Not to Interfere with Special Improvements

Vacations provided for in this Chapter shall not nullify or interfere with the right of any public utility, franchise, municipal utility, or other similar interest in the property being vacated to enter upon such vacated property for the purpose of maintaining, repairing, removing, or replacing any improvement necessary for the proper operation of said utility or franchise, unless the Council orders otherwise; provided said order is consistent with the terms of any applicable franchise agreement. The Council may further regulate the vacating procedure by ordinance and provide for terms and conditions for any vacation as it deems are in the City's best interest.

Section 8.04 Power to Make Improvements and Levy Assessments

The City shall have the power to make any and every type of public improvement or service charge not forbidden by the laws of this State and to levy special assessments for all or any part of the cost of such improvements or services.

Section 8.05 Procedure for Making Improvements and Levying Assessments

All proceedings for construction, improvements, or service charges to be paid for by special assessment against benefited property may be instituted by either of two methods as follows:

- 1) any procedure as authorized by the State law, or
- 2) procedures as established by ordinance.

Chapter 9 **Miscellaneous Provisions**

Section 9.01 Official Publications

The Council shall annually designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published ordinances, the annual financial report or a summary thereof, and other matters required by law to be so published, as well as such other matters as the Council may deem it in the public interest to have published in this matter. In lieu of publishing ordinances, the annual financial report or a summary thereof, and other matters in the designated legal newspaper, the Council may publish such matters in any other manner allowed by law.

Section 9.02 Contracts

All contracts entered into on behalf of the City shall be approved by the Council, signed by the Mayor, and attested by the administrative officer and the clerical officer; provided, that an ordinance establishing any board or commission may authorize the officers of said board to enter into valid contracts relating to its affairs. Notwithstanding the foregoing, the Council has the authority to approve a Purchasing Manual or other policy allowing for contracts to be entered into without Council approval provided that the parameters of the Purchasing Manual or any other applicable policy are satisfied. All contracts shall be let in accordance with applicable State law and requirements thereof for bidding, quotations, or directly negotiated purchases.

Section 9.03 City Officers Not to be Interested in Contracts

Except as otherwise permitted by law, no officer of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a direct personal financial interest in such contracts or personally benefit financially therefrom.

Section 9.04 Existing Ordinances Continued

All ordinances and regulations of the City in force when this Charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Section 9.05 City to Succeed to Rights and Obligations of Former City

The City shall succeed to all the property, rights and privileges, and shall be subject to all legal obligations of the City under the former Charter.

Section 9.06 Continuance in Office

Except as specifically provided herein, the adoption of this Charter shall not affect the terms of office or powers of any officer or members of any board theretofore appointed, but the same shall continue in office until changed by ordinance or resolution.

Section 9.07 Pending Condemnations and Assessments

Any condemnation or assessment proceedings in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the City prior to the time when this Charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

Section 9.08 Ordinances to make Charter Effective

The Council shall, by ordinance, make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

Section 9.09 Franchises

Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefore from the City. All franchises shall be granted by ordinance or shall be granted in accordance with an ordinance establishing the contents of said franchise. A public hearing shall be conducted on the granting of any franchise. No franchise shall be granted for a period of more than 25 years, nor shall any exclusive franchise be granted. All franchise renewal or modifications, including existing franchises, shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

Section 9.10 Redistricting

Within 30 days of receipt of the final Federal Census, the clerical officer shall make an examination of the population of the City wards; and if the population in any one ward exceeds the population in any other ward by 10 percent of the smallest of the wards it shall be the duty of the clerical officer to notify the Council thereof. If the existing ward boundaries conform to the state redistricting standards, it shall be the duty of the clerical officer to notify the Council within 30 days of receipt of the final Federal Census.

After receiving such notification from the clerical officer, it shall be the mandatory duty of the City Council to either confirm the existing ward boundaries as conforming to the state redistricting standards, or redefine the ward boundaries to conform to those standards. If redefining the ward boundaries is necessary, the City may not redistrict its wards before the legislature has been redistricted. The wards must be redistricted within 60 days after the legislature has been redistricted or at least 19 weeks before the state primary election in the year ending in two, whichever is first. Every ward shall consist of contiguous territory and contain as nearly as possible one-fourth of the population of the City and in no event shall the largest populated ward exceed the smallest populated ward by more than 10 percent of said smallest ward. Whenever possible, ward lines shall follow the centerline of streets, avenues, alleys, and boulevards. Ward lines shall not divide then existing residences or platted blocks. If, in any such redistricting, the residence of any ward or combined ward Council Member is placed outside of the enumerated ward or wards from which he/she was elected, the office shall not be deemed vacant on that account; and he/she shall continue to serve out the term for which he/she was elected, but he/she shall be ineligible to run for reelection to said office while continuing to reside outside of said ward or wards.

RED WING CHARTER COMMISSION BYLAWS

June 15, 2022

ARTICLE I - THE COMMISSION

Section 1. Name of Commission. The name of the Commission is the “Red Wing Charter Commission” (referred to herein as the “Commission” or “Charter Commission”).

Section 2. Purpose. The Commission is established pursuant to Article XII Section 5 of the Constitution of the State of Minnesota, Section 410.05 of the Minnesota Statutes and Charter of the City of Red Wing. These Bylaws are enacted pursuant to Minnesota Statutes, section 410.05, subd. 2. The purpose of the Commission is to consider and recommend amendments, revisions and restatements to the Charter of the City of Red Wing and to perform such other duties as required in accordance with the Constitution and Laws of the State of Minnesota, these Bylaws and rules of the Charter Commission.

Section 3. Office of Commission. The offices of the Commission are at the Red Wing City Hall for purposes of official Commission business.

Section 4. Members. The Commission shall be composed of not less than 7 nor more than 15 members.

Section 5. Qualification and terms of Members. Minnesota Statutes, section 410.05 establishes qualifications, terms, and method of appointment of Commission members.

Section 6. Nomination and Appointment of Members. In accordance with Section 410.05 Subd. 3 of the Minnesota Statutes, the City Council and the Commission may submit names of eligible nominees for the District Court for the First Judicial District to consider in making appointments to the Charter Commission. Of the fifteen (15) Members’ chairs available on the Commission, the Commission may recommend appointment for eight (8) chairs and the City Council may recommend appointment for the remaining seven (7) chairs in accordance with the “Charter Commission Term” document maintained by the Secretary. Pursuant to Minnesota Statutes, section 410.05, the Chief Judge of the First Judicial District shall make the final decision for appointment of the nominated candidates. Members may serve no more than two (2) consecutive terms without having at least a one (1) year break in service on the Commission. Members appointed to serve a partial term of less than twenty-four (24) months may serve the remainder of the partial term and then an additional two (2) consecutive terms without having at least at one (1) year break in service.

Section 7. Liaisons. Any City Council or staff liaison may participate, as a liaison, in discussion but is not a member of the Commission. Liaisons have no vote, cannot make motions, and do not count toward quorum.

Section 8. Removal. Members may be removed from office in accordance with Minnesota Statutes, section 410.05 Subd 2.

Section 9. Vacancies. Vacancies in the Commission shall be filled as provided in Minnesota Statutes, section 410.05 Subd 3.

ARTICLE II – OFFICERS

Section 1. Officers. The officers of the Commission are Chair, Vice-Chair and Secretary, and the officers shall perform the duties required by law or specified in these Bylaws. The City Clerk of the City of Red Wing shall serve as the secretary of the Commission but shall not be entitled to vote.

Section 2. Chair. The Chair shall call the regular meetings of the Commission, prepare the agenda, preside at all meetings, oversee the implementation of the decisions of the Commission and act as the primary liaison with City staff. The Chair retains all the rights and responsibilities held as a member of the Commission including the right to vote. The Chair shall submit to the Commission for its approval at its annual meeting an annual report summarizing the activities and accomplishments of the Commission for the preceding calendar year. The annual report to the Commission may contain the Chair's recommendation for Commission activities for the ensuing year.

Section 3. Vice-Chair. The Vice-Chair shall perform the duties of the Chair during the Chair's temporary absence and shall perform such duties during the vacancy of that office until the Commission elects a new Chair.

Section 4. Secretary. The Secretary shall maintain the records, record the minutes and votes at each meeting, and maintain a permanent record of agendas, approved minutes and relevant materials for public review. In the absence of a Secretary, the City Clerk of the City of Red Wing shall serve as the secretary of the Commission but shall not be entitled to vote.

Section 5. Compensation; Expenses. Minnesota Statutes, section 410.06 provides that members of the Commission shall receive no compensation, and specifies the amount and kind of expenses allowed.

Section 6. Additional Duties. The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission.

Section 7. Elections. The Chair and Vice-Chair shall be elected from among the members of the Commission for a one (1) year term at its annual meeting and shall hold office until their successor is elected. The Chair shall conduct the election. Officers shall

be declared elected and qualified by a simple majority vote of those present and voting. Newly elected officers shall take office immediately.

Section 8. Vacancies. A vacancy in the office of Chair or Vice-Chair, including a vacancy pursuant to Minnesota Statutes, section 410.05, shall be filled by a special election by the Commission at its next meeting with the elected successor serving the unexpired term of office.

Section 9. Partial Term. Should a member not finish his or her term on the Commission, the Chair shall notify the City Clerk of that opening immediately to allow for prompt filling of that position. Following notification of the City Clerk, the Chair shall follow the appointment process for any openings on the Commission and shall ensure that the proper and timely notification be given to the new and/or returning members following their appointment to the Commission. The member appointed to fill the remaining part of this term is eligible to serve two (2) full terms after the first partial term.

Section 10. Resignations. Persons resigning shall submit a written resignation to the Commission on or before the next scheduled meeting. Upon such resignation the vacancy shall be filled by the Chief Judge of the First Judicial District in accordance with the terms of these Bylaws.

ARTICLE III - MEETINGS

Section 1. Annual Meeting. The Charter Commission shall meet in May or June each year to elect officers, approve an annual report, review any newly enacted legislation that may affect the Charter, and conduct any other business. A schedule of regular meetings may also be adopted. All meetings shall be held in the Red Wing City Hall unless meeting notices state otherwise. All meetings shall comply with the Minnesota Open Meeting Law (Minnesota Statutes, Chapter 13D).

Section 2. Special Meetings. The Chair or any two (2) members of the Commission may call a special meeting to transact any business stated in the meeting notice in accordance with state law. Notice of the special meeting shall state the time, date, place and business to be conducted at the special meeting. Notices may be delivered via electronic mail or first class mail to the member's designated mailing address at least three (3) working days prior to the special meeting. The business to be considered at special meetings shall be limited to that stated in the meeting notice.

Section 3. Quorum. The powers of the Commission shall be vested in the members thereof. A majority of qualified members shall constitute a quorum for the purpose of conducting the Commission's business and exercising its powers and for all other purposes, but a smaller number of members may adjourn from time to time.

Section 4. Agenda. A meeting's agenda informs the public of what the commission will be addressing in that meeting. No additions to the agenda of a special meeting shall be allowed. An addition to the agenda of a regular meeting shall only be allowed prior to

the approval of the agenda as a whole and only if the matter is of such urgency that it cannot be addressed at the next regular meeting or that a special meeting could not be called in time for appropriate response.

Any member of the Commission may propose items for the agenda. Agenda items must be consistent with the purpose of the Commission. The proposing member should be prepared to make a motion, and, except for very simple motions, the exact wording of the motion should be written. The wording of that motion may be included with the agenda item proposal.

The Commission may use the following order of business at its meetings:

1. Call to Order
2. Pledge of Allegiance
3. Motion to Excuse Absent Commission Members
4. Approval of Agenda
5. Approval of Prior Meeting's Minutes
6. Public Comment Period
7. Unfinished Business
8. New Business
9. Set Date for Next Meeting
10. Adjournment

The business of a special meeting shall be limited to the stated purpose of the special meeting. Public comments at a special meeting shall be limited to that stated purpose.

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Charter Commission in all cases where they are applicable and in which they are not inconsistent with these bylaws, any special rules of order the Charter Commission may adopt, or statute.

Section 5. Public Comments. The public shall have an opportunity to speak to any item on the agenda prior to action being taken on that item.

In a regular meeting, the public shall have an opportunity to address any topic consistent with the purpose of the Charter Commission, including issues with the Charter, the need for possible amendments to the Charter, or these Bylaws.

The purpose of public comments is to allow members of the public to address the Commission and be heard by the Commission. It is not intended to initiate impromptu action or discussion. The Commission shall not debate or discuss new issues brought up in public comments other than possibly deciding how to handle the request or question, such as proposing it be placed on the agenda of a future meeting.

Each speaker shall be limited to a single three-minute speech.

The public comment section of the meeting shall be limited to 20 minutes. Speakers who registered to speak shall be entitled to speak first. The Commission may, at its option, suspend the rules to extend the public comment time.

Speakers shall address all comments to the commission as whole and not one individual member. Complaints should focus on positions taken rather than the person or persons taking that position.

Speakers are encouraged to be courteous and respectful and to refrain from the use of vulgar language, profanity, inappropriate gestures, insults, personal attacks, or accusations.

Section 6. Manner of Voting. The voting on all questions coming before the Commission shall be recorded in the minutes. The votes on resolutions, unless unanimous, shall state the number of “ayes” and “nays” and “abstentions”. When a quorum is in attendance, action may be taken by the Commission upon a vote of the majority of the members present unless another provision of these by-laws specifically states otherwise.

Section 7. Committees. The Commission may establish and appoint committees. Each committee must designate a Chair.

Article IV - Amendments

Section 1. Amendment Procedure. The Commission Bylaws may be amended by a resolution, made in writing, and adopted by two-thirds of the duly appointed members of the Commission. The Secretary shall number each amendment, note the date of adoption, and have it posted publicly online.

Section 2. Records. The Secretary shall ensure that each member received a copy of the City Charter and the Commission Bylaws. The City Charter, the Charter Commission Bylaws and the Charter Commission minutes shall be kept on file at the City Offices, posted publicly online, and made available for public review.

Article V – Adoption of Charter Amendments

Section 1. Method of Adoption. Amendments to the Charter may be adopted as provided in Minnesota Statutes, section 410.12.

**Red Wing Charter Commission
Special Meeting
City Council Chambers
June 26, 2024**

Members Present: Chair Terri Cook; Commissioners Terese Bjornstad, Thomas Drazkowski, John Guerber, Ryan Hanson, Michael Johnson, Chad Kono, Min MartinOakes, Carol Overland, Peggy Rehder, Charles Richardson, Anne Robertson, Ann Vogel, and Mallory West

Members Absent: Commissioner Alan Quarnstrom (unexcused absence)

Others Present: Teri Swanson, City Clerk / Staff Liaison; Kay Kuhlmann, Council Administrator; Melissa Hill, Administrative Support Manager, Vicky Jo Lambert, Council Liaison, and Mike Ervin, City Attorney

1. Call to Order

The meeting was called to order by Chair Cook at 6:00 p.m.

2. Pledge of Allegiance

Chair Cook led the recitation of the Pledge of Allegiance.

3. Introduce New Charter Commissioners John Guerber, Ann Vogel, Thomas Drazkowski, Anne Robertson, Charles Richardson, and Alan Quarnstrom

Chair Cook introduced Commissioners Vogel, Guerber, Richardson, Drazkowski, and Robertson and thanked them for their service.

4. Motion to Excuse Absent Commission Members

No action was taken.

5. Approval of Agenda

A motion was made by Commissioner Bjornstad, seconded by Commissioner Overland and unanimously carried, to approve the agenda as presented.

6. Approval of Minutes

A. Motion to Approve June 21, 2023, Minutes.

A motion was made by Commissioner MartinOakes, seconded by Commissioner Johnson and unanimously carried, to approve the meeting minutes as drafted.

Commissioner Overland inquired regarding materials that were referenced in the minutes, and City Clerk Swanson provided information in this regard.

7. Election of Chairperson and Vice Chairperson

Nominations were opened for the position of Chairperson. Commissioner MartinOakes nominated Commissioner Cook to serve as Chair. There were no other nominations.

A roll call vote was conducted, and Commissioner Cook was unanimously elected to serve as Chairperson of the Charter Commission for the next year.

Nominations were opened for the position of Vice Chairperson. Commissioner Johnson nominated Commissioner MartinOakes to serve as Vice Chairperson. There were no other nominations.

A roll call vote as conducted, and Commissioner MartinOakes was unanimously elected to serve as Vice Chairperson of the Charter Commission for the next year.

8. Public Comment

Chair Cook reviewed the public comment procedure. There was no public comment regarding items listed on the agenda. Commissioner Rehder suggested allowing public comments related to items not listed on the agenda. Commissioner Cook provided additional information and noted that, because the originally scheduled meeting occurred on a holiday, the meeting was rescheduled a week later as a special meeting. She referenced the Charter Commission Bylaws relating to public comment during special meetings, noting that public comment relating to items not listed on the agenda is only allowed during regular meetings. City Clerk Swanson provided additional information. Commissioner Johnson asked about changing the Bylaws to allow flexibility relating to the public comment procedure. Commissioner Overland reviewed the process of amending the Charter Commission Bylaws. City Clerk Swanson suggested that the Bylaws be amended to allow public comment on any topic during a regular or special meeting. Commissioner Overland spoke in favor of the change. Chair Cook clarified that this topic would need to be added to a future meeting agenda. Commissioner Rehder reiterated her concern about limiting public comment, and agreement was expressed about this. The unique nature of the Charter Commission Bylaws was discussed.

9. Motions and General Business

A. Consider Motion to Recommend to the Chief Judge of the First Judicial District the Reappointment of Min MartinOakes to a Second Term on the Charter Commission.

Chair Cook stated that Commissioner MartinOakes has indicated her willingness to serve a second term on the Charter Commission.

A motion was made by Commissioner Overland, seconded by Commissioner Guerber and unanimously carried, to recommend the reappointment of Commissioner MartinOakes to the Charter Commission.

B. Consider Motion to Approve the 2023 Charter Commission Annual Report.

Chair Cook discussed the Annual Report. A motion was made by Commissioner MartinOakes, seconded by Commissioner Johnson and unanimously carried, to approve the 2023 Charter Commission Annual Report. Chair Cook stated that the report will be forwarded to the District Court and the City Council.

C. Discuss and Consider Motion to Recommend to the City Council a Red Wing City Charter Amendment to Section 5.07 Procedure on Ordinances.

Chair Cook provided background information and stated that the City Council has asked the Charter Commission to review language from Section 5.07 of the City Charter relating to ordinances. She stated that City staff has researched how other communities manage the adoption of ordinances. She noted that eliminating the second reading would save the City Council and staff processing time by not having to bring them forward a second time. She commented that eliminating the second reading would also cause the publishing of ordinances to be quicker and the effective date of the ordinance would occur earlier.

Chair Cook reviewed the proposed Charter amendment language:

Section 5. 07 Procedure on Ordinances The enacting clause of all ordinances shall be the words, "The City Council of the City of Red Wing does ordain". Every ordinance shall be presented in writing and shall embrace a single subject, which shall be expressed in the title. **No ordinance shall require more than one reading, and all ordinances shall be adopted by a majority vote of Council Members present at the Council meeting, unless a different number of votes is required by law.**

A motion was made by Commissioner Overland, seconded by Commissioner Rehder, to reject the proposed Charter amendment. Commissioner Overland commented that the second reading provides an opportunity for the public to know what is changing. She cautioned against ramming things through the process merely for the purpose of efficiency. She stated that 13 ordinances were adopted during 2023. She noted that there is an option to adopt an emergency ordinance in the case of an urgent matter. She commented that the second reading is typically adopted as part of the consent agenda, unless there is a request for more discussion. She described the proposed amendment as a solution looking for a problem.

Commissioner Guerber expressed agreement with the comments made by Commissioner Overland, stating that the purpose of the second reading is to make people aware of the proposed ordinance. He questioned the process utilized by "some" other communities. He stated his opinion that eliminating the second reading would be disservice to the citizens of Red Wing. He commented that there are a limited number of ordinances and suggested making sure that they are well vetted.

Commissioner Bjornstad also recommended rejecting the proposed Charter amendment, stating that, at worst, the process would be delayed by two weeks. She noted that there is a process to adopt an emergency ordinance if necessary.

Commissioner Johnson referenced the concerns expressed earlier during the meeting by Commissioner Rehder with regard to public comment.

