

# City of Buffalo

## Remote Participation in City Council Meetings Policy

### 1. Purpose

To implement Minnesota Statutes § 13D.02, as amended by Laws 2025, Chapter 39, Article 6, and to set local parameters for council members who wish to attend meetings by interactive technology.

### 2. Authority

Minn. Stat. § 13D.02 authorizes a city council meeting to be conducted with one or more members participating from any location via interactive technology, provided statutory conditions are met.

### 3. Definitions

- **Interactive technology** – Audio/visual equipment or software that allows all participants to hear and see one another in real time.
- **Regular meeting location** – Council Chambers, Buffalo City Center, 212 Central Ave., Buffalo, MN, unless otherwise noticed.
- **Remote attendance** – Participation by a council member from a location other than the regular meeting location.

### 4. Statutory/Mandatory Conditions

1. All members, wherever located, must be able to hear and see one another and all discussion.
2. The public at the regular meeting location must be able to hear and see all discussion and votes.
3. At least one member must be physically present at the regular meeting location.
4. All votes must be taken by roll call.
5. Minutes must list each remote participant and state that the appearance was via interactive technology.

### 5. Physical Attendance Thresholds (Local Rule)

To promote public engagement and ensure continuity of in-person deliberation, the City of Buffalo imposes the following minimum numbers of councilmembers who **must** be physically present at the regular meeting location, in addition to the remote-participation rules of Minn. Stat. § 13D.02:

Meeting Type	Minimum Members Physically Present
Regular or special meetings	3
Emergency meetings declared under Minn. Stat. § 13D.04, subd. 3	1

- If the physical-presence minimum is not met at the scheduled start time, the meeting shall be recessed until the threshold is satisfied or, by majority vote of the members then present in person, adjourned and rescheduled.
- Remote participants do not count toward the local physical-presence minimum, but they do count toward the statutory quorum once the thresholds above are satisfied.
- The City Clerk will track physical presence and announce whether the local requirement has been met before the presiding officer calls the meeting to order.
- The City Council may temporarily waive the three-member requirement for a specific regular or special meeting by unanimous consent of all members, provided at least one member is physically present and the reason for the waiver (e.g., severe weather) is stated on the record.

## 6. Local Limit on Remote Attendance

Meeting Type	Maximum Remote Attendances Per Councilmember (Calendar Year)	Counting Rules
Regular or special meetings	6	Applies to appearances made for convenience or personal preference.
Emergency meetings declared under Minn. Stat. § 13D.04, subd. 3	Not counted	Unlimited, provided statutory conditions are met.
Absence caused by verified military duty, illness, or caregiving	Not counted	Unlimited, but the member should state the reason for the record.

*A waiver of the annual cap may be granted by majority vote of the City Council in exceptional circumstances.*

## 7. Notice Requirements

- Regular posting deadlines apply.
- The notice will be included on the meeting agenda header and include:

“One or more members may participate in this meeting via interactive technology pursuant to Minn. Stat. § 13D.02.” No other locations need be listed.

## 8. Procedures

1. **Member Request** – Notify the City Administrator or City Clerk by noon, three (3) business days before the meeting.
2. **Technology Test** – Staff tests audio/visual connectivity with the member no later than one hour before the meeting.
3. **Presiding Officer Confirmation** – On the record before the meeting starts.

4. **Public Accommodation** – If feasible, staff provides a livestream for remote viewing.
5. **Minutes** – Clerk identifies remote participants and notes any votes taken while a connection is lost.

## **9. Failure of Technology**

If the Mayor determines interactive technology has failed so that the public or any member cannot hear and see the proceedings, the meeting will be recessed until the problem is resolved or adjourned if it cannot be remedied promptly.

## **10. Enforcement and Review**

- Violations may be referred to the City Attorney for Open Meeting Law analysis.
- The policy will be reviewed each January or sooner if state law changes.