



MCIT MISSION:

Providing Minnesota counties and associated members cost-effective coverage with comprehensive and quality risk management services.

VOL. 38, No. 4 | July 2025

\$1.5 Million Dividend Declared

Since 1996 the performance of MCIT's investments and the risk management efforts of members have provided the MCIT Board of Directors the ability consistently to announce a return of fund balance to members. Once again, the board determined during its June 13 meeting that a dividend was financially sound and fiscally prudent.

During each dividend discussion, board members reaffirm that the program must remain fully funded and capable of responding to unexpected events that could affect the fiscal health of MCIT. They are also committed to returning funds not deemed necessary to the operation of the program.

This year, the overview of MCIT's fiscal health presented by Scott Anderson, president of Actuarial Advisors, showed that investment income, commonly referred to as the fuel for generating dividends, realized marginal performance consistent with the past several years. However, favorable claims development and handling in both the property/casualty and the workers' compensation divisions contributed to achieving the financial stability to which MCIT is accustomed.

Anderson's report is the product of a comprehensive actuarial review of MCIT's reserving and rate levels, net investment income and rate of return,

and claims and operational performance. MCIT is consistent in its message that dividends are never guaranteed, but according to Anderson, the current financial health of the organization remains favorable.

Dividend for Workers' Compensation Division Only

The board's decision to declare a \$1.5 million dividend in the workers' compensation division is influenced primarily by better-than-expected claim results. Anderson's analysis concluded that even with continued activity arising from PTSD claims and the increasing costs of medical care, the division produced positive claim results.

Anderson commented that in response to an aggregate increase in workers' compensation rates of just 1 percent for 2024, he sees the membership's commitment in risk management contributing to the results.

The board elected not to declare a dividend for the property/casualty division again this year. Factors including a relatively low aggregate rate increase of 1.7 percent for 2024; continuation of significant increases in the cost of both property and liability reinsurance; and increasing claim costs arising from law enforcement, property costs and auto losses in the division did not support a dividend for the period.



Anderson mentioned that steps taken by the board for 2025, including an increase in rates and modifications to the structure of its reinsurance programs, coupled with a relatively good year for losses helped build stability in the division. The property/casualty division's financial condition is strong and remains sufficient to cover operational costs and exposure to risk.

Members participating in the workers' compensation division will receive notice of their specific 2025 dividend later this month, with dividend checks distributed in November. Members participating only in the property/casualty division will not receive a dividend in 2025.

COMING EVENTS

July 11

MCIT BUILDING, ST. PAUL

9 A.M.: Board of Directors meeting
1 P.M.: Claims Committee meeting

Aug. 7

PARK EVENT CENTER, WAITE PARK

9 A.M.: Navigating Key Land Use Issues

Aug. 8

MCIT BUILDING, ST. PAUL

9 A.M.: Board of Directors meeting
1 P.M.: Claims Committee meeting

Executive Director to Step Down in September

MCIT Executive Director Gerd Clabaugh issued his resignation to the MCIT Board of Directors April 18. His last day with the trust will be Sept. 30.



Gerd Clabaugh

Clabaugh says, "This was not an easy choice for me. But the time is right for me to focus more time with my family, and I believe MCIT is in a strong position to integrate new leadership." Clabaugh's career has spanned 38 years in public service, the last nearly four as MCIT executive director.

In his letter to the board, Clabaugh noted that he feels privileged to serve alongside a dedicated staff in support of the public service mission of MCIT members. He is proud to know that members can be confident in providing their services to Minnesotans, because MCIT is here to support them in the hard work of serving people across the entire state every day.

Board Chair Ron Antony says, "I appreciate Gerd's record of service, leadership and commitment to our members. The board will look to build on that commitment for our members as we engage the next leader at MCIT."

Over the coming weeks, Clabaugh will work with MCIT management to ensure the organization can make a smooth transition following his departure. He will also support the board in its preparations for the leadership change.

Search for New Executive Director

MCIT has engaged OperationsInc to coordinate the search for a new executive director. The position is also posted to MCIT.org/about/employment-opportunities.

Guides Help Members Set Standard of Safety for the Organization

An organization that emphasizes safety and empowers its employees to make safe choices and speak up for safety experience fewer employee injuries, improved productivity, higher employee morale, lower operational costs and reduced employee absenteeism. Fostering a culture of safety is a win-win for both the employer and the employee.

MCIT works with members to build and maintain a strong culture of safety. Three no-cost guides offer practical strategies for achieving this. Members can download the resources at MCIT.org.

Safety Culture: Techniques for Building Positive Organizational Change

A positive safety culture encourages each employee to become a safety advocate, boosts the safety mindset of employees and improves safety behaviors. An organizationwide visible commitment to safety is the foundation of a strong safety culture.