Commissioner West asked why the City Council was requesting the change. Council Administrator Kuhlmann stated that during the annual workshop the City Council had directed City staff to work on efficiencies. She stated that staff provided several suggestions in this regard. She summarized the research that was conducted with other communities.

Commissioner Kono suggested examining the public notification process and referenced the short-term rental ordinance as an example, noting that community members expressed concerns only after the ordinance was implemented.

Alan Muller, 1110 West Avenue, Ward 2, Red Wing, commented that the City of Red Wing appears to be on a trajectory of curtailing opportunities for public participation. He stated that the proposed Charter amendment would result in less public awareness and less public participation. He urged Charter Commission members to not support the proposed Charter amendment.

The public comment period for items listed on the agenda was further discussed and clarified. Commissioner Rehder commented that at some meetings members of the public are asked to sign up to speak regarding a particular agenda item, to allow the process to run in a more orderly fashion. She suggested reminding people about the public comment procedure at the beginning of the meeting. Chair Cook stated that she will take this into consideration when drafting the next Charter Commission meeting agenda.

Following discussion, a voice vote was conducted and the motion to reject the proposed Charter amendment carried unanimously.

D. Consider Motion to Adopt City of Red Wing Data Practices Procedures and Data Inventory Public Document as the Official Data Practices Policy of the Charter Commission.

City Clerk Swanson provided background information and referenced the agenda materials, stating that the Charter Commission is being asked to adopt the policy that has been adopted by the City Council. Policy changes were highlighted.

Commissioner Robertson inquired whether there have been any recent statutory changes pertaining to charging for staff time to research and retrieve data. City Attorney Ervin clarified the procedure for charging for data requests.

Commissioner Drazkowski asked who is impacted by the City's data practices policy. Chair Cook clarified that the policy pertains to all data collected and maintained by the City of Red Wing.

City Attorney Ervin provided additional information, stating that data is classified into different categories, which impacts what members of the public can review the data. He stated that the data inventory spells out all of the different categories and that the procedure details the data request and fulfillment process.

City Clerk Swanson asked whether the policy applies to the City's Boards and Commissions. City Attorney Ervin indicated that the policy would apply to any City employee or government body that maintains records.

Commissioner Drazkowski asked whether the policy changes are reflective of any new legislation. City Attorney Ervin stated that the City of Red Wing reviews its data practices policy on an annual basis. He stated that his review of the policy should reflect most, if not all, of the statutory changes that occurred during the most recent legislative session. Council Administrator Kuhlmann commented that all of the policy changes were the result of statutory changes or directives from the State. Commissioner Overland commented that the most substantive changes can be found on pages 19 through 24.

A motion was made by Commissioner Kono, seconded by Commissioner Guerber and unanimously carried, to adopt the City of Red Wing Data Practices Procedures and Data Inventory Public Document as the official data practices policy of the Charter Commission.

A. Review Legislative Changes that Affect Charter Commissions.

Chair Cook commented that the City Attorney has not identified any recent legislative changes affecting the Charter Commission.

B. Annual Materials.

- 1. City Attorney Material.**
- 2. Code of Conduct.**
- 3. Board and Commission Policy.**

Chair Cook referenced the agenda materials, noting that no action is needed.

Commissioner Overland inquired regarding language from Section 7 of the Board and Commission Policy:

Each year the City will provide Board and Commission training for all members on pertinent public laws and/or policies, procedures, or issues.

Commissioner Overland stated that she has not received any training. She provided the example of an impression that the recall petitions would result in an entitlement to schedule a special election. She summarized the requirements of the City Charter. She recommended that Charter Commission members assist with helping the public to understand what is in the City Charter. Chair Cook stated her understanding that Board and Commission training is being designed.

Administrative Support Manager Hill stated that Community Engagement Facilitator Michelle Leise is working on a digital training program for Board and Commission members and is open to input. The nature of the training was clarified.

Commissioner Cook discussed the importance of the training, stating that Board and Commission members speak from a position of knowledge and authority.

Commissioner Drazkowski discussed the training and resource materials that he received as a member of the Goodhue County Planning Commission and suggested a similar process.

Chair Cook noted that this topic was not placed on the agenda for action. She suggested that Charter Commission members provide input to Community Engagement Facilitator Leise.

Resource materials were discussed. Administrative Support Manager Hill discussed the onboarding process and indicated that she will provide materials to Charter Commission members. Chair Cook suggested that all Board and Commission members receive a copy of the Red Wing City Charter.

C. Consider Motion to Adopt the Charter Commission Regular Meeting Schedule.

Chair Cook referenced the statutory meeting requirements and reviewed the proposed meeting schedule. She discussed the challenges of calling special meetings and suggested scheduling a meeting on the third Wednesday of March, which can be cancelled if it is not needed, in addition to the annual meeting on June 18.

A motion was made by Commissioner Johnson, seconded by Commissioner West and unanimously carried, to adopt the Charter Commission regular meeting schedule as proposed.

10. Adjournment

The meeting adjourned at 7:00 p.m.



Board/Commission Appointment Application Form

Name : Janet Brandt Date of Application: 4/29/2025

Address (no P.O. boxes please): [Redacted] Red Wing, MN 55066

Email Address: [Redacted]

Phone Number: [Redacted] [Redacted]
Daytime Number Evening Number

If you are appointed, either a telephone number or an email address where you can be reached must be available to the public. At your request, both a telephone number and an email address can be considered public data. Please list the telephone number and/or email address that you wish to be public if you are appointed:

Telephone: [Redacted] Email: [Redacted]

I wish to be considered for appointment by (check one):

- City Council
- Charter Commission
- Either the City Council or the Charter Commission

Please note: You must be a resident of Red Wing to serve on this commission.

Expected Attendance at Meetings: As a member, your presence is expected. More than three unexcused absences may lead to you being replaced.

Please briefly explain your interest in serving on the Charter Commission: _____

This appointment would give me an opportunity to give back to the Red Wing community. I also hope to learn more about city governance and structure in order to contribute in a meaningful way.

Help us get to know you. Please provide a short biography about yourself: _____

A lifelong Minnesotan except for 4 years at Luther College in Iowa, I have a Masters in Library Science. I worked at the Red Wing Public Library for 40 years as a cataloger in charge of Technical Services and collection development. My primary interests are reading, hiking, biking and travel.

What skills and talents will you bring to this board or commission: My work life required frequent meetings to discuss policy and operations at both the local and regional level. I have a background of careful reading of proposals and making decisions as a group. I am detail oriented.

Do you have any other community involvement experience either in Red Wing or another community? I have volunteered at the Goodhue County Historical Society, am a member of the local branch of AAUW, participate in the statewide Adopt-a-Drain Program.

Have you previously served on a board or commission for the City of Red Wing? Yes No
If yes, which board or commission and years of service?

Have you served on a board or commission for another governmental entity? Yes No

If yes, what entity, and what was your role? As of January 2025 I am on the SELCO/SELS Board (Southeastern Libraries Cooperating + Southeast Library System) as the representative for the Red Wing Public Library.

Preparation for a Charter Commission meeting can take one to two hours and some special meetings do occur. Can you fulfill the time commitment necessary to be an effective commission member?

Yes No Comments: _____

Is there anything else you would like to tell us that will help us evaluate your skills, talents, and commitment to serving on a City of Red Wing board or commission? _____

Please return this application to: Melissa Hill
315 West Fourth Street
Red Wing, MN 55066

Board/Commission Applicants

RIGHTS OF SUBJECTS OF GOVERNMENT DATA
"TENNESSEN WARNING"

In accordance with the Minnesota Government Data Practices Act (MGDPA), the City of Red Wing is required to inform you of your rights as they pertain to the information collected about you. Public information is data that is not classified by state statute, federal law or temporary classification as either private or confidential. It is accessible to anyone for any reason. All government data is presumed to be public unless a specific state or federal law classifies it otherwise. Private information is that information which is available to you, not the public. The information we collect from you is either public or private. The separation of that information is as follows:

PUBLIC - Name; city of residence; education and training; employment history; volunteer work; awards and honors; prior government service; and veteran status.

After an individual is appointed to a public body, the following additional items of data are public: residential address, either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; first and last dates of service on the public body; the existence and status of any complaints or charges against an appointee; and upon completion of an investigation of a complaint or charge against an appointee, the final investigation report, unless access to the data would jeopardize an active investigation.

PRIVATE - All other information collected at the time of the application.

The information collected and required from you is to determine your eligibility for a City of Red Wing Board and Commission position. If you do not supply the required information, the City of Red Wing will not be able to determine your eligibility. The dissemination and use of the private data we collect is limited to that necessary for the administration of Board and Commission positions. Persons or agencies with whom this information may be shared include:

CITY AND COUNTY PERSONNEL INVOLVED IN DETERMINING YOUR ELIGIBILITY, CITY COUNCIL MEMBERS TO APPROVE THE APPLICATION, CONTRACTED PUBLIC AUDITORS AND THOSE INDIVIDUALS TO WHOM YOU GIVE YOUR EXPRESS WRITTEN PERMISSION.

Unless otherwise authorized by state statute or federal law, other government agencies utilizing the reported private data must also treat the information private.

You have the following rights under the MGDPA: The right to see and obtain copies of the data maintained on you, the right to be told the contents and meaning of the data, and the right to contest the accuracy and completeness of the data. To exercise these rights, contact Administration, Second Floor, City Hall, Red Wing, MN, 55066.

I have read and understand the above information regarding my rights as a subject of government data.

Janet Brandt
(Signature of Applicant)

4/29/2025
(Date)

CONSENT TO ADDITIONAL DISCLOSURE

I understand and agree that, if my application is selected for consideration by the City Council, all of the data contained in my application materials and provided to the City in support of my application will be published in the City Council packet and will be made available to the public, with the exception of my address, email address, and phone numbers. I consent to the disclosure of all the data in my application materials, regardless of whether that information would otherwise be deemed private under the Minnesota Government Data Practices Act, with the exception of my address, email address, and phone numbers.

Janet Brandt
(Signature of Applicant)

4/29/2025
(Date)

Parental Permission for Applicants Less Than 18 Years of Age *

If you are less than 18 years of age, parental permission is required for you to serve on a City of Red Wing board or commission. I am the parent or legal guardian of the applicant listed above. I have reviewed this application form and understand that the applicant's participation on a City of Red Wing board or commission is voluntary. I understand that some City of Red Wing board and commission meetings are broadcast live on television. I also understand that certain data on my child as an applicant and as a member of a City of Red Wing board or commission is public under the law. I give permission for my child to serve on a City of Red Wing board or commission. I give permission for my child's image to be used and disclosed to the public in photographs, videos, websites, social media, and on television in relation to my child's work with a City of Red Wing board or commission. I understand that if my child's application is selected for consideration by the City Council, all of the data contained in my child's application materials and provided to the City in support of my child's application will be published in the City Council packet and will be made available to the public, with the exception of my child's address, email address, and phone numbers. I give permission for this disclosure..

(Signature of Guardian)

(Date)

Red Wing Charter Commission

2024 Annual Report

State Statute requires the Charter Commission to meet once per year. The Charter Commission met once in 2024 on June 26. The original date of the Annual meeting was scheduled for June 19, 2024 and was changed due to the Juneteenth Holiday. By rescheduling, this changed the meeting to a Special Meeting.

The Following business was conducted:

1. Commissioner Terri Cook was elected to serve as the Chair of the Charter Commission.
2. Commissioner Min MartinOakes was elected to serve as Vice Chair of the Charter Commission.
3. Min MartinOakes was approved by the Charter Commission to be recommended to the Chief Judicial District for approval to a second term on the Charter Commission.
4. The Charter Commission unanimously rejected a recommendation from the City Council to consider a Red Wing Charter Amendment to Section 5.07 Procedure on Ordinances.
5. The Charter Commission adopted City of Red Wing Data Practices Procedures and Data Inventory Public Document as the official Data Practices Policy of the Charter Commission.

**CITY OF RED WING
DATA PRACTICES PROCEDURES
PUBLIC DOCUMENT**

- I. **Introduction.** These procedures are adopted to comply with the requirements of the Minnesota Data Practices Act (the “Act”), specifically Minnesota Statutes Section 13.025, 13.03, Subd. 2, and 13.05, Subd. 5.
- II. **Responsible Authority.** The City Council has appointed the City Clerk as the person who is the Responsible Authority for compliance with the Act. The City Clerk has appointed the Human Resource Manager, Fire Department Office Clerk/Receptionist, Library Administrative Assistant; Police Department Administrative Secretary; Building Inspector, IT Manager, Administrative Services Director, and Public Works Process Manager as designees to assist in complying with the Act. All requests for data should be directed to the Responsible Authority or designee.
- III. **Access to Public Data.** All information maintained by the City is public unless there is a specific statutory designation that gives it a different classification.
- A. **People entitled to Access.** Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the data. The person does not need to state his or her name or give the reason for the request.
- B. **Form of Request.** The request for public data must be made in writing and may be made by mail, facsimile, or email. A request for information relating to litigation will be referred to the City Attorney.
- C. **Time Limits.** Requests will be received and processed during normal business hours. If requests cannot be processed or copies cannot be made immediately at the time of the request, the request will be completed within a reasonable time.
- D. **Fees.** Fees may be charged only if the requesting person asks for a copy or electronic transmittal of the data. Fees will be charged according to the City’s fee ordinance (Exhibit A) and as allowed under Minnesota Statutes Section 13.03. The fee may not include time necessary to separate public from nonpublic data.
- The Responsible Authority may also charge an additional fee if the copies have commercial value and are a substantial and discrete portion of a formula, compilation, program, process, or system developed with significant expenditure of public funds. This additional fee must relate to the actual development costs of the information.
- IV. **Access to Data on Individuals.** Information about individual people is classified by law as public, private, or confidential. A list of the private and confidential information maintained by the City is attached as Exhibit B.

A. People Entitled to Access.

- *Public* information about an individual may be shown or given to anyone.
- *Private* information about an individual may be shown or given to:
 - The individual, but only once every six months, unless a dispute has arisen or additional data has been collected.
 - A person who has been given access by the express written consent of the data subject. This consent must be on the form attached as Exhibit D, or a reasonably similar form.
 - People who are authorized access by the federal, state, or local law or court order.
 - People about whom the individual was advised at the time the data was collected. The identity of those people must be part of the *Tennessee* warning.
 - People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access to said information.
- *Confidential* information may **not** be given to the subject of the data, but may be shown or given to:
 - People who are authorized access by federal, state or local law or court order.
 - People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access to said information.

B. Form of Request. Any individual may request verbally or in writing whether the City has stored data about that individual and whether the data is classified as public, private, or confidential.

All requests to see or copy private or confidential information must be in writing. An Information Disclosure Request, attached as Exhibit E (Exhibit F for police data), must be completed to document who requests and who receives this information. The Responsible Authority or Designee must complete the relevant portions of the form. The Responsible Authority or Designee may waive the use of this form if there is other documentation of the requesting party's identity, the information requested, and the City's response. A request for information relating to litigation will be referred to the City Attorney.

- C. Identification of Requesting Party.** The Responsible Authority or Designee must verify the identity of the requesting party as a person entitled to access. This can be done through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.
- D. Time Limits.** Requests will be received and processed during normal business hours. If the requesting party is the subject of the data, the response must be immediate, if possible, or within 10 working days if an immediate response is not possible. If the requesting party is not the subject of the data, the response must be immediate, if possible, or as soon as reasonably possible.
- E. Fees.** Fees will be charged in accordance with the fee ordinance attached as Exhibit A and as allowed under Minnesota Statutes Section 13.04.
- F. Summary Data.** Summary data is statistical records and reports derived from data on individuals, but which does not identify an individual by name or any other private or confidential data. Unless classified by other statute or federal law, summary data is public. The Responsible Authority or Designee will prepare summary data upon request, if the request is in writing and the requesting party pays for the cost of preparation. The Responsible Authority or Designee must notify the requester of the anticipated time schedule and the reasons for any delay.

The Responsible Authority may ask an outside agency or person to prepare the summary data if (1) the specific purpose is given in writing, (2) the agency or person agrees not to disclose the private or confidential data, and (3) the Responsible Authority determines that access by this outside agency or person will not compromise the privacy of the private or confidential data. The Responsible Authority may use the form attached as Exhibit G.

- G. Minor Children's Records.** The following applies to *private* (not confidential) data about people under the age of 18.
- **Parental Access.** In addition to the people listed above who may have access to private data, a parent may have access to private information about a minor child subject. "Parent" means the parent or legal guardian of a minor child data subject, or individual acting as a parent or legal guardian in the absence of a parent or legal guardian. The parent is presumed to have this right unless the Responsible Authority or Designee has been given evidence that there is a state law, court order, or other legally binding document that prohibits this right.
 - **Notice to Minor.** Before requesting private data from minor children, city personnel must notify the minors that they may request that the

information not be given to their parent(s). This notice should be in the form attached as Exhibit I.

- **Denial of Parental Access.** The Responsible Authority or Designee may deny parental access to private data when the minor requests this denial and the Responsible Authority or Designee determines that withholding the data would be in the best interest of the minor child. The request from the minor must be in writing stating the reasons for the request. In determining the best interest of the minor, the Responsible Authority or Designee will consider:
 - Whether the minor is of sufficient age and maturity to explain the reasons and understand the consequences.
 - Whether denying access may protect the minor from physical or emotional harm,
 - Whether there is reasonable grounds to support the minor's reasons, and
 - Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.

The Responsible Authority or Designee may also deny parental access without a request from the minor under the Minnesota Health Records Act.

The Responsible Authority or Designee will document the basis for its decision when it considers a minor's request to deny parental access to data.

V. Denial of Access. If the Responsible Authority or Designee determines that the requested data is not accessible to the requesting party, the Responsible Authority or Designee must inform the requesting party verbally at the time of the request or in writing as soon after that as possible. When informing the requesting party, the Responsible Authority or Designee must cite the particular statute, temporary classification or federal law that forms the legal authority for the denial. The Responsible Authority or Designee must place an oral denial in writing upon request. This must also include the specific legal authority for the denial.

VI. Collection of Data on Individuals. The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the state legislature, city council, or federal government.

When an individual is asked to supply private or confidential information about himself or herself, the City employee requesting the information must give the individual a *Tennessee* warning, see Exhibit C. This warning must contain the following:

- the purpose and intended use of the requested data;
- whether the individual may refuse or is legally required to supply the requested data;
- any known consequences from supplying or refusing to supply the information, and;
- the identity of other persons or entities authorized by state or federal law to receive the data.

A *Tennessee* warning is not required when an individual is requested to supply investigative data to a law enforcement officer.

A *Tennessee* warning is not required when an employee is requested to supply data to his/her employer and the data requested falls within the employee's scope of employment.

A *Tennessee* warning may be on a separate form or may be incorporated into the form that requests the private or confidential data.

VII. Challenge to Data Accuracy. An individual who is the subject of public or private data may contest the accuracy or completeness of data about themselves maintained by the City. The individual must notify the City's Responsible Authority in writing describing the nature of the disagreement. Within 30 days, the Responsible Authority must respond in writing to the individual as to their determination. The 30-day deadline may not be extended. The determination must be that the data was inaccurate, incomplete, accurate, and/or complete. If inaccurate or incomplete, the Responsible Authority must correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual.

An individual who is dissatisfied with the Responsible Authority's determination may appeal to the Commissioner of the Minnesota Department of Administration, using the contested case procedures under Minnesota Statutes Chapter 14 and Minnesota Rules, part 1205.1600. An individual must submit an appeal to the Commissioner within 60 days of the Responsible Authority's notice of the right to appeal or as otherwise provided by the rules of the Commissioner. The Responsible Authority will correct any data if so ordered by the Commissioner or a court.

VIII. Data Protection

A. Accuracy and Currency of Data

- All employees will be requested to provide updated personal information to the appropriate supervisor and Human Resource Manager, which is necessary for tax, insurance, emergency notifications, and other personnel purposes. Other people who provide private or confidential information will also be encouraged to provide updated information when appropriate.
- Department heads should periodically review forms used to collect data on individuals to delete items that are not necessary and to clarify items that may be ambiguous.
- All records must be disposed of according to the City's General Records Retention Schedule.

