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S.F. No. 4132 – Open meeting law noncompliance sanctions increase

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Section 1 (113D.05, subd 1) requires all closed meetings to be recorded. Currently, the only closed meetings that are not recorded are those closed when the body asserts attorney-client privilege.

Section 2 (13D.05, subd 3) requires a public body to identify on the record the legal issue or case to be discussed prior to closing a meeting under the attorney-client privilege. Any person may bring an action claiming that the meeting was closed in violation of this paragraph or that the public body discussed public business not permitted by the attorney-client privilege. A court may review the recording of the meeting in camera.

Section 3 (13D.06, subd 1) modifies the personal liability for intentionally violating the open meeting law by increasing the penalty to \$1,000 for the first violation and \$1,200 for any subsequent violation. Current law imposes a \$300 penalty per violation.

Section 4 (13D.06, subd 3) changes the conditions under which a member of a public body must forfeit office. Under paragraph (a), if a person has been found to have committed three or more separate, intentional violations, the person shall forfeit the right to serve on the governing body. Paragraph (b) strikes language that requires the third violation to be unrelated to the previous violations.

Section 5 (13D.06, subd 4) modifies the attorney fees awarded by the court. This section allows the court to award reasonable attorney fees to the prevailing plaintiff. Current law caps the amount at \$13,000 to any party in an action. Paragraph (b) imposes a \$10,000 cap on attorney fees to a defendant if the court finds that the action was frivolous and without merit. Current law does not impose a cap.