

Adopted: 3/23/98

MSBA/MASA Model Policy 204

Orig. 1995

Revised: 6/27/2022

Rev. 2022

## **204 COOPERATIVE BOARD MEETING MINUTES**

### **I. PURPOSE**

The purpose of this policy is to establish procedures relating to the maintenance of records of the cooperative board and the publication of its official proceedings.

### **II. GENERAL STATEMENT OF POLICY**

It is the policy of the cooperative to maintain its records so that they will be available for inspection by members of the general public and to provide for the publication of its official proceedings in compliance with law.

### **III. MAINTENANCE OF MINUTES AND RECORDS**

A. The clerk shall keep and maintain permanent records of the cooperative board, including records of the minutes of cooperative board meetings and other required records of the cooperative board. All votes taken at meetings required to be open to the public pursuant to the Minnesota Open Meeting Law must be recorded in a journal or minutes kept for that purpose. Public records maintained by the cooperative must be available for inspection by members of the public during the regular business hours of the cooperative. Minutes of meetings shall be available for inspection at the administrative offices of the cooperative after they have been prepared. Minutes of a cooperative board meeting shall be approved or modified by the cooperative board at a subsequent meeting, which action shall be reflected in the official proceedings of that subsequent meeting.

#### **B. Recordings of Closed Meetings**

1. All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the cooperative's expense. Recordings of closed meetings shall be made separately from the recordings of an open meeting to the extent such meetings are recorded. If a meeting is closed to discuss more than one (1) matter, each matter shall be separately recorded.

2. Recordings of closed meetings shall be preserved by the cooperative for the following time periods:

a. Meetings closed to discuss labor negotiations strategy shall be

- preserved for two (2) years after the contract is signed.
- b. Meetings closed to discuss security matters shall be preserved for at least four (4) years.
  - c. Meetings closed to discuss the purchase or sale of property shall be preserved for at least eight (8) years after the date of the meeting.
  - d. All other closed meetings shall be preserved by the cooperative for at least three (3) years after the date of the meeting.
  - e. Following the expiration of the above time periods, recordings of closed meetings shall be maintained as set forth in the cooperative's Records Retention Schedule.
3. Recordings of closed meetings shall be classified by the cooperative as protected non-public data that is not accessible by the public or any subject of the data, with the following exceptions:
- a. Recordings of labor negotiations strategy meetings shall be classified as public data and made available to the public after all labor contracts are signed by the cooperative for the current budget period.
  - b. Recordings of meetings related to the purchase or sale of property shall be classified as public data and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the cooperative has abandoned the purchase or sale.
  - c. Recordings of any other closed meetings shall be classified and/or released as required by court order.
4. Recordings of closed meetings shall be maintained separately from recordings of open meetings, to the extent recordings of open meetings are maintained by the cooperative, with the exception of recordings that have been classified as public data as set forth in Section III.B.3. above. Recordings of closed meetings classified as non-public data also shall be maintained in a secure location, separate from recordings classified as public data.
5. Recordings of closed meetings shall be maintained in a manner to easily identify the data classification of the recording. The recordings shall be identified with at least the following information:
- a. The date of the closed meeting;

- b. The basis upon which the meeting was closed (i.e.: labor negotiations strategy, purchase or sale of real property, educational data, etc.); and
  - c. The classification of the data.
6. Recordings of closed meetings related to labor negotiations strategy and the purchase or sale of property shall be maintained and monitored in a manner that reclassifies the recording as public upon the occurrence of an event reclassifying that data as set forth in Section III.B.3. above.

#### **IV. PUBLICATION OF OFFICIAL PROCEEDINGS**

- A. The cooperative board shall cause its official proceedings to be published once in the official newspaper of the cooperative within thirty (30) days of the meeting at which the proceedings occurred; however, if the school board conducts regular meetings not more than once every thirty (30) days, the cooperative board need not publish the minutes until ten (10) days after they have been approved by the cooperative board.
- B. The proceedings to be published shall be sufficiently full to fairly set forth the proceedings. They must include the substance of all official actions taken by the cooperative board at any regular or special meeting, and at minimum must include the subject matter of a motion, the persons making and seconding the motion, a listing of how each member present voted on the motion, the character of resolutions offered including a brief description of their subject matter and whether adopted or defeated. The minutes and permanent records of the cooperative board may include more detail than is required to be published with the official proceedings. If the proceedings have not yet been approved by the cooperative board, the proceedings to be published may reflect that fact.
- C. The proceedings to be published may be a summary of the essential elements of the proceedings, and/or of resolutions and other official actions of the cooperative board. Such a summary shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When a summary is published, the publication shall clearly indicate that the published material is only a summary and that the full text is available for public inspection at the administrative offices of the school district and that a copy of the proceedings, other than attachments to the minutes, is available without cost at the offices of the school district or by means of standard or electronic mail.

***Legal References:*** Minn. Stat. § 13D.01, Subds. 4-6 (Open Meeting Law)  
Minn. Stat. § 123B.09, Subd. 10 (Publishing Proceedings)  
Minn. Stat. § 123B.14, Subd. 7 (Record of Meetings)  
Minn. Stat. § 331A.01 (Definition)

Minn. Stat. § 331A.05, Subd. 8 (Notice Regarding Published Summaries)  
Minn. Stat. § 331A.08, Subd. 3 (Publication of Proceedings)  
Op. Atty. Gen. 161-a-20, December 17, 1970  
*Ketterer v. Independent School District No. 1*, 248 Minn. 212, 79 N.W.2d  
428 (1956)

***Cross References:*** MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)  
MSBA Service Manual, Chapter 1, School District Governance, Powers  
and Duties