B. Data Safeguards

- Private and confidential information will be stored in files or databases that are not accessible to individuals who do not have authorized access and which will be secured during hours when the offices are closed.
- Private and confidential data must be kept only in City facilities, except when necessary for City business.
- Only those employees whose job responsibilities/descriptions require them to have access will be allowed access to files and records that contain private and confidential information. These employees may be identified in the following ways:
 - The City will identify employees who have access to not public data in its Data Inventory;
 - Position descriptions may identify not public data accessible to employees when a work assignment reasonably requires;
 - An employee may access certain not public data in the event of a temporary duty assigned by a manager or supervisor for as long as is required to complete the work; and
 - The Responsible Authority, Designees, City Council Administrator, and City Attorneys may have access to all not public data maintained by the City as necessary to complete fulfill assigned duties and work.

- The employees authorized to access not public data will be instructed to:
 - not discuss, disclose or otherwise release private or confidential data to City employees whose job responsibilities do not require access to the data,
 - not leave private or confidential data where non-authorized individuals might see or gain access to it,
 - password protect computers and lock computers before leaving workstations, and
 - shred private or confidential data before discarding, or dispose through confidential waste incineration.
- When a contract with an outside party requires access to private or confidential information, the contracting party will be required to use and disseminate the information consistent with the Act. The City may include in a written contract the language contained in Exhibit H.
- Not public data may be shared with another entity if federal or state law allows or mandates it. Not public data may be shared to the extent necessary or required by the law.
- Unauthorized use or disclosure of private or confidential data may result in disciplinary action up to and including termination. A willful unauthorized use or disclosure of private or confidential data may result in other penalties as provided in Minnesota Statutes Section 13.09.

C. Cybersecurity Reporting

- The City must report cybersecurity incidents that impact the City to the Department of Information Technology Services within 72 hours of reasonably identifying or believing that a cybersecurity incident has occurred. The City’s contractors or vendors must report cybersecurity incidents to the City if such incidents impact the City.

IX. Red Wing Library

A. Patron Data Privacy. The Red Wing Public Library (hereinafter “Library”) shall comply with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, Section 13.40.

Library records that link a patron’s name with materials requested or borrowed by the patron or which links a patron’s name with a specific subject about which the patron has requested information or materials is classified as private (hereinafter referred to as “private library data”).

Data supplied by a user in applying for a library card, except for the name of the borrower, is also classified as private library data (Exhibit J).

Private library data is accessible only to the individual who is the subject of that data. In the case of a minor (under 18) or a person adjudged mentally incompetent, "individual" includes a parent or guardian, or an individual acting as a parent or guardian in the absence of a parent or guardian. Release of private library data to the individual requires that the individual possess the individual's library card, or other form of identification.

However, the Library shall withhold private library data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request of the minor, if the Library determines that withholding the data is in the best interest of the minor. In that case, the minor and authorized staff person of the Library shall complete and sign a Data Privacy Withholding Request Form (Exhibit K).

With regard to incoming and outgoing telephone calls and overdue notices, the Library staff must take appropriate steps to identify the individual patron prior to giving out information considered to be private library data.

B. Standards and Guidelines for Automated Library Systems (Exhibit L).

Exhibit A

REQUEST FOR PUBLIC DATA

Person Requesting Copy of Public Government Data	Data to be Copied: #, size, and color	Copying Fee	Postage
Subject of data	Any document, compact disc, audio tape, videotape, etc., that identifies the requestor; copies not limited in number, size or color.	Limited to the actual cost of making and certifying copies only. <u>Ambulance Run Report</u> : No Charge to patient involved. <u>Fire Incident Report</u> : No charge to person/owner involved. <u>Police Accident Report</u> : No charge to driver/passenger involved.	No Charge
Any other person who is not the subject of data	100 or fewer copies of documents that are letter or legal size and black and white.	No charge for 10 pages or less. Over 10 pages, \$0.25 per page.	No Charge
Any other person who is not the subject of data	More than 100 copies, odd-sized or color copies, regardless of the number, size or color. Copies of data stored electronically, compact discs, audio tapes, videotapes, etc.	Actual cost of searching for and retrieving documents, discs, tapes, etc., including cost of employee time, and for making and certifying (and electronically transmitting).	Actual Cost
Channel 6 Program Copies	City meetings, city sponsored speaker events, election candidate forums, etc.	\$10.00 for each program copied onto a DVD. Copies will be ready for pick up two business days following a request.	Actual Cost
Domestic Abuse Victim	Written police reports, calls for service, arrest data, or response or incident data that arise out of the domestic abuse incident; not limited in number, size or color.	No charge applies pursuant to Minn. Stat. §629.341	No Charge

EXHIBIT B

**CITY OF RED WING
DATA INVENTORY**

Responsible Authority is:
Teri L. Swanson, City Clerk
315 West 4th Street
Red Wing, MN 55066
Teri.Swanson@ci.red-wing.mn.us
651-385-3615

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
Absentee Ballots	Sealed absentee ballots before opening by an election judge.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.37	Certain employees on an as needed basis as part of specific work assignment.
Ambulance Reports (also called Prehospital Care Data)	Data collected by ambulance service personnel about the circumstances related to an emergency response and patient care activities provided by the ambulance service personnel in a prehospital setting.	Private	MS 13.381; MS 144E.123	Fire Chief, Assistant Chief, Office Clerk Fire Marshal
Applicants for Appointment	Data about applicants for appointment to a public body collected by the City as a result of the applicant's application for appointment to the public body are private data on individuals except that the following are public: name; city of residence, except when the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; prior government service; and veteran status. Once an individual is appointed to a public body, the following	Private	MS 13.601	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<p>are public: residential address; and either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee, first and last dates of service on the public body, the existence or status of any complaints or charges against an appointee. Upon completion of an investigation of a complaint or charge, the final investigative report is public, unless access to the data would jeopardize an active investigation.</p>			
Appraisal Data	<p>Appraised values of individual parcels of real property, made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from the City, are private.</p> <p>Estimated or appraised values of individual parcels of real property that are made by City personnel or by independent appraisers acting for the City for the purpose of selling or acquiring land through purchase or condemnation are confidential.</p> <p>Such data become public if: (1) the data are submitted to a court-appointed condemnation commissioner; (2) the data are presented in court in condemnation proceedings; (3) the negotiating parties enter into an agreement for the purchase and sale of the property; or (4) at the discretion of the City, a majority of the Council votes to make it public.</p>	<p>Confidential/ Private with regard to data on individuals/ Nonpublic with regard to data not on individuals</p>	MS 13.44, subd. 3	<p>Certain employees on an as needed basis as part of specific work assignment.</p>

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
Assessor's Data	<p>Data contained on sales sheets received from private multiple listing service organizations where the contract with the organizations requires the political subdivision to refrain from making the data available to the public.</p> <p>Income information on individuals used to determine eligibility of property for class 4d under sections 273.128 and 273.13.</p> <p>The following data regarding income properties:</p> <ul style="list-style-type: none"> • income and expense figures • average vacancy factors • net rentable or useable areas, • anticipated income and expenses for current year, • projected vacancy factor for current year, and • lease information. 	Private	MS 13.51	Certain employees on an as needed basis as part of specific work assignment.
Award Data	Financial data on business entities submitted to the City for the purpose of presenting awards to business entities for achievements in business development or performance are private data on individuals or nonpublic data.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.48	Certain employees on an as needed basis as part of specific work assignment.
Benefit Data HRA	All data about individuals participating in the City's housing rehabilitation program, Section 8 rental assistance program or other housing assistance program are private, except that the names and addresses of applicants for and recipients of benefits, aid, or assistance through programs administered through the City that are intended to assist with the purchase of housing or other	Private	MS 13.462	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	real property are public.			
Business Data	The following data, that are submitted to the City by a business requesting financial assistance or a benefit financed by public funds, are private or nonpublic data: financial information about the business, including credit reports; financial statements; net worth calculations; business plans; income and expense projections; balance sheets; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds. Data submitted become public when public financial assistance is provided or the business receives a benefit from the City, except that the following data remain private or nonpublic: business plans; income and expense projections not related to the financial assistance provided; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.591	Certain employees on an as needed basis as part of specific work assignment.
City Attorney Records	The use, collection, storage, and dissemination of data by the city attorney are governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility. Data that is the subject of attorney-client privilege is confidential. Data that is the subject of the "work product" privilege is confidential.	Confidential	MS 13.393	Certain employees on an as needed basis as part of specific work assignment.
Civil Investigative Data	Data collected as part of an active investigation undertaken to commence or defend pending civil litigation, or which are	Confidential, Private	MS 13.39	Certain employees on an as needed basis as part of

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	retained in anticipation of pending civil litigation is confidential, except that a complainant's statement is private.			specific work assignment.
Computer Data	Data created, collected, or maintained about a person's access to the City's computer for the purpose of: gaining access to data or information; transferring data or information; or using government services, are private data.	Private	MS 13.15	Certain employees on an as needed basis as part of specific work assignment.
<u>Cybersecurity Incident Reports</u>	<u>Data the City is required to provide to the Minnesota Department of Information Technology Services within 72 hours of reasonably identifying or believing a cybersecurity incident has occurred.</u>	<u>Private with regard to data on individuals; Nonpublic with regard to data not on individuals</u>	<u>MS 16E.36, subd. 2(g) & MS 13.37, subd. 2</u>	<u>Certain employees on an as needed basis as part of specific work assignment.</u>
Data on Decedents	Data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as confidential data, are confidential data on decedents. Data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as private data, are private data on decedents.	Confidential, Private	MS 13.10	Certain employees on an as needed basis as part of specific work assignment.
Domestic Abuse Data	Data collected under the Domestic Abuse Act is confidential, until a temporary court order made pursuant to subdivision 5 or 7 of section 518B.01 is executed or served upon the data subject who is the respondent to the action.	Confidential	MS 13.80 & 13.82	Certain employees on an as needed basis as part of specific work assignment.
Economic Assistance Data	The following data that are submitted to a housing and redevelopment authority by persons who are requesting	Private with regard to data on individuals; Nonpublic with	MS 13.59	Certain employees on an as needed basis as part of

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<p>financial assistance are private data on individuals or nonpublic data: financial statements; credit reports; business plans; income and expense projections; customer lists; balance sheets; income tax returns; and design, market, and feasibility studies not paid for with public funds. Data become public data if the authority provides financial assistance to the person, except that the following data remain private or nonpublic: business plans; income and expense projections not related to the financial assistance provided; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds.</p>	regard to data not on individuals		specific work assignment.
Elected Officials' <u>External</u> Correspondence	<u>Emails and similar</u> Correspondence between individuals and elected officials.	Private, but may be made public by either the sender or recipient.	MS 13.601, subd. 2	Certain employees on an as needed basis as part of specific work assignment.
<u>Elected Officials' Internal Correspondence</u>	<u>Emails and similar correspondence regarding city business between elected officials.</u>	<u>Presumptively public unless another section in the MGDPA, state statute, or federal law would classify the content of the emails or correspondence as not public.</u>	<u>MS 13.03, subd. 1</u>	
Examination Data	Completed versions of personnel, licensing, or academic examinations are private, unless the Responsible Authority determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process.	Private	MS 13.34	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
Federal Contracts Data	To the extent that a federal agency requires it as a condition for contracting with a City, all government data collected and maintained by the City because the City contracts with the federal agency is classified as private or nonpublic.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.35	Certain employees on an as needed basis as part of specific work assignment.
Firearms Data	Data about the purchase or transfer of firearms and applications for permits to carry firearms.	Private	MS 13.87, subd. 2	Certain employees on an as needed basis as part of specific work assignment.
Human Rights Investigative Data	Human rights investigative data are confidential while the file is open with the Department of Human Rights. Human rights investigative data contained in a closed case file are private data, except that the name and address of the charging party and respondent, factual basis of the allegations, the statute under which the action is brought, the part of the summary of the investigation that does not contain identifying data on a person other than the complainant or respondent, and the commissioner's memorandum determining whether probable cause has been shown are public data, unless another statute applies.	Confidential, Private	MS 363A.35	Certain employees on an as needed basis as part of specific work assignment.
Ice Arena Rentals	The following data relating to convention rentals are classified as private or nonpublic: Letter or other documentation from any person who makes inquiry to or who is contacted by the facility regarding the availability of the facility for staging events, identity of firms and corporations which contact the facility, type of	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.55	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	event which they wish to stage in the facility, suggested terms of rentals, and responses of authority staff to these inquiries, exhibitor data.			
Labor Relations Data	Management positions on economic and noneconomic items that have not been presented during the collective bargaining process or interest arbitration, including information collected or created to prepare the management position.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.37	Certain employees on an as needed basis as part of specific work assignment.
Law Enforcement Data (applies to City agencies carrying on a law enforcement function, including the City's police and fire departments)	<p>Certain arrest data, request for service data, and response or incident data is public under Minn. Stat. §13.82. Otherwise, investigative data collected to prepare a case against a person for the commission of a crime or civil wrong is confidential while the investigation is active. Photographs that are part of inactive investigation files are private if they are clearly offensive to common sensibilities. Inactive investigation data that identify a person's financial account or transaction numbers are private data. Booking photographs are public.</p> <p>The identity of a victim of child abuse or neglect is private. The identity of a reporter of child abuse or neglect is confidential. Inactive investigative data that relates to the alleged abuse or neglect of a child by a person responsible for the child's care is private.</p> <p>The identity of a victim of vulnerable adult maltreatment is private. The identity of a reporter of vulnerable adult</p>	Confidential, Private, Public	MS 13.82	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<p>maltreatment is confidential. Inactive investigative data that relates to the alleged maltreatment of a vulnerable adult by a caregiver or facility are private.</p> <p>Law enforcement data are private and shall be withheld from the public under certain circumstances when necessary to protect the identifies of: undercover law enforcement officers, victims of certain sex crimes, informants, victims and witnesses who specifically request not to be identified publicly, deceased persons whose bodies are unlawfully removed from a cemetery, certain persons placing a call to a 911 system, juvenile witnesses when necessary to protect the identity of the witness, and mandated reporters. Response or incident data may be temporarily withheld from public access when the law enforcement agency reasonably believes that public access would be likely to endanger the physical safety of an individual or cause a perpetrator to flee, evade detection or destroy evidence.</p> <p>The audio recording of a call placed to a 911 system for the purpose of requesting service from a law enforcement, fire, or medical agency is private data on individuals with respect to the individual making the call, except that a written transcript of the audio recording is public, unless it reveals the identity of an individual otherwise protected.</p> <p>Unique descriptions of stolen, lost, confiscated, or recovered</p>			

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<p>property are private.</p> <p>Identities of customers of licensed pawnshops, secondhand goods dealers, or a scrap metal dealer are private.</p> <p>Detention data which would disclose medical, psychological or financial information or endanger an individual's life is private (Minn. Stat. §13.85).</p> <p>Criminal history data is private, except convictions of crimes within the past 15 years (Minn. Stat. §13.87).</p> <p>Deliberative processes or investigative techniques of law enforcement agencies are confidential.</p> <p>Data in arrest warrants or search warrants is confidential until the individual has been taken into custody, served with a warrant, or appears before the court, except when the law enforcement agency determines that the public purpose is served by making the information public.</p> <p>Peace officer records of children who are or may be delinquent or who may be engaged in criminal acts are private but may be disseminated by the law enforcement agency as provided by Minn. Stat. § 260B.171, subd. 5(a).</p>			
Personal Contact and Online Account Information	Telephone numbers, e-mail addresses, Internet usernames, passwords, Internet protocol addresses, and any other similar data collected, maintained, or received by a government entity for notification purposes or as	Private	MS 13.356	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	part of a subscription list as requested by the individual are private data.			
Personnel Data	Data on individuals maintained because the individual is or was an employee of the City, an applicant for employment with the City, a volunteer performing services for the City, or an independent contractor performing services for the City is either public, private, or confidential pursuant to MS 13.43. Personnel data, other than Social Security numbers, will be disseminated to an employee's Labor Union or the Public Employment Relations Board to the extent necessary to conduct elections; investigate and process grievances; implement the provisions of the Public Employment Labor Relations Act; and provide basic contact information to the exclusive representative for the employee's Union.	Private, Confidential, or Public	MS 13.43	Certain employees on an as needed basis as part of specific work assignment; Employee Labor Unions representative(s) when required by law.
Planning Survey Data	<p>The following data collected in surveys of businesses conducted by the City for the purpose of planning, development and redevelopment are classified as private or nonpublic: names and addresses of individuals and the legal descriptions of property owned by the individuals, and the commercial use of the property to the extent disclosure of the use would identify a particular business.</p> <p>The following data collected in surveys of individuals conducted by cities and housing and redevelopment authorities for the purposes of planning, development, and</p>	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.59	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	redevelopment, are classified as private: the names and addresses of individuals and the legal descriptions of property owned by individuals.			
Portable Recording System Data	<p>Data collected by a portable recording system (a device worn by a peace officer that is capable of both video and audio recording of the officer's activities and interactions with others or collecting digital multimedia evidence as part of an investigation) are private data on individuals or nonpublic data, subject to the following exceptions:</p> <p>(1) Data that records, describes, or otherwise documents actions and circumstances surrounding the discharge of a firearm by a peace officer in the course of duty, other than for training purposes or the killing of an animal that is sick, injured, or dangerous, are public.</p> <p>(2) Data that records, describes, or otherwise documents actions and circumstances surrounding the use of force by a peace officer that results in substantial bodily harm are public.</p> <p>(3) Data are public if a subject of the data requests it be made accessible to the public, except that, if practicable, (i) data on a subject who is not a peace officer and who does not consent to the release must be redacted, and (ii) data on an undercover peace officer must be redacted.</p> <p>(4) Data regarding an active criminal investigation are</p>	Public; Private; Nonpublic; Protected nonpublic; Confidential	MS 13.825	Certain law enforcement personnel may access not public Portable Recording System Data only if they receive written authorization from the Chief of Police or the Chief's designee, and only if access serves a legitimate, specified law enforcement purpose.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<p>confidential or protected nonpublic while the investigation is active.</p> <p>(5) Data that documents the final disposition of any disciplinary action against an employee, together with the specific reasons for the action and data documenting the basis of the action, are public.</p> <p>(6) The City may redact or withhold access to portions of data that are public if those portions of data are clearly offensive to common sensibilities.</p> <p>(7) Notwithstanding paragraph (3) above, when an individual dies as a result of a use of force by a peace officer, the City will allow the following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request: (i) the deceased's next of kin; (ii) the legal representative of the deceased next of kin; (iii) the other parent of the deceased individual's child. The City may deny a request to inspect if the Police Department determines that there is a compelling reason that inspection would interfere with an active investigation. The data in this paragraph shall become public to other persons no later than 14 days after the incident. The City's Police Chief may deny access to this data by providing a written denial with a short description of the reason</p>			

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	access was denied.			
Predatory Offender Registration and Release	Data on the registration and release of persons required to register as predatory offenders is private data on the offender, except as required by law to be released to the public. Information regarding witnesses requesting notice of the release of the offender, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are private data on the recipient of the notice.	Private	MS 244.053; 244.10	Certain employees on an as needed basis as part of specific work assignment.
Property Complaint Data	The identities of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property.	Confidential	MS 13.44	Certain employees on an as needed basis as part of specific work assignment.
Political Subdivision Licensing Data	The following data submitted to a political subdivision by a person seeking to obtain a license: (1) a tax return; and (2) a bank account statement. Political Subdivision Licensing Data collected will be destroyed no later than 90 days after a final decision on a license application.	Private or Nonpublic	MS 13.204	Certain employees on an as needed basis as part of specific work assignment.
Recreation Data	For people enrolling in recreational or other social programs: name, address, telephone number, any other data that identify the individual, and any data which describes the health or medical condition of the individual, family relationships, living arrangements, and opinions as to the emotional makeup or behavior of an individual.	Private	MS 13.548	Certain employees on an as needed basis as part of specific work assignment.
<u>Safe at Home Program</u>	<u>Includes location and identity data for those participating in</u>	<u>Private data on individuals if a</u>	<u>MS 13.045, subd. 3</u>	<u>Certain employees on</u>

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
<u>Participant Data</u>	<u>Minnesota's Safe at Home address confidentiality program.</u>	<u>program participant notifies the responsible authority of certification in the Safe at Home address confidentiality program and not otherwise classified by law as not public.</u>		<u>an as needed basis as part of specific work assignment, including the provision of certain government health, safety, and welfare functions.</u>
Sealed Bids	Sealed bids, including the number of bids received, prior to opening.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.37	Certain employees on an as needed basis as part of specific work assignment.
Security Information	Data that would substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. This includes checking account numbers, crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home and mailing addresses, telephone numbers, e-mail or other digital addresses, Internet communication services accounts information or similar accounts information, and global positioning system locations.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.37	Certain employees on an as needed basis as part of specific work assignment.
Social Security Numbers	Social security numbers, in whole or in part, are private.	Private	MS 13.355	Certain employees on an as needed basis as part of specific work assignment. Exhibit
Trade Secret	Government data, including a	Private with	MS 13.37	Certain

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
Information	formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the affected individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.	regard to data on individuals; Nonpublic with regard to data not on individuals		employees on an as needed basis as part of specific work assignment.
Transportation Service and Transit Customer Data	Personal, medical, financial, familial or locational information pertaining to applicants for or users of services providing transportation for the disabled or elderly. Additionally, data collected by or through the City website; by telephone; or through a third-party software program for the purposes of booking and using public transit services.	Private	MS 13.72	Certain employees on an as needed basis as part of specific work assignment.

