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Becca Nash, Director

Date: February 20, 2019  
From: Becca Nash, Director  
To: LCCMR Members  
Subject: Clarifications on participating and voting in meetings involving remote participation

Some very good questions have come up related to our upcoming meeting, voting for chairs, and participating by phone. In light of recent weather events, there is a chance even more people may need to participate by phone. Therefore, I have consulted with house and senate counsel and am providing these clarifications to all members.

#### Votes will be by roll-call

LCCMR's [operating procedures](#) state that elections may be by written ballot. However, this appears to conflict with statutory requirements of open meetings that are conducted by telephone.

Per [116P.08, Subd. 5](#), LCCMR is subject to open meeting law as set out in Chapter 13D. Chapter [13D.015](#) specifically states that meetings may be conducted by telephone provided specific [conditions](#) are met, including that all votes are conducted by roll-call.

House and senate counsel are in agreement that in this case, Chapter 13D requirements trump LCCMR's operating procedures and therefore, elections will need to be held by roll-call.

#### Clarification on proxy procedures

Members who are not able to participate in person may designate any other member to vote on his or her behalf. The proxy voter will need to vote both their own and their proxy vote by roll-call.

#### Who votes for whom

Citizen members will vote for their chair and vice chair; senate members will vote for their chair and vice chair; and house members will vote for their chair and vice chair. Chairs will be voted for first. Vice chairs will be voted on next and will be the opposite party from the respective chair.

#### Quorum

Per LCCMR's operating procedures, a majority of members constitutes a quorum. However, since voting will be by sector, the chair may determine the appropriateness of a sector voting if there is not a majority of the sector present.

#### Participants by phone not eligible for per diem

Per [LCC policy](#), members participating by phone are not eligible to receive per diems.

#### Chapter 13D Conditions to be met for meeting by phone:

**Subd. 2. Conditions.** An entity listed in subdivision 1 may conduct a meeting governed by this section and section [13D.01, subdivisions 1, 2, 4, and 5](#), by telephone or other electronic means so long as the following conditions are met:

Sen. Gary Dahms, Sen. Kari Dziedzic, Rep. Rob Ecklund, William Faber, Nancy Gibson,  
Rep. Rick Hansen, Rep. Josh Heintzeman, Sen. Bill Ingebrigtsen, Nicole Kessler, Denny McNamara, Norman Moody,  
Michael Reese, Rep. Tama Theis, Sen. David Tomassoni, Rep. Jean Wagenius, Sen. Torrey Westrom, Della Young

## LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES

- (1) all members of the entity participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;
- (2) members of the public present at the regular meeting location of the entity can hear all discussion and all votes of members of the entity and participate in testimony;
- (3) at least one member of the entity is physically present at the regular meeting location; and
- (4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Subd. 4. **Monitoring from remote site; costs.** If telephone or another electronic means is used to conduct a meeting, the entity, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The entity may require the person making a connection to pay for documented marginal costs that the entity incurs as a result of the additional connection.

Subd. 5. **Notice.** If telephone or another electronic means is used to conduct a regular, special, or emergency meeting, the entity shall provide notice of the regular meeting location, of the fact that some members may participate by electronic means, and of the provisions of subdivision 4. The timing and method of providing notice is governed by section [13D.04](#). In addition, the entity must post the notice on its website at least ten days before any regular meeting as defined in section [13D.04, subdivision 1](#).