



## DULUTH AIRPORT AUTHORITY

June 19, 2023

TO: Duluth Airport Authority (DAA) Board of Directors

FROM: DAA Executive Director

RE: New Medical Necessity Exception to Open Meeting Law

The Minnesota Legislature recently passed a law modifying the Minnesota Open Meeting Law ("OML") to permit members of a public body (i.e. council, board, commission) to participate remotely if that "member has been advised by a health care professional against being in a public place for personal or family medical reasons." There was a previous exception that allowed remote participation during a declared state of emergency. The new law allows the exception to continue without any declared state of emergency. Please keep in mind that a member of the public body can only use this exception up to three times in a calendar year. Board members should contact DAA staff prior to the meeting if you need to utilize this exception.

The new law immediately modifies the OML (Minnesota Statutes Section 13D.02 as follows.

Minnesota Statutes 2022, section 13D.02, subdivision 1, is amended to read:  
Subdivision 1.

Conditions.

(a) A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive technology so long as:

- (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 of the body can hear and see all discussion and testimony and all votes of 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



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(5) each location at which a member of the body is present is open and accessible to the public.

(b) A meeting satisfies the requirements of paragraph (a), although a member of the public body participates from a location that is not open or accessible to the public, 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) the member is serving in the military and is at a required drill, deployed, or on active duty; or

(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. ~~This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.~~

Staff will make any necessary changes to the DAA's Bylaws and propose them to you for consideration at an upcoming board meeting. Questions can be directed to the undersigned.

Sincerely,

Tom  
Werner

Digitally signed  
by Tom Werner  
Date: 2023.06.19  
08:34:22 -05'00'

Tom Werner, C.M.  
Executive Director  
Duluth Airport Authority