Exhibit C

RIGHTS OF SUBJECTS OF GOVERNMENT DATA SAMPLE "TENNESSEN WARNING"

In accordance with the Minnesota Government Data Practices Act (MGDPA), the City of Red Wing is required to inform you of your rights as they pertain to the information collected about you. Public information is data that is not classified by state statute, federal law or temporary classification as either private or confidential. It is accessible to anyone for any reason. All government data is presumed to be public unless a specific state or federal law classifies it otherwise. Private information is that information which is available to you, not the public. The information we collect from you is either public or private. The separation of that information is as follows:

PUBLIC - Name; city of residence; education and training; employment history; volunteer work; awards and honors; prior government service; and veteran status.

After an individual is appointed to a public body, the following additional items of data are public: residential address, either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; first and last dates of service on the public body; the existence and status of any complaints or charges against an appointee; and upon completion of an investigation of a complaint or charge against an appointee, the final investigation report, unless access to the data would jeopardize an active investigation.

PRIVATE - All other information collected at the time of the application.

The information collected and required from you is to determine your eligibility for a City of Red Wing Board and Commission position. If you do not supply the required information, the City of Red Wing will not be able to determine your eligibility. The dissemination and use of the private data we collect is limited to that necessary for the administration of Board and Commission positions. Persons or agencies with whom this information may be shared include:

CITY AND COUNTY PERSONNEL INVOLVED IN DETERMINING YOUR ELIGIBILITY, CITY COUNCIL MEMBERS TO APPROVE THE APPLICATION, CONTRACTED PUBLIC AUDITORS AND THOSE INDIVIDUALS TO WHOM YOU GIVE YOUR EXPRESS WRITTEN PERMISSION.

Unless otherwise authorized by state statute or federal law, other government agencies utilizing the reported private data must also treat the information private.

You have the following rights under the MGDPA: The right to see and obtain copies of the data maintained on you, the right to be told the contents and meaning of the data, and the right to contest the accuracy and completeness of the data. To exercise these rights, contact Administration, Second Floor, City Hall, Red Wing, MN, 55066.

I have read and understand the above information regarding my rights as a subject of government data.

(Signature of Applicant)

(Date)

CONSENT TO ADDITIONAL DISCLOSURE

I understand and agree that, if my application is selected for consideration by the City Council, all of the data contained in my application materials and provided to the City in support of my application will be published in the City Council packet and will be made available to the public, with the exception of my address, email address, and phone numbers. I consent to the disclosure of all the data in my application materials, regardless of whether that information would otherwise be deemed private under the Minnesota Government Data Practices Act, with the exception of my address, email address, and phone numbers.

(Signature of Applicant)

(Date)

Exhibit D

CONSENT TO RELEASE PRIVATE DATA

I, _____, authorize the City of Red Wing ("City") to release
(print name)
the following private data about me:

to the following person or people:

The person or people receiving the private data may use it only for the following purpose or purposes:

This authorization is dated _____ and expires on _____.
The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

I agree to give up and waive all claims that I might have against the City, its agents and employees for releasing data pursuant to this request.

X _____
Signature

Identity verified by:

- Witness: _____
- Identification: Driver's License, State ID, Passport, other: _____
- Comparison with signature on file
- Other: _____

Responsible Authority/Designee: _____

Exhibit E

INFORMATION DISCLOSURE REQUEST

Minnesota Government Data Practices Act

A. Completed by Requester

NOTE: 1. Request Frequency – Private Data on Individuals. After you have been given the data and informed of its meaning, the data need not be disclosed to you six months thereafter unless a dispute or action is pending or additional data on you has been collected.

2. You may be required to pay the actual costs of making, certifying and/or compiling the copies of information requested.

REQUESTER NAME (Last, First, M.): _____	DATE OF REQUEST: _____
STREET ADDRESS: _____ _____	PHONE NUMBER: _____ EMAIL ADDR: _____
CITY, STATE, ZIP: _____	SIGNATURE: X
DESCRIPTION OF THE INFORMATION REQUESTED: _____ _____ _____	

B. Completed by Department

DEPARTMENT NAME: _____	HANDLED BY: _____
INFORMATION CLASSIFIED AS: <input type="checkbox"/> PUBLIC <input type="checkbox"/> NONPUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PROTECTED NONPUBLIC <input type="checkbox"/> CONFIDENTIAL	ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED IN PART (Explain below) <input type="checkbox"/> DENIED (Explain below)
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION: _____ _____	
PHOTOCOPYING CHARGES: <input type="checkbox"/> NONE <input type="checkbox"/> _____ Pages x _____ ¢ = \$ _____ <input type="checkbox"/> Special Rate: _____ (attach explanation) <i>No charge for 10 pages or less (to person not subject of data)</i>	IDENTITY VERIFIED FOR PRIVATE INFORMATION <input type="checkbox"/> IDENTIFICATION: DRIVER'S LICENSE, STATE ID, Etc. <input type="checkbox"/> COMPARISON WITH SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER: _____
AUTHORIZED SIGNATURE: X	DATE REQUEST APPROVED OR DENIED: _____

Requested by: _____ Subject of Data _____ Not Subject of Data

Exhibit F



City of
RED WING
RED WING POLICE DEPARTMENT
NICK SATHER, CHIEF OF POLICE
REQUEST FOR POLICE DATA



DATE OF REQUEST: _____

IF THE DATA YOU ARE REQUESTING IS ABOUT YOU OR IS PRIVATE DATA ABOUT YOU: To request data as a data subject or private data about you, we will require you to show a valid state ID, such as a driver’s license, military ID or passport as proof of identity.

IF THE DATA YOU ARE REQUESTING IS PUBLIC:
You do not have to provide any of the below contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, we may have to contact you.

NAME OF REQUESTOR: _____
(LAST) (FIRST) (MIDDLE)

ADDRESS: _____
(STREET) (CITY) (STATE) (ZIP)

PHONE #: _____ EMAIL ADDRESS: _____

SIGNATURE OF REQUESTOR: _____

INFORMATION REQUESTED: Describe the data you are requesting as specifically as possible; i.e. names, dates of birth; type of incident; date of incident; case number if known,etc.

PLEASE INDICATE HOW YOU WOULD LIKE TO RECEIVE THE REPORT(S):

- WILL PICK UP REPORT(S) AT THE POLICE DEPARTMENT
- MAIL TO ADDRESS INDICATED ABOVE
- EMAIL TO ADDRESS INDICATED
- MAIL TO DIFFERENT ADDRESS:
-

This form can be delivered to the Red Wing Police Department, FAXED or mailed.

Red Wing Police Department ATT: Records
430 West 6th Street
Red Wing, MN 55066
FAX: 651-267-2695 or 651-267-2669

Please NOTE the Red Wing Police Department may take up to ten days to respond to this request. A fee may be applicable for copies of reports.

DEPARTMENT USE ONLY:

IDENTIFICATION VERIFIED IF APPLICABLE: DL STATE ID
MILITARY ID

PASSPORT OTHER (explain) _____

DATE REQUESTOR PICKED UP REPORT OR DATE MAILED/EMAILED:

INCIDENT NUMBER(S) OF REPORTS RECEIVED:

COST OF REPORT IF APPLICABLE:

REQUEST PROCESSED BY:

Signature

RWPD32 11/14/2024

Exhibit F-1



RED WING POLICE DEPARTMENT
NICK SATHER, CHIEF OF POLICE



REQUEST FOR PORTABLE RECORDING

Minnesota State Statute 13.825 Portable Recording Systems states that data collected by a portable recording system are private data on individuals or nonpublic data, subject to Subd. 2.

Request Date:		RWPD Case #:	
----------------------	--	---------------------	--

Date of Recording:		Officer(s) Name/Badge #(s)	
---------------------------	--	-----------------------------------	--

Address/Location of Recording:			
---------------------------------------	--	--	--

Subject of the Data in the Recording OR Representative of the Subject of the Data:	<input type="checkbox"/> I am the subject of the data in the recording
	<input type="checkbox"/> I am the subject of the data in the recording and I am requesting the release of my image, my voice and my actions to be made public per MN Statute 13.825 (2)
	<input type="checkbox"/> I am a representative of the subject of the data in the recording (name of subject of the data)
	(Consent to Release Private Data form must be signed)

NOT Subject of the Data in the Recording:	<input type="checkbox"/> I am requesting public data of the recording of a peace officer involved in a firearm discharge or use of force resulting in substantial bodily harm per MN Statute 13.825 (1)
	<input type="checkbox"/> I am requesting the data of the recording as a member of a law enforcement agency, government entity or federal agency authorized to receive this data per MN Statute 13.825 (8)
	Reason for request:

--	--	--	--

Name of Requester:	Last	First	Middle
---------------------------	------	-------	--------

Address:			
-----------------	--	--	--

Phone:		Email:	
---------------	--	---------------	--

Signature of Requester:			
--------------------------------	--	--	--

OFFICE USE ONLY:

Staff Verified Valid Photo Identification: <input type="checkbox"/>	ID TYPE:		Staff Initials:	
--	-----------------	--	------------------------	--

Signature of Staff Completing Request:		Date:	
---	--	--------------	--

Exhibit F-2



RED WING POLICE DEPARTMENT
NICK SATHER, CHIEF OF POLICE

CONSENT TO RELEASE PRIVATE DATA

I, _____, authorize the Red Wing Police Department to
(Print name)

RELEASE the following private data about me: (PLEASE DESCRIBE IN DETAIL THE INFORMATION TO BE RELEASED INCLUDING DATE AND LOCATION OF INCIDENT AND INCIDENT NUMBER)

TO the following person(s); representatives:

The person(s) receiving the private data may use it only for the following purpose or purposes:

This authorization is dated: _____ and expires on: _____
(the expiration cannot exceed one year from the date of the authorization)

I agree to give up and waive all claims that I might have against the Red Wing Police Department, its agents and employees for releasing data pursuant to the request.

Signature

Exhibit G

GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT

1. **AUTHORIZATION.** City of Red Wing ("City") hereby authorizes _____, ("Authorized Party") access to the following government data:

2. **PURPOSE.** Access to this government data is limited to the objective of creating summary data for the following purposes:

3. **COST.** (Check which applies):

The Requesting Party is the person who requested the summary data and agrees to bear the City's costs associated with the preparation of the data which has been determined to be \$_____.

The Requesting Party has requested the City to prepare summary data and will pay in accordance with attached Exhibit A.

4. **SECURITY.** The Authorized Party agrees that it and any employees or agents under its control must protect the privacy interests of individual data subjects in accordance with the terms of this Agreement.

The Authorized Party agrees to remove all unique personal identifiers which could be used to identify any individual from data classified by state or federal law as not public which is obtained from City records and incorporated into reports, summaries, compilations, articles, or any document or series of documents.

Data contained in files, records, microfilm, or other storage media maintained by the City are the City's property and are not to leave the City's custody. The Authorized Party agrees not to make reproductions of any data or remove any data from the site where it is provided, if the data can in any way identify an individual.

No data which is not public and which is irrelevant to the purpose stated above will ever be disclosed or communicated to anyone by any means.

The Authorized Party warrants that the following named individual(s) will be the only person(s) to participate in the collection of the data described above:

5. **LIABILITY FOR DISCLOSURE.** The Authorized Party is liable for any unlawful use or disclosure of government data collected, used, and maintained in the exercise of this Agreement and classified as not public under state or federal law. The Authorized Party understands that it may be subject to civil or criminal penalties under those laws.

The Authorized party agrees to defend, indemnify, and hold the City, its officers and employees harmless from any liability, claims, damages, costs, judgments, or expenses, including reasonable attorneys' fees, resulting directly or indirectly from an act or omission of the Authorized Party, its agents, employees or assignees under this agreement and against all loss by reason of the Authorized Party's failure to fully perform in any respect all obligations under this Agreement.

6. **INSURANCE.** In order to protect itself as well as the City, the Authorized Party agrees at all times during the term of the Agreement to maintain insurance covering the Authorized Party's activities under this Agreement. The insurance will cover \$1,000,000 per claimant for personal injuries and/or damages and \$1,000,000 per occurrence. The policy must cover the indemnification obligation specified above.

7. **ACCESS PERIOD.** The Authorized Party may have access to the information described above from _____ to _____.

8. **SURVEY RESULTS.** (Check which applies):

If the Authorized Party is the requester, a copy of all reports, summaries, compilations, articles, publications, or any document or series of documents which are created from the information provided under this Agreement must be made available to the City in its entirety.

If the Authorized Party is a contractor of the City, all copies of reports, summaries, compilations, articles, publications, or any document or series of documents which are created from the information provided under this Agreement must be provided to the City. The Authorized Party may retain one copy for its own records but may not disclose it without City permission, except in defense of claims brought against it.

AUTHORIZED PARTY: _____

By: _____

Date: _____

Title (if applicable): _____

CITY OF RED WING

By: _____

Date: _____

Its: _____

Exhibit H

SAMPLE CONTRACT PROVISION

Data Practices Compliance. Contractor will have access to data collected or maintained by the City to the extent necessary to perform Contractor's obligations under this contract. Contractor agrees to administer the data consistent with the Minnesota Government Data Practices Act and to maintain all data obtained from the City in the same manner as the City is required under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Contractor will not release or disclose the contents of data classified as not public to any person unless it is part of litigation and then it can be released to the Court after approval by the City Attorney. Contractor agrees to defend and indemnify the City from any claim, liability, damage, or loss asserted against the City as a result of Contractor's failure to comply with the requirements of the Act or this contract. Upon termination of this contract, Contractor agrees to return data to the City, as requested by the City.

Exhibit I

NOTICE TO PERSONS UNDER AGE OF 18

Some of the information you are asked to provide is classified as private under state law. You have the right to request that some of the information not be given to one or both of your parents/legal guardians. Please complete the form below if you wish to have information withheld.

Your request does not automatically mean that the information will be withheld. State law requires the City to determine if honoring the request would be in your best interest. The City is required to consider:

- Whether you are of sufficient age and maturity to explain the reasons and understand the consequences,
- Whether denying access may protect you from physical or emotional harm,
- Whether there is reasonable grounds to support your reasons, and
- Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize your health.

NOTICE GIVEN TO: _____

Date: _____

BY: _____

(title)

Request to Withhold Information

I request that the following information: _____

Be withheld from: _____

For these reasons: _____

Date: _____ Print Name: _____

Signature: _____

Exhibit J

RED WING PUBLIC LIBRARY REGISTRATION

If you need this information in another format (large print, Braille, etc.) please ask library staff or call (612) 385-3673 v/tdd at least 3 days in advance

Name

First	Middle	Last
-------	--------	------

Home Phone (____) _____ Work Phone (____) _____

Address/City

State _____ County _____ Zip Code _____

I live inside my town or city limits: Yes _____ No _____

Birth Date _____ ID # _____

Identification which verifies current address; if a driver's license is not current, a second form of verification is required (personal check, rental receipt, etc.)

The information requested is required to support library service. By Minnesota law information which links your name with library materials is considered private. Information from this registration form, other than your name, is also private, available only to you and to appropriate library personnel, and by those otherwise authorized by law. If you are under age 18, information about your library record is available to your parents and/or guardian unless you ask to have this information withheld by filling out a Data Privacy Request Form and if it is determined that withholding this information is in your best interest.

I agree to obey all rules established by the library, to pay promptly all overdue fines charged to this card, to pay for damaged and lost items, and to give immediate notice of any change of address or loss of card. I understand that this library card must be in good standing in order to receive library services.

SIGNATURE _____

PARENT'S OR GUARDIAN'S SIGNATURE: _____

(If applicant is under 13 years of age, a parent or guardian must also sign here and include parent/guardian identification as listed above.)

FOR STAFF USE ONLY: A J T H D W W3 W6

REPLACEMENT CARD _____

NEW REGISTRATION _____

LIBRARY CARD # _____

STAFF INITIALS _____

DATE _____

Exhibit K

**DATA PRIVACY WITHHOLDING REQUEST FORM
RED WING PUBLIC LIBRARY**

If you need this information in another format (large print, Braille, etc.) please ask library staff or call (612) 385-3673 at least 3 days in advance

I have been informed that under the Minnesota Government Data Practices Act, I, as a minor, may request private data about me maintained by the library be withheld from my parent/guardian. I understand that this information will be withheld if it is determined to be in my best interests.

I request the following data about me be withheld from my parent/guardian:

DATA:

Signature of minor: _____ Date: _____

NAME (please print) _____

ADDRESS _____

TELEPHONE _____ BEST TIME TO CALL _____

BIRTHDATE _____
(Month) (Day) (Year)

The Library Director will contact you.

(Signature of Library Director)

(Date)

Exhibit L

RED WING LIBRARY *Standards and Guidelines for Automated Library Systems*

DATA PRIVACY STANDARDS AND GUIDELINES

INTRODUCTION

On-line automated systems have brought a kind of instant access to patron information that was normally unavailable to libraries prior to the 1970's. Now library staff routinely have access to information about what patrons have checked out, for example, or what titles they have requested. The availability of this information has expanded questions of data privacy policy from traditional concerns of protecting patrons from unwarranted incursions into their records to everyday situations that can occur wherever automated systems provide access to patron information.

The Data Privacy Standards address issues of data privacy as they relate to library automation. Because automated systems affect many areas of library operations, the standards and guidelines address a wide range of issues affecting patron records, circulation records, and other operations records, but their focus remains privacy vis-à-vis automated systems. They do not attempt to address all library data privacy concerns.

The Data Privacy Standards were written to conform to the Minnesota Government Data Practices Act (see description below). The Minnesota Government Data Practices Act governs data practices of state agencies, political subdivisions, and state-wide systems. While the standards contained herein were written to be consistent with the law, they do not have the force of law. School libraries, libraries of publicly-supported academic institutions, state agency libraries, and other governmental agency libraries should be aware that there are many types of data in addition to library data governed by the law (e.g., educational data, welfare data, medical data, criminal justice data). A library holding educational data, for example, also needs to be aware of the sections of the law governing such data.

The Minnesota Government Data Practices Act is often vague and many of its provisions are untested in the courts. Librarians responsible for creating and implementing data practices should obtain legal advice on all proposed policies and procedures. These standards and guidelines should not be used as a substitute for legal counsel.

The Minnesota Government Data Practices Act requires that each political subdivision appoint a person called a "responsible authority" for matters relating to data privacy. (Minnesota Statutes 1996, Section 13.02, Subdivision 16). Since legal opinion concerning implementation of the Act will vary, libraries should consult their responsible authority, as well as their local legal authorities, concerning interpretation of and compliance with the Act.

The Office of Library Development and Services, Minnesota Department of Children, Families and Learning, can also offer assistance to libraries as to the current interpretations of this act.

