

7000.0650 PUBLIC PARTICIPATION IN BOARD MEETINGS.

Subpart 1. **Public inspection of board meeting agenda and related written materials.** The agenda and related written materials for board meetings shall be available for public inspection at the central office of the agency as described in items A and B.

A. For regularly scheduled meetings, the agenda and related written materials shall be available at least ten days prior to the regular board meeting.

B. For special or committee meetings, the agenda and related written materials shall be available as soon as possible and, in any event, no later than three days prior to the special or committee meeting. However, the inspection provisions of this part do not apply to emergencies which are addressed by the board or commissioner under part 7000.5000.

Subp. 2. **Service on interested persons.** The commissioner shall serve on each interested person a copy of the proposed agenda for each board meeting together with a copy of the agenda item prepared by agency staff. If the related written materials for the agenda item are not voluminous, the commissioner shall serve these materials, too. However, if the commissioner finds that the related written materials are so voluminous as to make it impractical for the commissioner to serve them on all interested persons, the commissioner shall serve on interested persons a notice stating that there are additional related written materials for the item in which the person is interested and that these additional related written materials can be viewed at the offices of the agency or can be requested from the board. Service shall be made as described in items A and B.

A. For a regular meeting of the board, service shall be made at least ten days before the meeting.

B. For a special meeting or committee meeting of the board, service by mail shall be made at least six days before the meeting. Personal service or service by facsimile shall be made at least three days before the meeting. However, the notice provisions of this part do not apply to emergencies which are addressed by the board or commissioner under part 7000.5000.

The agency does not intend the notice and service requirements of this chapter or any other requirements of this chapter to prevent it from seeking to recover reasonable copying and preparation costs as authorized under Minnesota Statutes, section 13.03, subdivision 3. This subpart does not limit the agency staff from presenting written materials at board meetings as described in subpart 7.

Subp. 3. **Petitions to place matters on a board agenda.** Any person who wishes to place a matter on the agenda for a board meeting may submit a petition identifying the matter that person would like placed on the agenda and the reasons for placing it on the agenda. The petition must be served on the commissioner by mail at least 24 days before the meeting during which a petitioner would like the matter to be considered or by personal

service or facsimile at least 21 days before the meeting. The commissioner shall grant or deny the petition. If the commissioner decides not to place a matter on the agenda, the commissioner shall advise the board and the petitioner of the reasons for the denial.

Subp. 4. Petition for informational meeting.

A. Any person may petition the board or commissioner to hold a public informational meeting described in part 7000.0500, subpart 3b. The petition must identify the matter of concern and the reasons the board or commissioner should hold the informational meeting.

B. If the matter involves a permit for which a public notice has been issued under part 7001.0100, subpart 4, or 7007.0850, subpart 2, the petition must be submitted to the commissioner within the comment period established in the public notice and must conform to the requirements of parts 7001.0110 and 7001.0120.

C. If item B does not apply and the matter is not on the agenda for a board meeting, the petition must be submitted to the commissioner. The commissioner shall grant or deny the petition. If the commissioner decides not to hold the meeting, the commissioner shall advise the board and the petitioner of the reasons for the denial.

D. If item B does not apply and the matter is on the agenda for a board meeting, the petition must be submitted to the board in accordance with the time frames for submitting written materials set out in subpart 6. The board shall grant or deny the petition.

Subp. 5. Oral presentations at board meetings. Consistent with the provisions of part 7000.0500, subpart 18, the board shall afford interested persons a reasonable opportunity to make oral statements concerning matters on a board meeting agenda. To ensure an opportunity for full and fair consideration of all views, the commissioner may limit the time and scope of each speaker's presentation and may require speakers with similar views to select a spokesperson. Oral statements must be relevant to the matter before the board. Oral presentations following a rulemaking or contested case hearing must be limited to the record for the matter.

Subp. 6. Written materials. The board shall consider timely, relevant written materials that interested persons submit concerning a matter on an agenda for a board meeting. Recessing or continuing a meeting as provided under part 7000.0500, subpart 18, does not create a new opportunity to submit written comments, unless the commissioner states otherwise and establishes a schedule for submittal of additional written materials. Written statements will be considered timely and relevant only if they meet the following conditions:

A. for matters for which a contested case hearing has been held, written comments must conform to the requirements and time limits of part 7000.2000;

B. for matters for which a rulemaking hearing has been held, written comments must be limited to the record of the rulemaking hearing and must be served on the board at least five days before the board meeting during which the board is scheduled to act on the proposed rules;

C. for matters for which a contested case hearing has not been held but a permit comment period has been established under chapter 7001 or 7007, any additional written permit comments must be served on the board at least five days before the board meeting, and must be limited to permit procedural mistakes or irregularities, errors of law, or newly discovered material issues of fact that could not have been discovered prior to the close of the permit comment period;

D. for all matters, the commissioner may establish a reasonable schedule for submitting written comments. If a schedule is established under this item and the commissioner serves notice of the schedule on interested persons, service is timely if made within the established deadlines; and

E. for all matters except those under items A to D, service is timely as follows:

(1) for regular meetings of the board and special meetings noticed ten or more days before the meeting, service is timely if all board members and the commissioner are served at least five days before the meeting; and

(2) for special meetings of the board noticed less than ten days before the meeting, service is timely if all board members and the commissioner are served personally or by facsimile before the agenda item is scheduled to be heard.

Subp. 7. **Written presentations at board meetings.** Notwithstanding the restrictions of subparts 2 and 6, the board shall consider relevant written materials presented by an interested person or by agency staff at a board meeting if such consideration does not prejudice other interested persons and there is reasonable time for the board to consider the materials during the course of the meeting. These materials may include, but are not limited to, materials responsive to relevant information that was not available prior to the established deadlines of subpart 6, written versions or summaries of oral presentations, letters, visual aids, and clarifications or corrections of written materials.

Statutory Authority: *MS s 14.06; 116.07*

History: *19 SR 1310; 20 SR 2629; 28 SR 1249*

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