BACKGROUND: THE MINNESOTA DATA PRACTICES ACT

The Minnesota Government Data Practices Act (Minnesota Statutes 1996, Chapter 13) was initially enacted in 1979. It, along with Chapter 1205 of the Department of Administration Rules, governs data practices of “state agencies, political subdivisions, and statewide systems” (Minnesota Statutes, Sec. 13.01, Subd. 1). The Minnesota Government Data Practices Act covers a wide variety of data (personnel, licensing, welfare, health, etc.) in addition to library data. Section 13.40 deals specifically with library data. Provisions and definitions of particular application to libraries include:

1. Public vs. private data.

“Except as provided in paragraph (b), the following data maintained by a library are private data on individuals and may not be disclosed for other than library purposes except pursuant to a court order: (1) data that link a library patron’s name with materials requested or borrowed by the patron or that link a patron’s name with a specific subject about which the patron has requested information or materials; or (2) data in applications for borrower cards, other than the name of the borrower.” (Minnesota Statutes 1996, Sec. 13.40, Subd. 2 (a) (1))

2. Pick Up of Reserves.

“A library may release reserved materials to a family member or other person who resides with a library patron and who is picking up the material on behalf of the patron. A patron may request that reserved materials be released only to the patron.” (Minnesota Statutes 1996, Sec. 13.40, Subd. 2 (b))

3. Private data on individuals.

“*Private data on individuals* means data which is made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the subject of the data.” (Minnesota Statutes 1996, Sec. 13.02, Subd. 12)

4. Relationship of minors to parents/guardians.

“*Individual* means a natural person. In the case of a minor or an incapacitated person, *individual* includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.” (Sec. 13.02, Subd. 8) “Minor” means an individual under the age of 18 (Minnesota Statutes 1996, Sec. 645.451, Subd. 2)

5. Information required to be given individual, upon request for private or confidential data.

“An individual asked to supply private or confidential data concerning the individual shall be informed of: (a) the purpose and intended use of the requested data within the collecting state agency, political subdivision, or statewide system; (b) whether the individual may refuse or is legally required to supply the requested data; (c) any known consequence arising from supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized by state or federal law to receive the data. (Sec. 13.04, Subd. 2)

DATA PRIVACY STANDARDS

1. Libraries should have written policies and procedures regarding data privacy and should make (and keep) all staff and volunteers familiar with such policies and procedures.
2. If a library allows its patrons unsupervised access to private data in a patron's own record, procedures should be adopted to ensure that access to that record cannot be obtained by others without the patron's consent.
3. A library should allow another agency within the institution or another library access to its patron records only if the individual from whom private data was collected was informed of that use/dissemination in the “Tennessee warning” given when the data was initially collected and if that agency or library agrees in writing to treat the data in those records in a manner consistent with standards and with the written policies and procedures of the library concerning data privacy.
4. In the case of shared library systems where staff at several libraries have access to the same private data, participating libraries should jointly formulate a set of standards and procedures concerning access to private data.
5. If a library petitions the appropriate authority to broaden or otherwise alter the definition of private data, a copy of that petition should be sent to the Minnesota State Library so that the Library can make the MINITEX/Minnesota State Library Standards Task Force aware of what changes are being proposed.
6. These data privacy standards should be followed by all libraries in Minnesota and they should apply to all persons using Minnesota libraries, regardless of their home residency.
7. All data privacy policies and procedures shall be consistent with all applicable state and federal laws.

DATA PRIVACY IMPLEMENTATION GUIDELINES

The following general guidelines are intended to help libraries develop data privacy policy and procedure as it concerns library automation. They describe areas that libraries should review for compliance with the Minnesota Government Data Practices Act.

1. Identification.

In summary, the Minnesota Government Data Practices Act requires that private data (the specific titles and subjects charged to or requested by a library user and data in application for library cards, except the person's name) is to be made available only to the subjects of that data. In the case of minors or individuals adjudged mentally incompetent, private data is also available to their parents or guardians. This legal requirement should be addressed wherever private data is handled at reference, circulation, and technical service areas.

A library may release reserved materials to a family member or other person who resides with a library patron and who is picking up material on behalf of the patron. A patron may request that reserved materials be released only to the patron.

Registration procedures for library cards must give the patron the option of having reserved materials released only to them.

Particularly at circulation desks, the issue is how to develop workable procedures for handling patron requests, in person and over the telephone, for circulation information. ("What do I have checked out? What does my son?" "I got this overdue notice and ...") Given the specific situation at your library, what kind of patron identification can be reasonably required for staff to provide data with confidence?

2. Providing public data.

Anyone can request, and libraries must provide, library data classified as public. It is prudent to ask for and keep only what patron information the library needs for its operation. Public data could be requested and used for purposes you don't intend.

Note: The rules governing the Minnesota Government Data Practices Act state that a "reasonable fee" can be charged for providing copies of public data, taking into account the cost of materials, labor, mailing, electronic transmissions, and other costs. A citizen who wants to only inspect public data cannot be charged any kind of fee for that inspection. (Minnesota Statutes 1996, Section 13.03, Subdivision 3)

3. Data trails.

Libraries should examine data trails left where private data has been gathered, to eliminate the possibility of its being accessible to non-authorized persons. For example, how are the following recorded, maintained, and disposed of: reserve

forms, subject request forms, on-line database search requests and results, ILL forms, notices mailed or otherwise delivered to patrons, manual charge cards?

It should be noted that any charge out procedure that requires a patron to sign his or her name on a card containing the title or call number for the charged material is illegal if that same card is subsequently accessible to another person, and would constitute a disclosure of private data to the public.

4. Public notification concerning private data.

4.1 According to the Minnesota Data Practices Act, minors have a right to request that private data be withheld from their parents or guardians and they must be informed of that right. (This requirement is sometimes referred to as “minor notification.”) Notification should be provided and procedures should be established to handle such a request, including making determinations as to whether honoring a request is in the “best interest” of the minor.

4.2 According to the Minnesota Government Data Practices Act, library users must be informed of what private data is being collected, its uses and disposition (sometimes referred to as the “Tennessee warning”).

Here is a **SAMPLE** public notification, combining Tennessee warning and minor notification:

“The information requested is required to support library service. By Minnesota law, information you provide in applying for a library card, except your name, as well as information which links your name with library materials is private. It is available only to you and to appropriate library personnel, and by those otherwise authorized by law. This information is required to support library service. If you are under age 18, information about materials requested or kept overdue is available to your parent or guardian. You may ask to have this information withheld by filling out a data privacy request form. However, we can only withhold this data from your parents if it is in your best interest to do so.”

4.3 The laws concerning criteria for guardianship are not clear-cut. Consult your legal counsel in drafting guidelines with regard to whom guardianship notification applies.

5. Training and documentation.

Library policy regarding data privacy should be written, approved by appropriate governing bodies, and distributed to staff. Ongoing training programs should ensure staff awareness of this policy and their role in upholding it.

Here is a **SAMPLE** library board policy:

“Library records linking the names of library users with specific library materials or subjects as well as information in applications for borrowers cards, other than the name of the borrower are private by law in Minnesota and may not be disclosed for other than library purposes except pursuant to a court order. All Library employees are advised that such records shall not be made available to any agency of state, federal, or local government except pursuant to such a court order as may be issued under the authority of and pursuant to federal, state, or local law relating to civil, criminal, or administration discovery procedures or legislative investigative power. The Library will resist the issuance or enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.”

6. Statement III from the American Library Association Code of Ethics, 1995.

The ALA Code of Ethics, 1995 refers to data privacy as follows:

“We protect each library user’s right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted.”

7. Classification of library data as public or private.

While the law defines private library data (Section 13.40 of the Minnesota Statutes), public institutions have the right and the ability to make application to the State Commissioner of Administration to classify other data maintained by libraries as not public.

Such petitions should also be forwarded to the Minnesota State Library at the address below prior to submission so that the State Library and the MINITEX/ Minnesota State Library Standards Review Task Force can be kept aware of emerging data privacy issues. The State Library can also offer technical help for reclassification efforts.

Minnesota State Law Library
1500 Highway 36 West
Roseville, MN 55113
651-582-8791

ANOTHER INFORMATION RESOURCE

Additional information about privacy as it pertains to information about students is included: *Privacy and the Handling of Student Information in the Electronic Networked Environments of Colleges and Universities (Cause, 1998)*, which may be borrowed from the Minnesota State Library or the MINITEX Office.

Legislative Update

The following update was provided by the City's attorney office via email.

The purpose of this email is to provide you with a write up of the relevant legislative changes from the 2025 session for the Charter Commission. As we noted yesterday, there were no changes to chapter 410, which specifically relates to charter cities. We also reviewed the Minnesota Government Data Practices Act, the Open Meeting Law, and election laws. There were many changes to the Minnesota Government Data Practices Act but none of the changes should impact the Charter or Charter Commission. We review the relevant changes the Open Meeting Law and election laws below.

Open Meeting Law. *The Open Meeting Law (OML) was amended this legislative session, but the amendment does not require a change to the Charter. Still, we want to point out the change because it makes it easier for members of a public body to meet remotely. Specifically, the OML was amended to allow members of a public body to participate remotely in a meeting from a location that is not noticed or open and accessible to the public. This change became effective May 24, 2025. Previously, a member could only participate from a location that was not noticed and open to the public three times a year, and only if the member was serving in the military or had personal or family medical reasons for not being in a public place. As of May 24, 2025, those requirements were eliminated. At least one member of the body must still be physically present at the regular meeting location. And all other requirements in Minn. Stat. § 13D.02 regarding remote meetings apply, including the requirement that the public body provide notice of the regular meeting location and of the fact that members may participate in the meeting remotely (by interactive technology). Again, this does not require a change to the Charter, but it does allow a Charter Commission member to participate remotely more easily if the requirements in Minn. Stat. § 13D.02 are followed.*

Election Law. *There were numerous changes to the election laws, but most do not impact the Charter Commission. We want to bring to your attention one change in the election law because relates to what is stated in the Charter, although we do not believe an amendment to the Charter is required.*

New requirements were added to state law related to affidavits of candidacy this legislative session. Specifically, the below changes (underlined) are effective January 1, 2026:

(b) An affidavit of candidacy must include a statement that the candidate's name as written on the affidavit for ballot designation is the candidate's true name or the name by which the candidate is commonly and generally known in the community- and:

(1) the phonetic spelling or an explanation for the pronunciation of the full name designated for the ballot; or

(2) a certification that the candidate is directing the official responsible for programming materials for the election to use the applicable technology's default pronunciation of the candidate's name.

Minn. Stat. § 204B.06, subd. 1.

Section 4.06 of the Charter relates to affidavits of candidacy and outlines what a valid affidavit of candidacy or nominating petition must have. It corresponds to existing state law, so this addition of language to the statute will not be reflected there. That said, Section 4.07 Forms in the Charter states that the City clerical officer shall be responsible for devising the form of the affidavit of candidacy and nominating petition “consistent with the provisions contained herein and by law.” Thus, the City Clerk will look to the law, in addition to the Charter, in devising an affidavit of candidacy.

As a general matter, whenever an election matter arises, we recommend the City look not only to the Charter but to the election laws and to comply with the law to the extent possible. Because, by operation of Section 4.07, the City Clerk will look to both the Charter and state law in devising an affidavit of candidacy, Section 4.06 of the Charter does not need to be amended to add the new underlined statutory language above. Also, note that, typically, the Secretary of State (SOS) provides sample forms the City may use in its elections, and we assume the SOS will update its sample forms to be consistent with the law.

Special Session. *Please note that the bills recently passed in the special session have not yet been incorporated into the state’s revisor website, which is the resource we use to identify recent changes to state law. It is possible those bills contain changes that impact the Charter Commission, but we do not think this is likely. If we learn of changes that would impact the Charter Commission, we will update you at a later date.*

Please let us know if you have questions on any of this. Given the relatively minor nature of these legislative changes, unless I hear from you otherwise, I will assume that you do not want me in attendance at tomorrow’s Charter Commission meeting.

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LEGAL CONSIDERATIONS FOR CITY OFFICIALS

City of Red Wing 2025

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THE OPEN MEETING LAW

I. Purposes of the Open Meeting Law

Minnesota Statutes chapter 13D, also known as the Open Meeting Law (“OML”), was passed in the 1950s. It has been amended several times over the years, but its general aim—to prevent public bodies from dissolving into executive sessions to discuss controversial issues—has remained the same.

The Minnesota Supreme Court has discussed the purposes of the OML as follows:

- A. To prohibit actions from being taken at secret meetings where it is impossible for the public to be fully informed and/or detect improper influences. Lindahl v. Indep. Sch. Dist. No. 306 of Hubbard County, 133 N.W.2d 23 (Minn. 1965).
- B. To protect the public’s right to be informed. Channel 10, Inc. v. Indep. Sch. Dist. No. 709, St. Louis County, 215 N.W.2d 814 (Minn. 1974).

NOTE: These materials and the corresponding presentation are meant to inform you of interesting and important legal developments. While current as of the date of presentation, the information that is provided may be superseded by court decisions, legislative amendments, rule changes, and opinions issued by bodies interpreting the area of law. We cannot render legal advice without an awareness and analysis of the facts of a particular situation. If you have questions about the application of concepts addressed in this outline or discussed in the presentation, you should consult with your legal counsel.
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- C. To guarantee the public a forum to present its views to the public body. Sullivan v. Credit River Twp., 217 N.W.2d 502 (Minn. 1974).

II. Meetings Subject to the Open Meeting Law

The law applies to all meetings of the City Council, and in general, meetings of City commissions and boards. Although the OML does not include a definition of a “meeting,” the Minnesota Supreme Court has defined a meeting under the OML as a “gathering of a quorum or more members of the governing body . . . at which members discuss, decide, or receive information as a group on issues relating to the official business of that governing body.” Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983).

- A. A majority of the public body constitutes a quorum. See Moberg.
- B. Even if a quorum of the public body is present, “chance or social gatherings” are not covered by the law. The social gathering, however, cannot be used to conduct official business unless the notice requirements discussed below have been met. St. Cloud Newspapers, Inc. v. Dist. 742 Cmty. Sch., 332 N.W.2d 1 (Minn. 1983); Moberg.
- C. The law does not apply to telephone conversations or letters between less than a quorum of members. See, e.g., Minnesota Educ. Ass’n v. Bennett, 321 N.W.2d 395 (Minn. 1982).
- D. Courts have cautioned that serial meetings of less than a quorum may be found to violate the law if the facts and circumstances indicate the purpose was to avoid the requirements of the law or to reach an agreement on an issue before the public meeting. Moberg.
- E. The Minnesota Supreme Court has rejected the argument that a discussion between two board members, outside of an open meeting, about a matter pending before the board is an absolute or automatic violation of the law. Moberg. The Court noted that public officials have a duty to persuade each other in an attempt to resolve issues, and the public benefits from this, so long as the discussion is not “designed to avoid public discussion altogether, to forge a majority in advance of public hearings on an issue, or to hide improper influences such as the personal or pecuniary interest of a public official.” Moberg, 336 N.W.2d at 518.
- F. An advisory opinion from the Minnesota Department of Administration’s Data Practices Office (“DPO”) concluded that email communication between board members constituted a meeting, which was required to be public. Adv.

Op. 09-020. A non-member sent an email to the Advisory Board of the Metro Gang Strike Force raising several issues and asking the Board to issue a press release. Seven members replied and copied the rest of the Board members. Based on their comments, the Chair issued a press release and emailed the Board that he had taken such action. The DPO concluded that the conduct of the Board constituted a meeting because a quorum of the Board, in addition to receiving information, commented on and provided direction to the Chair on a matter relating to official business of the Board. The DPO noted that one-way communication between the Chair and other members is permissible, such as when meeting materials are sent via email, as long as no discussion or decision-making ensues.

- G. An advisory opinion from the DPO noted that the definition of a meeting does not require a public body to transact public business or make or vote on motions for the OML requirements to apply. Adv. Op. 23-003. Instead, the Minnesota Supreme Court has determined that any gathering of a quorum or more of a public body's members to "discuss, decide, or receive information as a group on issues relating to the official business of that governing body" is a meeting subject to the OML's requirements. In that opinion, a city council had discussed issues at a special meeting that were not included in the special meeting notice's purpose but argued that the council did not transact public business, no motions were made, and no public business occurred during those discussions. The DPO determined it did not matter that the council did not transact public business or make or vote on motions—that is not required for a meeting to exist or for the OML requirements to apply.
- H. An advisory opinion from the DPO concluded that when a quorum of a Township Board attended a county planning commission meeting and heard and discussed matters also before the Board, this constituted a special meeting of the Board. Adv. Op. 16-005. The Board should have posted written notice of the time, date, place and purpose (i.e., a quorum of Board Supervisors will attend the [County] Planning Commission meeting on [date] at [time] for [purpose]).
- I. An advisory opinion from the DPO concluded that a school board violated the OML when a quorum of the school board was present at a school board committee meeting, which was noticed as a committee meeting but not as a full school board meeting. Adv. Op. 19-012. The DPO stated that each group identified in Minnesota Statutes section 13D.01, subdivision 1 (e.g., governing body of a school district or city and any committee of a public body), is independently subject to the notice requirements of the OML. The DPO concluded that once the fourth school board member was present (creating a quorum) to discuss, decide, or receive information as a group

relating to the official business of the school board, the committee meeting also became a meeting of the school board that needed to be noticed as a regular or special school board meeting. In this matter, the fourth school board member engaged in a discussion with the committee members, including whether items had been presented to the school board, an exchange about one-time funding, and a potential form to use to present information to the school board.

- J. An advisory opinion from the DPO concluded that it would not be a violation of the OML if a quorum of board members met privately with a facilitator in sessions designed to “improve trust, relationships, communications, and collaborative problem solving among Board members,” if they are not “gathering to discuss, decide, or receive information as a group relating to ‘the official business’ of the governing body.” Adv. Op. 16-006. The DPO did caution that, while the goal of the gatherings was not for Board members to exchange views on substantive decisions, incidental discussions of public business would constitute a meeting subject to the OML. Therefore, the Board members must avoid any issues specific to its official business during the sessions.

- K. An advisory opinion from the DPO concluded that a City Council’s two-day goal-setting session, at which the City Council discussed its long-term vision for the City and prioritized goals and action steps, constituted a meeting for purposes of the OML. Adv. Op. 18-003. The DPO’s opinion is consistent with Minnesota precedent finding that workshops or retreats specifically related to a particular city’s business are considered meetings under the OML. The DPO further opined that, because the goal-setting session was a meeting, convening the goal-setting session outside the territorial jurisdiction of the City Council violated the OML. The DPO explained that the City Council “effectively removed themselves from the people that they serve, thus undermining the public policy intent of the OML” to provide for open and public access to meetings.

- L. The Minnesota Court of Appeals has limited the law’s application to those committees possessing decision-making authority on behalf of the governing body. The Minnesota Daily v. Univ. of Minnesota, 432 N.W.2d 189 (Minn. App. 1988).
 - 1. Decision-making authority will be presumed where members of the committee constitute a quorum of the governing body. Sovereign v. Dunn, 498 N.W.2d 62 (Minn. App. 1993).

III. Notice Requirements

The notice requirements of the OML vary depending on the type of meeting: regular, special, emergency, and recessed/continued.

A. Regular Meetings

A public body must keep a schedule of its regular meetings on file at its primary office. Minn. Stat. § 13D.04, subd. 1. If a regular meeting is going to be held at a time or place different than listed on its schedule, the public body must provide notice of the meeting in the same manner as for a special meeting. Id.

B. Special Meetings

Notice of a special meeting must be posted three days in advance of the meeting. Minn. Stat. § 13D.04, subd. 2(b). Three days means 72 hours. The notice must state the date, time, place and purpose of the meeting, and it must be posted on the City's principal bulletin board. Id. subd. 2(a). The principal bulletin board has to be located in a place that is "reasonably accessible to the public." Rupp v. Mayasich, 533 N.W.2d 893 (Minn. App. 1995). If there is no principal bulletin board, it must be posted on the door of the regular meeting room. Minn. Stat. § 13D.04, subd. 2(a).

Notice of the special meeting must also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings. Id. subd. 2(b). In the alternative, the public body can publish notice in the official newspaper three days before the special meeting. Id. subd. 2(c).

While a public body may add (or remove) topics from consideration at a regular meeting (where the notice required does not include listing the "purpose"), it cannot do so at a special meeting. Adv. Op. 19-006. A notice for a special meeting must identify the purpose and the public body must limit the discussion to that purpose. Id. (city council violated the OML when it discussed and acted on three items that it failed to identify in its special meeting notice). The OML does not define "purpose" and, as a result, the DPO looked to the dictionary definition of the term, which is "something set up as an object or end to be attained: intention." Adv. Op. 22-009. Based on this, the DPO concluded that the OML requires a public body to provide notice of the intended object or end to be attained in a special meeting. Id. (board violated the OML when it closed a special meeting, stating in its notice that the purpose of the meeting was for preliminary consideration of allegations or charges against an individual, but then came out of closed

session and voted to impose discipline against the employee—in voting to impose discipline, the board moved beyond the special meeting’s “intended object or end to be obtained” described in the notice).

C. Emergency Meetings

An emergency meeting is defined as a meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body. Minn. Stat. § 13D.04, subd. 3(e).

Notice of the emergency meeting shall be given by telephone or by any other reasonable method to members of the public body. Id. subd. 3(b).

The public body must also make a good faith effort to provide notice to news media that have filed a request for notice of emergency meetings if the request includes the news medium’s telephone number. Id. subd. 3(a).

D. Recessed or Continued Meetings

Published or mailed notice is unnecessary for a recessed or continued meeting as long as the time and place of the meeting were established during the previous meeting and recorded in the previous meeting’s minutes. Minn. Stat. § 13D.04, subd. 4(a).

E. Closed Meetings

The same notice requirements apply to a regular, special, or emergency meeting that is closed. Minn. Stat. § 13D.04, subd. 5.

IV. Materials for the Meeting

At least one copy of the agenda and any other written materials that are: 1) distributed to all members at the meeting; 2) distributed to all members before the meeting; or 3) available to all members in the meeting room must also be available in the meeting room for public inspection while the public body considers the subject matter. Minn. Stat. § 13D.01, subd. 6(a).

There are two general exceptions: 1) data classified as non-public under the Minnesota Government Data Practices Act; and 2) data relating to matters discussed at a closed meeting. See id. subd. 6(b).

An advisory opinion from the DPO concluded that materials handed out to a Township Board by a presenter had to be available to the public in the meeting

room, even if those materials were included in a prior meeting packet and read aloud at the meeting. Adv. Op. 18-011.

V. Meetings During Pandemic or Chapter 12 Emergency

- A. **Interactive Technology Defined.** In 2021, the legislature included a definition of “interactive technology” in the OML and replaced the previously used phrases—“other electronic means” and “interactive television”—with “interactive technology” throughout the OML. “Interactive technology” means “a device, software program, or other application that allows individuals in different physical locations to see and hear one another.” Minn. Stat. § 13D.001, subd. 2.
- B. **Conditions.** Meetings may be conducted by *telephone or interactive technology* if certain conditions are met. Minn. Stat. § 13D.021, subd. 1.
1. The presiding officer, chief legal counsel, or chief administrative officer for the affected governing body must determine that an in-person meeting (or a meeting conducted by interactive technology under section 13D.02—see section VI) is “not practical or prudent *because of a health pandemic or an emergency declared under chapter 12.*”
 2. All members of the body participating in the meeting, wherever their physical location, *can hear one another and can hear all discussion and testimony;*
 3. Members of the public present at the regular meeting location *can hear all discussion and testimony and all votes* of the members of the body, “*unless attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration*”;
 4. At least one member of the body, chief legal counsel, or chief administrative officer is *physically present* at the regular meeting location, “*unless unfeasible due to the health pandemic or emergency declaration*”; and
 5. All votes are conducted by roll call, so each member’s vote on each issue can be identified and recorded.
 - a. The DPO noted that actions that are typically taken by unanimous consent are still subject to this roll call vote requirement.

- C. **Quorum.** All members who attend by telephone or interactive technology are present for quorum purposes. Minn. Stat. § 13D.021, subd. 2.
- D. **Remote Monitoring.** If telephone or interactive technology is used to conduct a meeting, to the extent practical, the body shall allow a person to monitor the meeting electronically from a remote location. Minn. Stat. § 13D.021, subd. 3. The law used to allow the public body to require the person making such a connection pay for the documented additional cost that the body incurred as a result of the additional connection. The legislature removed this language in 2021, so the public body can no longer require this payment.
- E. **Notice.** If telephone or interactive technology is used to conduct a meeting, the public body must provide notice of the regular meeting location, of the fact that some members may participate by telephone or interactive technology, and of the details for monitoring remotely per paragraph D above. Minn. Stat. § 13D.021, subd. 4. Otherwise, the same notice requirements discussed earlier in section III apply to a regular, special, or emergency meeting that is conducted by telephone or interactive technology. Id.
- F. **Public Comment.** *If attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration and the public body's practice is to offer a public comment period at in-person meetings, members of the public shall be permitted to comment from a remote location during the public comment period of the meeting, to the extent practical.* Minn. Stat. § 13D.021, subd. 5.
- G. An advisory opinion from the DPO concluded that a board did not comply with Minnesota Statutes section 13D.021 when, solely in order to reach a quorum, a member participated by telephone at two meetings. Adv. Op. 18-018. Per section 13D.021, a public body may conduct meetings by telephone if certain conditions are met, the threshold requirement being that there is a health pandemic or declared emergency under chapter 12. Minnesota Statutes section 12.03, subdivision 1e, defines "declared emergency" as "a national security or peacetime emergency declared by the governor under section 12.31." Thus, the board could not conduct its meetings by telephone, under section 13D.021, unless it determined that it was warranted due to a health pandemic or declared emergency.
- H. Another advisory opinion from the DPO noted that there is currently not a mechanism in the OML for public body members to hold in-person meetings while limiting public attendance to electronic monitoring. Adv. Op. 21-003.

In that matter, a school board invoked its right to hold its meetings virtually under Minnesota Statutes section 13D.021 due to the COVID-19 pandemic and declared state of emergency. The board chair determined that in-person meetings were not practical or prudent because of the current health pandemic. Members of the public were limited to attending the meetings remotely. On four occasions, however, a quorum of the school board attended the meetings in person. The DPO concluded the school board did not comply with the OML when a quorum of the school board held in-person meetings while the public was limited to remote attendance. The presence of a quorum of the school board in person rendered the meetings in-person meetings, negating the option to meet remotely pursuant to section 13D.021. Thus, if a public body determines in-person meetings are not practical or prudent under section 13D.021, a quorum or more of the members cannot gather for the meeting in-person. Also, public bodies cannot decide that it is feasible for a quorum of the board to meet in-person, but unfeasible to have the public attend in person.

VI. Participation in Meetings by Interactive Technology

- A. **Conditions.** Members of a public body can attend and participate in meetings by *interactive technology* if certain conditions are met. Minn. Stat. § 13D.02, subd. 1(a).
1. 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;
 2. Members of the public present at the regular meeting location *can hear and see all discussion and testimony and all votes* of the members of the body;
 3. *At least one member of the body is physically present* at the regular meeting location;
 4. All votes are conducted by roll call so each member's vote on each issue can be identified and recorded; and
 - a. Actions that are typically taken by unanimous consent are still subject to this roll call vote requirement.
 5. *Each location* at which a member of the body is present *is open and accessible to the public.*

- B. Location Not Open or Accessible to the Public.** A meeting satisfies the requirements of paragraph A above, even though a member of the public body participates from a location that is not open or accessible to the public (see paragraph A.5.), if the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public, **and:**
1. **Military members.** The member is serving in the military and is at a required drill, deployed, or on active duty; **or**
 2. **Medical reasons.** The member has been advised by a health care professional against being in a public place for personal or family medical reasons. Minn. Stat. § 13D.02, subd. 1(b)(1)-(2). This clause used to only apply when a state of emergency had been declared under section 12.31, and expired 60 days after the removal of the state of emergency. Effective July 1, 2023, that limitation was deleted. Because this health care professional advice exception is no longer tied to times when a state of emergency exists, this exception will be somewhat more available.
- C. Quorum.** All members who attend by interactive technology are present for quorum purposes. Minn. Stat. § 13D.02, subd. 2.
- D. Remote Monitoring.** If interactive technology is used to conduct a meeting, to the extent practical, a public body must allow a person to monitor the meeting electronically from a remote location. Minn. Stat. § 13D.02, subd. 3. The law used to allow the public body to require the person making such a connection pay for documented marginal costs that the public body incurred as a result of the additional connection. The legislature removed this language in 2021, so the public body can no longer require this payment.
- E. Notice.** If interactive technology is used to conduct a meeting, the public body must provide notice of the regular meeting location and notice of any location where a member of the public body will be participating in the meeting by interactive technology, except for the locations of members participating pursuant to paragraph B above. Minn. Stat. § 13D.02, subd. 4. Otherwise, the same notice requirements discussed earlier in section III apply to a regular, special, or emergency meeting that is conducted by interactive technology. Id.
- F. Record.** The minutes for a meeting conducted by interactive technology must reflect the names of any members appearing by interactive technology

and state the reason or reasons for the appearance by interactive technology.
Minn. Stat. § 13D.02, subd. 6.

VII. Closing a Meeting

A meeting cannot be closed simply because private or confidential data will be discussed, unless one of the exceptions discussed below is met. So long as the meeting is not required to be closed, private data can be discussed in public without liability or penalty if the disclosure relates to a matter within the scope of the public body's authority and is reasonably necessary to conduct the public body's business. Minn. Stat. § 13D.05, subds. 1(a), (b).

A. Valid Reasons to Close a Meeting

1. Labor Negotiations

A meeting may be closed to discuss strategy for labor negotiations, but the closed meeting must be tape recorded and the tape retained for two years after the contract is signed. Minn. Stat. § 13D.03, subds. 1(b), 2(a)-(b). The recording must be available to the public after all contracts are settled for the current budget period. Id. subd. 2(b). The OML does not mandate how public bodies make recordings "available" to the public. Adv. Op. 21-004. The DPO stated public bodies may decide how to best implement this requirement but that posting the recordings on a website or providing access upon request certainly satisfies the requirement. Id.

A majority vote is required to close the meeting, and a written roll must be taken of the members and other persons present at the closed meeting. Id. subds. 1(b), 1(d). The written roll must be made available to the public after the closed meeting. Id. subd. 1(d).

2. Preliminary Consideration of Charges Against an Employee

A meeting must be closed for preliminary consideration of allegations or charges against an employee. Minn. Stat. § 13D.05, subd. 2(b). The meeting must be open if the employee requests that it be open. Id. If the meeting is closed, it must be tape recorded. Id. subd. 1(d).

If the public body concludes that discipline may be warranted as a result of the allegations or charges, future meetings related to the allegations or charges must be open. Id. subd. 2(b).

An advisory opinion from the DPO concluded that once a public body discusses replacing or otherwise removing an employee, it is clear that disciplinary action may be warranted. Adv. Op. 23-004. A city council closed a January meeting to discuss allegations against an employee. Although during the closed meeting, the city council members did not vote to remove the employee from her position, the council did discuss hiring a temporary replacement and theorized that the issues raised in the allegations or charges against the employee would disappear if the employee was no longer employed by the city. After closing the January meeting, the city council held three additional closed meetings (in February, May, and June) to discuss the allegations against this employee. The DPO determined it was improper to close the subsequent meetings—because the city council discussed replacing or otherwise removing the employee at the January closed meeting, the council had determined disciplinary action *may* be warranted and, as a result, all later meetings on that topic (the allegations against the employee) needed to be open to the public.

3. Performance Evaluations

A meeting may be closed to evaluate an employee’s performance. Minn. Stat. § 13D.05, subd. 3(a). The meeting must be open if the employee requests that it be open. Id. Before the meeting is closed, the employee must be identified. Id. If the meeting is closed, it must be tape recorded, and at the next open meeting, the public body must summarize its conclusions regarding the evaluation. Id. subds. 1(d), 3(a).

The DPO deemed the following statements to be insufficient to fulfill the public bodies’ statutory obligation to summarize their conclusions regarding the evaluations:

- a. “[The board] discussed the [the employee’s] strengths and weaknesses.”
- b. “As a result of that review, strengths were noted and areas of improvement were defined. The board developed goals regarding communication and leadership.”
- c. “Areas of growth were identified and [the employee’s] evaluation is an ongoing process.”
- d. Regarding an evaluation that was conducted at a workshop, “I wasn’t at the actual workshop because I was out of town. But I’ll

summarize what I think happened and you guys can affirm it. Basically we talked about [the City administrator's] performance, her strengths, weaknesses, where she needs improvement. Overall, I think it was satisfactory." Two council members responded, "Nope, that's about right" and "That's pretty close."

Adv. Op. 14-007.

An advisory opinion from the DPO concluded that this section 13D.05, subd. 3(a), (closing a meeting to evaluate an employee's performance) does not allow a public body to close meetings to generally discuss personnel issues, such as hiring or appointment decisions. Adv. Op. 22-008. A board closed a meeting under this statute to review and evaluate applications to select finalists who it would interview for a board vacancy. The board did not provide any information indicating that it closed the meeting to evaluate the performance of any individual subject to its authority. The DPO determined that the board violated the OML when it closed a meeting under section 13D.05, subd. 3(a), to review applications to appoint a new board supervisor.

4. Attorney-Client Privilege

A meeting may be closed if permitted by the attorney-client privilege. Minn. Stat. § 13D.05, subd. 3(b). The extent of the privilege for closing an open meeting, however, is not as broad as the privilege itself.

Generally, a meeting may be closed to discuss matters pertaining to pending or threatened litigation. A meeting cannot be closed to seek general legal advice that is basic to the deliberative process of any public body.

The Minnesota Court of Appeals has seemingly limited the ability to close meetings under the attorney-client privilege to only those circumstances where the public body can demonstrate that there is an absolute need to discuss the matter outside the public arena. See Prior Lake American v. Mader, 642 N.W.2d 729 (Minn. 2002).

5. Acquisition/Sale of Land or Personal Property

A meeting may be closed in conjunction with discussions surrounding the acquisition or sale of land or personal property, but detailed procedures must be followed. Minn. Stat. § 13D.05, subd. 3(c).

6. Security Briefing

A meeting may also be closed to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures and to discuss security deficiencies in or recommendations regarding public services, infrastructure and facilities, if disclosure of that information would pose a danger to public safety or compromise security procedures or responses. Minn. Stat. § 13D.05, subd. 3(d). However, financial issues related to security matters must be discussed and all related financial decisions must be made during open session. Id.

Before closing the meeting, the public body must describe the subject to be discussed and refer to the facilities, systems, procedures, services or infrastructures to be considered during the closed meeting. Id. The closed meeting must be tape recorded, and the tape preserved for at least four years. Id.

7. Discussion of Certain Types of Data

Any portion of a meeting must be closed where the following types of data are discussed:

- a. Data identifying alleged victims or reporters of criminal sexual conduct, domestic abuse, maltreatment of minors or maltreatment of vulnerable adults.
- b. Active investigative data. See definition in Minn. Stat. § 13.82, subd. 7.
- c. Internal affairs data relating to allegations of misconduct of law enforcement personnel.
- d. Educational data, health data, medical data, welfare data and/or mental health data that are not public data under the Minnesota Government Data Practices Act and other specified statutes, and/or an individual's medical records under the Minnesota Health Records Act. Minn. Stat. § 13D.05, subd. 2(a).

B. Procedures for Closed Meetings

During the open portion of the meeting, the public body must state on the record the specific basis for closing the meeting and describe the subject

matter that will be discussed in the closed portion of the meeting. Minn. Stat. § 13D.01, subd. 3. The specific basis should not include any non-public data.

Materials reviewed in a closed meeting should not be distributed to the public. The meeting minutes should simply state that a closed meeting was held and the basis for closing the meeting.

No business can be conducted during a closed meeting – all business must be conducted when the public body reconvenes in open session.

VIII. Use of Social Media

Minnesota Statutes section 13D.065 states that the use of social media by members of a public body does not violate the OML so long as the social media use is limited to exchanges with all members of the general public. Note that for purposes of this section, email is not considered a type of social media. Apart from this exclusion, however, social media is not defined.

Section 13D.065 only applies when elected or appointed City officials are acting in their official capacities, not in their private capacities. Elected or appointed City officials' participation in private social media groups is a concern if there is a quorum or more members of the public body discussing, deciding, or receiving information on issues relating to the official business of that governing body.

Practically, this means that members of a public body may comment on issues on a blog, Instagram, X, or on Facebook without fear of violating the OML so long as the exchanges are with all members of the general public, which requires the general public to have access to that particular type of social media.

Public body members should refrain from engaging in discussions about official business over social media that include a quorum or more of public body members.

IX. Penalties for Violations

A. Civil Penalty

Each person who intentionally violates the OML can be fined up to \$300 for each violation, and the penalty cannot be paid by the municipality. Minn. Stat. § 13D.06, subd. 1.

B. Removal

If a member of a public body is involved in three separate violations of the OML, which are proven in three separate actions, the member could be removed. Minn. Stat. § 13D.06, subd. 3(a); Brown v. Cannon Falls Twp., 723 N.W.2d 31 (Minn. App. 2006).

C. Costs and Attorneys' Fees

A court may award up to \$13,000 for the plaintiff's costs and attorneys' fees. Minn. Stat. § 13D.06, subd. 4(a). The municipality may, but is not required to, pay the award. Id. subd. 4(c).

D. Defense Costs

A municipality is not required to reimburse members for the cost of defending an OML claim under the Municipal Tort Liability Act because it is not an action for damages. Minn. Stat. § 466.07; Kroschel v. City of Afton, 512 N.W.2d 351 (Minn. App. 1994) rev'd on other grounds, 524 N.W.2d 719 (Minn. 1994).

CONFLICTS OF INTEREST

I. Statutory Conflict of Interest

Minnesota Statutes section 471.87 specifies that a public officer who is authorized to take part in any manner in making any sale, lease, or contract in that officer's official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom. This section applies to city officials, and would include contracts involving the purchase or sale of any property by or to the city (a direct conflict of interest). See also Red Wing City Code § 2.15, subd. 2.

The statute does not specify that abstention from voting would remedy what would otherwise be a conflict of interest. Op. Atty. Gen. 90E-6 (Jun. 15, 1988); Op. Atty. Gen. 90-E-5 (Nov. 13, 1969). Instead, the language is "who is authorized to take part in any manner in making . . ." Minn. Stat. § 471.87.

Violation of the statute is a gross misdemeanor, but all elements must be present: 1) the interest must be voluntary; 2) the interest must be financial; and 3) there must be a sale, lease or contract.

Examples of transactions that have been prohibited include:

- A. A public body's contract with a newspaper in which one member was an interested party.
- B. Compensating a member of a county welfare board for services as an appraiser.
- C. County's contract for testing cattle with a commissioner who was a veterinarian.

There is a list of exceptions in section 471.88. Refer to the list when questions arise. In these circumstances, the interested officer is to disclose their interest at the earliest stage and abstain from voting or deliberating on any contract in which they have an interest. The exceptions only apply when a unanimous vote of the remaining members of the public body approves the contract. The following are some of the exceptions:

- A. The designation of an official newspaper in which a member is an interested party, when it is the only newspaper complying with the statutory requirements relating to the designation.
- B. A contract with a cooperative association of which a member is a share/stockholder but not an officer or manager.
- C. A contract for which competitive bids are not required by law.¹
- D. The public body may apply for and accept a state or federal grant for housing, community, or economic development in which a member may benefit, if the member abstains from voting on measures related to the grant.
- E. Loans or grants to a member from a local development organization. If a member applies for a loan or grant, the member must disclose as part of the official minutes of a public meeting of the governmental unit that the member has applied for a loan or grant.

¹ If the City enters into this type of contract, the procedures in Minnesota Statutes section 471.89 must still be followed, or the contract may be void. Section 471.89 requires that the City authorize the contract in advance by adopting a resolution setting out the essential facts and determining that the contract price is as low or lower than the price at which the commodity or services could be obtained elsewhere. In addition, the interested officer must file an affidavit with the clerk of the governing body providing information regarding the contract and the officer's interest in the contract.

II. Common Law Conflict of Interest

Conflicts of interest under the common law are broader than the statutory conflicts of interest and may exist where a statutory conflict of interest does not. The purpose of the common law rule is to ensure that a decision will not simply be an arbitrary reflection of a member's own selfish interests. Lenz v. Coon Creek Watershed Dist., 153 N.W.2d 209, 219 (Minn. 1967). See also Red Wing City Code § 2.15, subd. 2.

A conflict of interest exists under the common law when a public official has any "direct interest" in the outcome of a matter before the public body. See, e.g., Lenz, 153 N.W.2d 209, 219; E.T.O., Inc. v. Town of Marion, 375 N.W.2d 815 (Minn. 1985). Courts have generally interpreted a "direct interest" as a financial interest.

The following factors are considered by courts to determine whether a conflict of interest exists:

- A. The nature of the decision to be made;
- B. The nature of the pecuniary interest;
- C. The number of interested officials participating in making the decision;
- D. The need, if any, to have interested officials make the decision; and
- E. The other means available, if any, to ensure the interested officials will not act arbitrarily to further their own interests (e.g., the opportunity for review). Lenz, 153 N.W.2d 209, 219.

If a common law conflict of interest exists, the member is prohibited from voting on the matter. However, unlike statutory conflicts of interest, a common law conflict of interest is cured by abstaining from a vote on the matter. See Op. Atty. Gen. Dec. 5, 2002; Op. Atty. Gen. 90E-6 (Jun. 15, 1988).

III. How to Avoid Conflicts of Interest

Public officials should expect to be the subject of regular public scrutiny. As such, public officials must accept restrictions on their conduct that might be viewed as burdensome to the ordinary citizen. For example, public officials must avoid impropriety and the appearance of impropriety. While there is no test for what constitutes the appearance of impropriety, ask whether a person aware of the facts might reasonably entertain a doubt that the public official would be able to act with integrity, impartiality, and competence.

There are many statutes dealing with ethics in government, and all of them seek to ensure public confidence in public officials is not eroded by irresponsible or improper conduct by public officials. The Minnesota Campaign Finance and Public Disclosure Board provides advisory opinions on matters dealing with ethics. See Minn. Stat. § 10A.02, subd. 12(a). Selected advisory opinions may be found online at www.cfboard.state.mn.us/ao.

ACCEPTANCE OF GIFTS

I. General Prohibition

A local official may not accept gifts from a person or a representative of a person or association that has a direct financial interest in decisions the official is authorized to make. Minn. Stat. §§ 471.895, 10A.071. A gift is defined as money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, which is given and received without the giver receiving consideration of equal or greater value in return. Minn. Stat. § 10A.071, subd. 1(b). See also Red Wing City Code § 2.15, subd. 2.

II. Exceptions

A local official may accept the following:

- A. “Contributions” – defined as anything of monetary value given or loaned to a candidate or committee for a political purpose. A contribution does not include a service provided without compensation by an individual. See Minn. Stat. § 211A.01, subd. 5.
- B. Services to assist in the performance of official duties, including, but not limited to, providing advice, consultation, information and communication in connection with legislation and services to constituents.
- C. Services of insignificant monetary value.
- D. A plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause.
- E. A trinket or memento costing \$5 or less.
- F. Informational material of unexceptional value.

- G. Food or a beverage given at a reception, meal, or meeting away from the official's place of work by an organization before whom the official appears to make a speech or answer questions as part of a program.
- H. Gifts given because of a recipient's membership in a group, so long as the majority of the group members are not local officials and other members of the group are given or are offered equivalent gifts.
- I. Gifts given by a family member, unless the gift is given on behalf of someone who is not a family member.
- J. Food or beverage given to national or multistate conference attendees at a reception or meal. The majority of dues paid to the national or multistate organization of governmental organizations or public officials must be paid from public funds and an equivalent gift must be given or offered to all other attendees. Minn. Stat. § 471.895, subd. 3.

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2025 Rules and Policies for Boards, Commissions, and Committees

Section 1: Authority to Establish Boards, Commissions, and Committees

The City of Red Wing has a variety of bodies that provide important roles within local government. These bodies offer the opportunity for more people to participate in the democratic process and focus on areas important to them. The purpose of the boards, commissions, and committees is to advise the City Council on matters that fall within each group's area of concentration. The following is a list of all appointed bodies within the City of Red Wing government. An addendum to this document provides a summary of the similarities and differences between commissions and committees.

1. *State-Mandated Commission.* Minnesota law dictates that every city organized as a Home Rule City, such as Red Wing, must have a Charter Commission.
 - Charter Commission

2. *Advisory Commissions.* The City Council, through the Charter, has the authority to establish additional advisory commissions as it deems appropriate. Among other roles, these types of commissions advise the Council on specific issues, as requested by the Council. The following bodies are currently established:
 - Arts and Culture Commission
 - Human Rights Commission
 - Sister Cities Commission
 - Sustainability Commission

3. *Advisory Commissions with Additional Decision-Making Authority.* These bodies act as advisory commissions with at least one additional decision-making responsibility.
 - Advisory Planning Commission: This body is also the City's Board of Adjustment; it is the decision-making body on zoning variances requested by the public. The City Council is only involved in zoning variance decisions if a member of the public requests an appeal to the Council.

- Heritage Preservation Commission: This is the City’s decision-making body on heritage preservation design reviews for locally designated historic properties. The City Council is only involved in these types of design review decisions if a member of the public requests an appeal to the Council.
4. *Boards of Authority.* The City’s two authority boards were created by a City Council resolution. They have taxing authority and fall under the guidelines of the state’s empowering statutes.
- Housing and Redevelopment Authority Board (HRA)
 - Port Authority Board
- a. The HRA and Port Authority can set Rules of Order and Procedures that are different than the City Council. Members must approve their rules by a majority vote and keep those rules on file.
 - b. The HRA and the Port Authority can receive funds on their own behalf without City Council approval.
5. *T. B. Sheldon Auditorium Board.* The City received the T. B. Sheldon Theatre as an estate gift, and through the terms of the gift, the theater must have a board. This board was created through a City ordinance and is commonly referred to as the “Sheldon Board.”
- a. The Sheldon Board can set Rules of Order and Procedures that are different than the City Council. Members must approve their rules by a majority vote and keep those rules on file.
 - b. The Sheldon Board can receive funds on its own behalf without City Council approval.
6. *Library Board.* The Library Board governs the operations of the Library and, therefore, has more authority than other advisory boards and commissions.
- a. The Library Board may adopt library policies by resolution and has final authority in the library’s material selection and programming.
 - b. The Library Board may, with the consent of the Council, accept any gift, grant, or bequest made or offered for Library purposes.
 - c. Additional details are outlined in the City’s Charter.
7. *Advisory Committees.* These government bodies meet to recommend policy guidelines to the City Council and serve as a forum for resident input on subjects related to the

committee's area of focus. However, advisory committees have less regulation, authority, and structure than boards and commissions.

- Airport Advisory Committee
- Harbor Advisory Committee

- a. These groups meet only as needed, generally once or twice per year.
- b. A City staff member schedules and convenes the meetings.
- c. Notices, minutes, and recordings are not done, and the committee does not have a Council liaison.
- d. City staff maintains a membership roster on the City's website.

8. Reassignment of Commissions and Committees

- a. The City Council may by ordinance downgrade a regular Advisory Commission (see #2 above) to an Advisory Committee per Charter Section 2.04, which provides that the City Council may by ordinance abolish any commission as it deems necessary for the operation of the City. This is specific to Advisory Commissions that are not mandated by state statute.
- b. The City Council may by ordinance elevate an Advisory Committee (see #7 above) to an Advisory Commission per Charter Section 2.04, which provides that the City Council may by ordinance establish any commission as it deems necessary for the operation of the City. There must be adequate staff capacity and a budget to support this change.

Section 2: Membership

1. Membership Composition: The number of members and the residency of members varies per governmental body. Details are listed below.
 - a. *Advisory Planning Commission, Heritage Preservation Commission, Port Authority, and Sheldon Board.* There are seven members on each of these commissions, and all members must be City of Red Wing residents.
 - b. *Arts and Culture Commission.* This body has a minimum of seven and a maximum of 11 members. Most must be residents of Red Wing; however, up to two members may be residents of Goodhue County or Pierce County.
 - c. *Charter Commission.* The Charter Commission consists of not less than seven and no more than 15 members. All must live within the city limits of Red Wing.

- d. *Human Rights Commission, Sister Cities Commission, and Sustainability Commission.* The Sister Cities Commission has up to 15 members, the Sustainability Commission has seven members, and the Human Rights Commission has seven members. Members of these three commissions must live within the boundaries of the City of Red Wing or the broader boundaries of Independent School District 256. The number of members who live outside Red Wing's limits must not constitute a quorum or more.
- e. *Library Board:* The Library Board has nine members. Most must be residents of the City of Red Wing, except one member may be a nonresident who lives in Goodhue County, if the county financially contributes to the Library.
- f. *Housing and Redevelopment Authority (HRA):* The HRA Board has up to seven members and all must be residents of Red Wing.
- g. *Airport Advisory Committee:* This committee consists of seven members. Four members must be residents of Red Wing. One member must be a resident of Goodhue County who is also either a taxpayer of Red Wing or a hangar lessee. Two members must be residents of Pierce County, with preference given to residents of Isabelle Township or Trenton Township.
- h. *Harbor Advisory Committee:* This committee consists of up to seven members. Most members must be residents of the City of Red Wing, except one member may be a nonresident who owns real property in the city or has a slip at a City-owned marina.

2. Length of Residency

All applicants must have lived in the City of Red Wing for at least six months. If another county or area of residency is required or allowed, the applicant must have lived within those boundaries for at least six months.

3. Confirmation of Residency

- a. Administration staff will confirm the residency of each applicant through one of the following means:
 - Goodhue County Public Property Tax Records
 - Utility billing
 - State ID
 - Affidavit signed by a Red Wing resident that includes the address of the individual signing the affidavit, the applicant's address, and the affiant's sworn statement that the applicant has lived in Red Wing for at least six months.

- b. If City staff are unable to confirm an applicant's residency through these methods, staff may look at additional factors as noted in Chapter 2, Section 2.08, Subd. 4 of the City Code. That includes but is not limited to other evidence that demonstrates the individual lives within the city limits. The applicant has the burden to provide proof of residency to staff.

4. Advisory Members

- a. Boards or commissions may have adult and/or student advisory members. Advisory members will be appointed by the Mayor and confirmed by the City Council to serve terms consistent with the board or commission they are appointed to.
- b. Advisory student appointees will serve an annual term that begins June 1 and ends May 31.
- c. Advisory members are non-voting members, are not counted for purposes of a quorum, and may live outside the city limits.

5. Ex-Officio Member

- a. The Council Administrator serves as an ex-officio member on all boards, commissions, and authorities and, as such, is not counted for the purpose of determining a quorum and does not have the right to vote.

6. Membership Lists

- a. City Administration staff will maintain membership lists for all boards and commissions and make them available on the City's website. These lists will also contain appointment and reappointment dates, term expiration dates, and the appointing government body, if applicable.

Section 3: Simultaneous Membership

1. Board and commission members can only serve on a single board or commission at a time, with the exception of the Charter Commission. Charter Commission members can simultaneously serve on one additional City board or commission.
2. Advisory committee members may serve on one board or commission at the same time they serve on an advisory committee. This is because advisory committees have much less regulation, authority, and structure (see page 2 and addendum).

Section 4: Terms

1. Length of Terms: Most boards and commission terms are three years, expiring on December 31. Members can serve two consecutive terms. Exceptions to that rule are listed below.
 - a. Charter Commission terms are four years, per state law. Members may serve up to two consecutive terms.
 - b. Housing and Redevelopment Authority terms are five years, as established by state law. Members may serve up to two consecutive terms.
 - c. Sheldon Board terms are five years, per city ordinance. Members may serve up to three consecutive terms.
 - d. Advisory student appointee terms are one year, from June 1 through May 31. Students may serve up to five terms.
2. Appointment to One's Own Term: If a person is appointed to their own term in the first half of the year (January 1 through June 30), that constitutes the first year of the member's first term. If a person is appointed to their own term in the second half of the year (July 1 through December 31), that constitutes a partial term, and the first year of their first full term starts January 1 of the upcoming year. The phrase "own term" means when a person is appointed to an open seat and is not finishing the unexpired term of a previous member.
3. Appointment to Fill Another Member's Vacancy: Sometimes a person is appointed to fill a previous member's unexpired term. This may happen, for example, when a member resigns or steps down early for any reason or is removed, or whose seat is declared vacant by a lack of residency. When this happens, if the new member is appointed in the first half of the unexpired term, that also constitutes the new member's first term. If the new member is appointed in the second half of the unexpired term, that term is considered a partial term. When that partial term is completed, the new member may be appointed to their own first term in the same manner as an initial appointment.
4. When a member has reached the maximum number of consecutive terms allowed, the member must come off the board or commission and not serve in any capacity on that body for at least 12 months. After 12 months, previous members can be appointed again to the same body and serve the permitted number of consecutive terms.
5. If a board or commission member chooses to serve on a different board or commission at the completion of their term, there is no waiting period.

6. Individuals can hold the position of Chair or Vice Chair for a maximum of two consecutive years. After a one-year hiatus, a person may hold either position again for a maximum of two consecutive years.

Section 5: Member Applications and Appointments

1. Applications

- a. Persons interested in serving on a board, commission, or committee must complete an application. Digital applications and printable applications are available on the City's website at www.redwingmn.gov. Digital applications can be submitted online. Completed paper applications can be mailed or delivered to City Hall. Hard copies can be made available upon request.
- b. Applications will be forwarded to the Mayor or responsible party for consideration and will be kept on file for one year. After one year, interested applicants must reapply.

2. Appointments

- a. Per City Charter, the Mayor recommends people to be appointed to boards and commissions. The City Council then approves or denies those recommendations, based on a majority vote.
- b. Exceptions to this rule are the Charter Commission and the Port Authority.
 - i. Charter Commission: Per Minnesota Statute Section 410.05, Subdivision 3, the City Council can recommend to the Chief Judge of the First Judicial District the appointment of up to seven members, and the Charter Commission can recommend to the judge the appointment of up to eight members.
 - ii. Port Authority: Per Minnesota Statutes, Section 469.050, subd. 3 and subd. 4, and the Port Authority Enabling Resolution, five members are residents recommended by the Mayor and approved or denied by the City Council. Two members are City Council members who are appointed by City Council resolution.
- c. It is recommended that the Mayor contact each individual who applies for a board or commission.
- d. When a member completes their first term and would like to continue with a second term, that member may be appointed in the same manner as the initial appointment.

- e. If a board or commission member is seeking reappointment but will not be recommended by the Mayor for a second term, the Mayor must either notify that person or direct City staff to notify the person.

Section 6: Subcommittees of a Board or Commission

1. Any board or commission may form subcommittees that can meet outside of regular meetings, as long as the subcommittees are less than a quorum of members.
2. Subcommittees have a limited scope of study and cannot make decisions on behalf of the board or commission.
3. Subcommittees can meet and communicate freely. Subcommittees do not need to notice their meetings, record their meetings, or keep minutes.
4. Subcommittees will provide verbal reports on their activities during the next regular board or commission meeting.
5. Subcommittees may include community members who are not members of the board or commission.
6. Staff liaisons may schedule, attend, or follow up on subcommittee meetings, but they are not required or expected to. The involvement of staff liaisons in subcommittee work is based on the specific board/commission's practices and situation. Staff liaisons and/or their supervisors, not the body, make the decisions regarding involvement with subcommittees.

Section 7: Board and Commission Orientation and Training

1. In the first month of appointment, new members will receive the following:
 - Orientation Materials
 - Current Roster of Members
 - Board and Commission Rules of Order and Procedures
 - Rules & Policies for Boards, Commissions, and Committees
2. Each year the City will provide board and commission training for all members on pertinent public laws and/or policies, procedures, or issues.
3. The City will determine the training contents and how and when the training will take place.

Section 8: Annual Organizational Work

1. At the first regular meeting each year, every board and commission will do the following:
 - a. *Swear In New and Renewing Members.* The Mayor will swear in new and renewing members. In the Mayor's absence, the Council liaison will do this. In the Mayor's and Council liaison's absence, a City staff member who is a notary public may swear in members. Certificates, once signed, will be filed with the City Clerk. It is also an option for the Mayor to swear in new or renewing members at City Hall sometime before a meeting, especially if the Mayor or the member to be sworn in will not be attending the meeting.
 - b. *Elect a Chairperson and Vice Chairperson.* Individuals can hold the position of Chair or Vice Chair for a maximum of two consecutive years. Boards and commissions may also choose to elect or appoint additional positions, such as a pro tem, secretary, or subcommittee chair.
 - c. *Review the Annual Budget,* if applicable.
2. After the City Council adopts its Rules and Policies for Boards, Commissions, and Committees, each board/commission will review and follow them. No vote is necessary.
 - a. Boards and commissions may make small modifications to the Order of Business and the Public Comment sections by a majority vote of the board/commission members. Council must approve the changes before they can be implemented.
 - b. The Library Board and Sheldon Board can make small modifications to the document with a majority vote of their board members and do not need Council approval.

Section 9: Order of Business

1. The order of business for all regular board/commission meetings shall be as follows, unless the Council directs otherwise:
 - a. Call to Order
 - b. Roll Call
 - c. Pledge of Allegiance (optional)
 - d. Statement of Intent (optional)
 - e. Mission Statement (optional)
 - f. Approval of Agenda
 - g. Approval of Minutes of Preceding Meetings/Workshops
 - h. Public Comment

- i. Motions and General Business
 - j. Board/Commissioner Comments (optional)
 - k. Adjournment
2. Four items in the Rules of Order are optional, and each board or commission has the choice to include or not include those in their Order of Business for the year. Related to the Statement of Intent and the Mission Statement, members can choose to include one or both as a written part of the agenda and/or as a statement read by the Board Chair or the entire commission, or decline any inclusion.

Section 10: Rules of Parliamentary Procedure

1. The rules of parliamentary procedure comprised in the newest revision of Robert's Rules of Order shall govern the board/commission in all cases in which they are applicable, and to the extent they are not inconsistent with these rules, the Charter, the ordinances of the City, or the laws of the State of Minnesota.
2. The staff liaison or his/her designee shall function as Parliamentarian to advise the presiding officer on matters of Parliamentary law.
3. The Chair, Vice Chair, and staff shall occupy their respective seats in the Chambers while the board/commission is in session.
4. The Chair, or in his/her absence, the Vice Chair, shall call the meeting to order at the noticed meeting time. In the case of the absence of the Chair and Vice Chair, the Pro Tem (if there is one) or the member with the most tenure in office shall do the same. The names of those present, absent, and excused shall be recorded, as well as arrival and departure times for the members arriving late or leaving early.
5. The board/commission presiding officer may debate from the chair and shall not be deprived of any rights or privileges of a board/commission member by reason of acting as presiding officer.
6. The Council Administrator's ex-officio, non-voting membership on all boards and commissions shall not count for purposes of determining a quorum, majority, or exceptional majority vote requirements.

Section 11: Public Comment

1. Public comment and active involvement of residents in government is encouraged through in-person communication, phone, and email. The board/commission will dedicate time during each regular meeting to hear from people.

- a. The Public Comment period will take place near the beginning of the meeting for people to speak to the board/commission on items on the agenda and items not on the agenda.
- b. Each person is allowed two segments of time to speak to the board/commission. Each segment has a maximum of three minutes and can relate to one or more topics of the person's choosing. If a person uses their second three-minute segment, it must be about topics that are separate from the first segment. If a person wishes to speak twice, they must either sign up or raise their hand (in person or virtually) two times.
- c. A person may not give either of their three-minute allotments of time to another person.
- d. Every person desiring to speak shall first be recognized by the Chair. No one is allowed to make comments from the audience when the person making comments has not been recognized by the Chair. The Chair shall preserve order and decorum and decide all questions of order, subject to appeal to the board/commission.
- e. Speakers may not make allegations, charges, or complaints against any City employee. If a person wishes to make an allegation or to file a charge or complaint against an employee, the person should do so with the Council Administrator in writing or in a private meeting, or with the individual designated in City policy to receive the allegation, charge, or complaint. Speakers may not make comments or gestures that are threatening, profane, lewd, vulgar, obscene, harassing, or abusive.
- f. No person shall be allowed to delay or interrupt the proceedings or refuse to obey the orders and rules of the board/commission.
- g. When a special meeting is scheduled, the Chair will decide whether public comment will be added to the agenda.
- h. For details on public comment during workshops, see Section 17 of this document.

Section 12: Rules of Voting

1. The Chair shall open each agenda item with a brief summary of the issue. A presentation by the appropriate source, such as the staff liaison, may be made if requested by the Chair and/or members of the body. The board/commission may discuss or debate the issue prior to a motion being made.

2. Once a motion is made, a second is necessary before additional discussion.
3. The Chair will ask for action once the discussion of the motion is over. A simple majority is necessary for the approval of regular business items.
4. During discussion, a board/commission member may “call the question” (which means calling a vote to cease debate and proceed to vote on the main motion). If a board/commission member calls the question, a vote will occur on that question. A two-thirds (2/3) vote of support will end the debate.
5. A vote on all matters, with the exception of resolutions, shall be taken by asking members in favor to say “aye” and asking if any members are opposed. If there is a question on the number of “aye” votes, any member (typically the Chair), may ask for a roll call vote.
6. A member may be excused from voting for special reasons (such as a conflict of interest as defined by state law), which must be recorded in the minutes.
7. When a board/commission member votes “present,” the member is presumed to be abstaining and the vote will be recorded as such. A “present” vote will not be counted when determining a majority vote.
8. After the decision on any question, any member who voted with the prevailing side may move to reconsider any action at the same meeting. At a subsequent meeting, any member may seek to have a motion to renew added to the agenda. If the motion to renew is added to the agenda, the vote on the motion to renew can take place at that same meeting.
9. Except in an emergency or other unusual circumstance where immediate action is in the best interests of the City, the board/commission shall not take action on a request for funding that has not been included in the published agenda. The funding request shall be placed on a subsequent agenda for board/commission consideration.
10. For the purposes of a break during the meeting, the Chair may recess the board/commission without a motion at any time he/she deems appropriate and shall state the time at which the meeting will resume. If the Chair decides to recess the meeting until another date, the Chair shall state the time and place at which the meeting will resume and the reason for the recess.
11. Boards and commissions shall take action by resolution if required by law, agencies of the state, and/or organizational bylaws. The vote on all resolutions shall be by roll call vote.

Section 13: Meeting Materials

1. The board/commission chair and staff liaison will establish the board/commission agenda.
2. The board/commission will not amend the agenda once the agenda is approved by a majority vote at the meeting. However, the board/commission Chair may vary the order of business or business items to facilitate special orders or the efficient use of meeting time.
3. The staff liaison shall include all appropriate materials in the meeting packet according to the order of business on the agenda. All reports, communications, resolutions, or other materials to come before the board/commission shall be provided to the staff liaison at least five business days prior to each regular meeting.
4. At least 72 hours prior to the meeting, the staff liaison shall furnish a copy of the regular meeting agenda and all supporting materials to each board/commission member electronically (or if requested, in paper form). Failure to accomplish any of these tasks shall not invalidate the meeting.
5. The staff liaison shall have a paper copy of the agenda and supporting materials and make them available for public inspection. All items required to be posted for public notice shall be done on a notice board located in City Hall.
6. Board and commission members may be issued electronic devices for agenda preparation/distribution efficiency. It will be up to the City to determine which boards and commissions are issued devices. Distribution will depend on the size of the agenda and materials, the frequency of meetings, and the budget.

Section 14: Quorum

1. A quorum of voting members (a majority) must be present to hold a regular or special meeting. If a quorum of members is not present at the designated start time, the chair will cancel the meeting.
 - a. Staff liaisons may choose to email members a week in advance to see if a quorum will be available on the scheduled meeting date. If it is clear that a quorum will not be in attendance on that date, the meeting may be canceled ahead of time.
2. Workshops do not require a quorum of members.

Section 15: Time Limits, Attendance, and Absences

1. All meetings and workshops of boards, commissions, and committees should be kept to a maximum of two hours. This is to respect the time commitment of the members.

Members are expected to be on time and stay for the duration of the meeting, as long as that falls within the two-hour limit.

2. Board and commission members are expected to attend the majority of regular and special meetings and workshops. However, it is understood that unavoidable conflicts occur, especially with boards and commissions that are very active and/or have a significant workload, which may require special meetings.
3. Board and commission members who have unavoidable absences shall contact the staff liaison to request an excused absence. Excused absences will be granted to all members who contact the staff liaison before the meeting.
4. The staff liaison will keep an attendance roster and monitor absences. The staff liaison will contact members who miss three consecutive unexcused meetings and/or miss 50% of regularly scheduled meetings and workshops in 12 months (whether those absences are excused or not).
5. If attendance issues persist, a board or commission member may be removed by a two-thirds vote of the City Council.

Section 16: Locations for Meetings and Events

1. All regular and special board and commission meetings will take place in the City Council Chambers.
2. Boards and commissions may use City facilities for educational purposes at no cost. To do so, the board or commission should reserve the facility through their staff liaison. A board or commission may reserve City facilities for advocacy purposes only upon prior City Council approval.

Section 17: Notices, Minutes & Recordings

1. Notices, Minutes, and Accessibility
 - a. All meetings and workshops must allow access to the public, either virtually or in person.
 - b. Notice of all meetings and workshops must be posted 72 hours in advance of the meeting.
 - c. Minutes of each meeting and workshop must be prepared and made available to the public.

2. Recordings

- a. All regular and special board and commission meetings will be video recorded. The meetings will be broadcast live on Channel 6 (the local government access channel) and streamed live on the City's website. Recordings of past meetings will also be rebroadcast on Channel 6 and may be viewed on the City's website.
- b. Board and commission meeting recordings are available for two years. City Council meeting recordings are available for five years.
- c. All board and commission workshops will be audio recorded and made available to the public.
- d. If a board or commission meeting in which action is to be taken is moved off-site, the meeting shall be audio recorded, unless approved by the City Council or if it is physically impossible or impractical to do so.

Section 18: Workshops

1. Boards and commissions may meet in a workshop session as an alternative to a regular or special meeting when no action is requested.
2. Voting cannot take place at workshops. In all cases, topics discussed at workshops will advance to a formal board/commission meeting if action is being considered.
3. The workshop format is generally more informal. Workshops can be held at alternate sites. All workshops will be audio-recorded, and recordings will be made available to the public. Minutes will also be kept and made available to the public.
4. Workshops require public notice and are open to the public.
5. Public comments will not be heard at workshops. Instead, the public is encouraged to attend or listen to the workshop audio online and make comments to the board/commission via email, phone call, a mailed letter, an in-person meeting, or by attending a board/commission meeting and speaking during that public comment period.
6. Public comments may be allowed at a specific board/commission workshop at the direction of the Chair.
7. If a public comment period is held at a workshop, it will be taken at the end, and all comments must be pertinent to the workshop topics.

Section 19: Planning

1. In the first quarter of the year, each board and commission will update their revolving five-year work plan and highlight their upcoming year's priorities. These highlighted items will act as the board or commission's annual work plan.
2. In the first quarter of the year, members will also discuss any anticipated funding desired for the following year. Educational opportunities such as conferences, programs, or training are permissible budget items. After a majority of members adopt the five-year plan, the staff liaison will forward those budget requests to the City Council for consideration in its next annual budget.
3. In the last quarter of the year, boards and commissions will consider possible changes and additions to their five-year work plan and discuss priorities for the following year. This updated plan will be voted on by the board or commission early in the new year.

Section 20: Communication Outside of Meetings and Workshops

1. All boards and commissions will follow the Open Meeting Law related to communication outside of meetings and workshops.
2. Red Wing's advisory committees are not subject to the state's Open Meeting Law because these bodies cannot make decisions on behalf of the City or City Council, and the meetings do not consist of a quorum or more of elected leaders.
3. Below are requirements for Red Wing's board and commissions.
 - a. *Gatherings*: Most gatherings of board or commission members outside of a meeting or workshop must be less than a quorum unless noticed accordingly. However, chance gatherings and social gatherings are permitted. Please note that even at a chance or social gathering, though, a quorum of members may not discuss or receive information on official board or commission business.
 - b. *Serial Communications*: Serial communications are prohibited. Serial communications are defined as communication between members that initially goes to less than a quorum of members, but when all participants of that communication are considered, it has reached a majority. Examples are an email conversation that eventually spreads to a quorum of members, or a verbal conversation that travels from one member to another member to another until that conversation reaches more than a quorum.

- c. *All-Email Communications*: A voting board or commission member may not send emails or other communication to all of the other members. The only person who can email an entire board or commission is the staff liaison. This is to ensure that members, either advertently or inadvertently, are not discussing or making decisions in private instead of in front of the public. When a member wants to communicate with all other members, the person should email the staff liaison, who can then email the entire body, at regular periods between meetings (for example, once a week, when necessary).

Section 21: Virtual Meetings and Attendance

1. Boards and commissions must abide by the Open Meeting Law related to virtual meetings, just as the City Council does.
2. Members of these bodies can attend and participate in meetings virtually, as long as all conditions are followed as outlined in Minnesota Statute 13D.02 or 13D.021. Members who wish to attend virtually should consult with their staff liaison, who can help ensure compliance with the requirements.

Section 22: Gifts and Payments for Services

1. Gifts
 - a. Members should not accept gifts from the public, with the exception of the Sister Cities Commission. The Sister Cities Commission and its members can accept gifts from Red Wing's sister cities or their delegates.
2. Payment for Services
 - a. Advisory board and commission members will receive no compensation for service to the City.
 - b. Authority boards can determine compensation without City Council authorization. Port Authority members and HRA members are paid a set amount for every meeting they attend. This amount is set by state statute.

Section 23: Role of the Staff Liaison

1. The Council Administrator appoints a staff liaison to each board and commission.
 - a. Some staff liaison jobs are tied to and within the scope of a City staff position. In these cases, the liaison duties are part of that staff member's job description. For

example, the Library Director serves as the staff liaison to the Library Board, and the HRA Director serves as the staff liaison to the HRA.

- b. Other staff liaisons take on a board or commission as an extra duty outside of their regular job responsibilities. In these cases, the staff liaisons are expected to spend 10 hours per month on board and commission duties. These liaisons will be paid an annual amount, as agreed upon in the annual budget, and payments will be distributed monthly. Board and commission members should be mindful of this 10-hour per month time constraint and utilize staff liaison time accordingly.
2. Each staff liaison will be provided with a job description. The general duties and guidelines of a staff liaison are listed below.
- a. Attend all of the assigned board or commission meetings. If that is not possible on occasion, the liaison must find a staff replacement to attend the meeting.
 - b. Provide notes to the assigned minute-taker so minutes may be kept. This includes a record of attendance, time of the meeting, vote tallies, budget items, areas for follow-up, and other important information, as needed.
 - c. File approved minutes electronically in Laserfiche.
 - d. Work with the chair of the board or commission to create the agenda for the monthly meeting and/or workshop.
 - e. Distribute the agenda and minutes at least three days (72 hours) prior to the board or commission meeting.
 - f. Provide support and information to the body but do not participate in the debate of issues or vote on any issues.
 - i. When the staff liaison position is tied to a specific City staff position, such as the Advisory Planning Commission, Heritage Preservation Commission, Library Board, HRA, Sheldon, and others, the staff liaison may share insights and/or recommendations with members, based on that position's expertise and knowledge.
 - g. Get the board or commission's action items to the City Council Agenda Committee in a timely manner. The Agenda Committee decides if and when the action item will go on a City Council agenda. The staff liaison will also communicate back to the members the status of the action item.
 - h. Write City Council staff reports related to the commission's action items that come before the Council.

- i. Process all financial transactions, including reimbursements and payment authorizations.
 - i. The staff liaison is authorized to make payments for goods and services delivered or performed, following a majority vote of the board/commission.

A regular report on fiscal status, if appropriate, will be made to the board/commission.

- j. Inform the Administration staff of all regular meetings, special meetings, and workshops. Every effort will be made not to schedule meetings that conflict with other City meetings or other board and commission meetings.
- k. Work with the Administration staff to ensure that all meeting notices are posted and distributed a minimum of 72 hours before the start of the meeting.
- l. Ensure the City website has the most updated information related to the membership roster, and other information as needed.

- 3. All work projects anticipated by the board or commission must be approved by the staff liaison's supervisor.

Section 24: Role of the Council Liaison

- 1. The Council President will appoint Council members to serve as liaisons to all boards and commissions. Council members are not voting members of boards and commissions, with the exception of the Port Authority.
- 2. The appointments will occur at the first meeting of the regular City Council meeting following the organizational meeting. The appointments can be changed by the Council President.
- 3. Council liaisons are expected to follow the guidelines listed below.
 - a. Council liaisons are expected to sit at the table of the board or commission.
 - b. Council liaisons are expected to be a resource for board and commission members during their meetings, participate in the discussion, and offer suggestions on how to work effectively with the City Council.
 - c. Council liaisons should not steer board or commission decisions in a specific direction or predict which way the Council will vote on decisions affecting the board's or commission's work.

- d. Council liaisons are expected to relay issues to the City Council during the “Board and Commission Communication” portion of the Council meeting, based on their discretion or at the request of the staff liaison or board or commission chair.

Section 25: Providing Education

1. Each board and commission may educate the public on issues that fall within their mission statement.
2. Boards and commissions may use City funds for the purpose of educating the public, if funds are available in the board or commission’s budget.
3. When educating the public, boards and commissions must present the information as a neutral educator and refrain from endorsing or promoting a certain viewpoint.
4. Boards and commissions cannot use City funds to advocate a position on any issue without City Council approval.

Section 26: Use of City-Based Logos and Media

1. City Logos: Boards and Commissions may not create or use unique logos without obtaining a majority vote of the board or commission and authorization from the City Council. Members must speak to their staff liaison and consult the City of Red Wing Logo Guide to comply with the requirements.
2. City Social Media Accounts: Most boards and commissions are not allowed to create any social media accounts.
 - a. If a board or commission wishes to share information publicly on a social media site, the staff liaison or chair can contact the City’s Communication Coordinator to share information on the City’s social media platforms.
 - b. Exceptions: The Sister Cities staff liaison maintains a Sister Cities social media site, and City staff of the Public Library and Sheldon Theatre also maintain their own social media accounts, which the pertinent boards can utilize through their staff liaisons.

Section 27: Code of Conduct

Board and commission members shall respect and follow the Code of Conduct, Section 2.15 of the City Code.

Section 28: Private Use of Social Media

The City of Red Wing respects the rights of its board and commission members to use, post on, publish, and maintain personal websites, blogs, and social media websites and accounts. The City also expects members to adhere to the following guidelines:

1. Board, commission, and committee members should act in a sensible manner regarding the content and comments they post, publish, disclose, or share on websites, the internet, and social media, especially when it references or relates to the City or its employees, operations, or property.
2. Members are personally responsible for the content they publish in a personal capacity on the internet or any form of social media platform. Members are strongly discouraged from identifying their role or affiliation with the City when responding to or commenting on websites, blogs, or social media posts with their personal opinions or views.
3. When a member's online or social media posts, comments, content, or profile identifies them as a City volunteer, or a person could reasonably expect that someone can identify them as a City volunteer, the member is strongly encouraged to do the following:
 - a. State or imply that they are not speaking for, or on behalf of, the City of Red Wing or are authorized to do so, or give the impression that the views expressed are those of the City of Red Wing.
 - b. Refrain from publishing material or comments as a board or commission member that are false, misleading, harassing in nature, or may cause injury to another person, organization, association, or the City's reputation.

Section 29: Legal Counsel

1. The City Attorney will be the legal counsel to each board and commission unless specifically authorized by the City Council to seek outside legal aid.
2. Per state statute, the Charter Commission can elect to spend up to the greater of .07 percent of the City's current certified general property tax levy, or the Charter Commission can elect to spend up to the limits stated in state statute to employ an attorney and other personnel to assist in amending or revising the City Charter.
3. The HRA, Port Authority, and Sheldon Board can elect to have a separate attorney.

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City of Red Wing City Council and City Advisory Boards and Commissions Code of Conduct

City of Red Wing City Code SECTION 2.15. CODE OF CONDUCT.

Subd. 1. Purpose. The purpose of this code is to preserve the integrity of local government and to promote public confidence in the actions of the Mayor and City Council and the members of advisory boards and commissions. The Mayor and City Council of the City of Red Wing determines that a code of conduct for its members, as well as the members of the various advisory boards and commissions of the City of Red Wing, is essential for the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters, the City Council promotes faith and confidence by the citizens of Red Wing in their government. The City encourages citizens to serve on its council and boards and commissions or run for an elected office.

Subd. 2. Standards of Conduct. Elected officials and City advisory board or commission members shall respect and comply with the law and shall behave in a manner that promotes public confidence in government. In their official capacity, the Mayor and members of the City Council and all appointed board and commission members must be patient, dignified and courteous to each other, members of the public and staff. The City Council, boards and commissions shall require similar conduct from persons appearing before them. Specific prohibited actions are listed below:

- a. Violate the open meeting law and/or make decisions outside of a public meeting.
- b. Participate in a matter that is before the city council or relevant board that affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation.
- c. Use the person's public position to secure special privileges or exemptions for the person or for others.
- d. Use the person's public position to solicit personal gifts or favors.
- e. Use the person's public position for personal gain.
- f. Violate the gift law that applies to elected and appointed City officials as set forth in Minnesota Statutes section 471.895, as amended.
- g. Disclose to the public or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the City Council or committee.
- h. Disclose information that was received, discussed, or decided in conference with the City's legal counsel that is protected by the attorney-client privilege unless a majority of the City Council has authorized the disclosure.

- i. Use the City logos for personal or private benefit or modify the logos in any way not approved by the logo manual. Elected and appointed officials are not permitted to use City logos or emblems when engaging with the public unless the official has obtained approval from the appropriate Council, board or commission. The appearance of City logos can confuse the public into believing that views or opinions expressed constitute the position of the City. The use of City logos is further governed by the City Logo Guide.
- j. Hold incompatible offices. No elected person can be a full-time employee of the City, and part-time positions must be analyzed for compatibility of the two positions.
- k. Represent through written or oral means as an elected or appointed member of the body, a position that is in conflict to that of the City Council, board or commission, or a position that is premature to an action before the City Council, board or commission without clearly stating that the position is their own position and not the position of the City.
- l. Use the person's elected or appointed position to impede the efficiency of the body's decision-making.
- m. Encourage or participate in the manner that erodes order and decorum at a meeting.

Except as prohibited by the provisions of Minnesota Statute Section 471.87, there is no violation of item b. of this section for a matter that comes before the council, board, or commission, if the member of the council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with an elected or appointed official under the circumstances described under Minnesota Statute Section 471.88, if proper statutory procedures are followed.

Subd. 3. Standard of Conduct — Ex Parte Communication. An ex parte communication means an oral or written, off the record communication made between an interested party (such as an applicant or citizen in favor/opposition to a proposed application/project) and elected leaders, board members, and commissioners outside of a public meeting, intended to influence a decision. Ex parte communications may present a concern in the context of quasi-judicial actions (where the government body takes action based on a prescribed standard that affects an individual or small group of citizens, such as whether to grant a conditional use permit) as compared to legislative actions (where the action affects the population as a whole, such as whether to amend the zoning code). Additional examples of quasi-judicial actions are whether to grant a variance or a special use permit, and an appeal to the City Council of the Heritage Preservation Commission's decision not to grant a Certificate of Appropriateness. Elected leaders, board members, and commission members should not engage in ex parte communications in quasi-judicial actions because of the concern about the appearance of impropriety and potential for public body's decision to be overturned by a court of law if the ex parte communication led to a biased decision. Avoiding ex parte communication in quasi-judicial actions allows each decision maker to be given the same information at the same time, on which to make a decision.

Subd. 4. Complaint, Hearing. Any person may file a written complaint with the City Clerk alleging a violation of the aforementioned standards of conduct. The complaint must contain supporting facts for the allegation. The City Council may hold a hearing after receiving the written complaint or upon the Council's own volition. A hearing must be held only if the City Council determines (1) upon advice of the City attorney, designee, or other attorney appointed by the Council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally-recognized conflict of interest, and (2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay. The City Council's determination as to whether to hold a hearing must be made within 30 days of the filing of the allegation with the City Clerk, if possible. The Council may grant an extension to this 30-day timeline if additional time is needed to adequately investigate the complaint. If the Council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the City Council's determination. The purpose of the hearing is to provide the person accused with the opportunity to be heard. If, after the hearing, the Council finds that a violation of a standard has occurred or does exist, the Council may, at the same meeting or a future meeting, censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, remove an appointed member of a board or commission from office, and/or any other action within the Council's authority that the Council deems appropriate.