"Safety Culture: Techniques for Building Positive Organizational Change" walks members through the foundations and pillars of safety and details tools the organization can use to build and maintain a culture of safety.



Safety Committee Resource Handbook

The safety committee is a key player in an organization's culture of safety. An effective committee



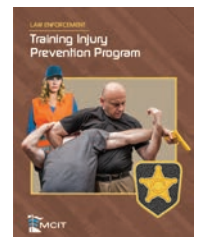
helps guide safety efforts and can hold leaders, department heads and employees accountable for maintaining a high standard of safety, as well as meet state statutory requirements.

The "Safety Committee Resource Handbook" addresses areas safety committees need to be successful: regulatory compliance, committee structure, activities and self-evaluation.

Law Enforcement Training Injury Prevention Program

Law enforcement is one of the riskiest operations a county has, so it pays to reduce risks where the sheriff's office can. Too often law enforcement personnel are injured during training exercises, but these injuries can be prevented. A training exercise is a controlled environment, so it can be set up to emphasize safety without compromising effectiveness.

"Law Enforcement Training Injury Prevention Program" outlines strategies the sheriff's office and training instructor can use together to provide a safer training experience. Most of the strategies are simple and require no additional cost.



MCIT Offers Individualized Consultation

Establishing a culture of safety takes time, but with a deliberate plan carried out by dedicated staff, it can be achieved. MCIT loss control consultants are available to work with members individually to further their safety efforts. Contact them at **866.547.6516**.

MCIT Board of Directors: Ron Antony—Chair, *Yellow Medicine County Commissioner*; Don Wachal—Vice Chair, *Jackson County Commissioner*; Randy Schreifels—Secretary-treasurer, *Stearns County Auditor-treasurer*; Lindsey Meyer, *Wright County auditor-treasurer*; Kurt Mortenson, *Otter Tail County Commissioner*; Todd Patzer, *Lac qui Parle County Commissioner*; Brett Skyles, *Itasca County Administrator*; Jack Swanson, *Roseau County Commissioner*; and Marcia Ward, *Winona County Commissioner*.

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Does MCIT Offer Members More than Just Coverage for Claims?

Half of the MCIT mission is to “provide comprehensive and quality risk management services.” To fulfill this commitment, the MCIT Board of Directors and staff actively look for ways to assist members in managing their risks and controlling losses.

Below are a number of the risk management services and programs MCIT members enjoy as part of membership.

MCIT consultation services: Risk management consultants are available to offer coverage explanations and analysis, review contracts from a risk management perspective and provide advice about how members can best manage risk exposures. MCIT loss control consultants help members with written safety programs, hazard identification, safety best practices and employee injury analysis, as well as participate in safety committee meetings.

Consultants are available daily by phone and email. On-site consultation can also be scheduled at no cost. (See [MCIT.org/services-programs/consultation](https://mcit.org/services-programs/consultation))

Training seminars and webinars sponsored by MCIT address specific

risk exposures of member operations (e.g., employment risk, land use decision making, data security) and provide actionable risk management best practices and tips that can be implemented immediately. Seminars are provided at an affordable rate to ensure that cost is not a barrier for participation. Webinars are presented at no cost. (See [MCIT.org/events](https://mcit.org/events))

Customized training delivered to member employees by request is offered as part of membership. The member never pays for MCIT staff to be on site to present training on a variety of risk management topics, such as data security risk management, Minnesota Government Data Practices Act (MGDPA), joint powers/collaborative arrangements and Minnesota Open Meeting Law (OML). (See [MCIT.org/services-programs/speaker-services](https://mcit.org/services-programs/speaker-services))

Workplace Injury Hotline connects employees injured on the job with a registered nurse who offers professional recommendations for care. The hotline is offered as part of membership at no cost and begins the workers' compensation claim process. (See [MCIT.org/workplace-injury-hotline](https://mcit.org/workplace-injury-hotline))

[org/workers-compensation/workplace-injury-hotline](https://mcit.org/workers-compensation/workplace-injury-hotline))

Resource Library includes risk management and loss control best practices guides and handbooks, informative articles, forms and checklists, model documents, Quick Take training scripts, awareness campaign materials, videos and webinar recordings.

Topics address all manner of risk management and loss control areas MCIT members encounter in their operations from the OML and MGDPA to safety committees, slip and fall prevention, data security and telecommuting/remote work. (See [MCIT.org/resources](https://mcit.org/resources))

Employee Assistance Program is provided to all full- and part-time member employees and their families as part of membership with MCIT. This is a valuable risk management service that helps employees manage personal concerns that can affect their professional work. (See [MCIT.org/services-programs/employee-assistance-program](https://mcit.org/services-programs/employee-assistance-program))

Minnesota Safety Council membership is provided to every MCIT member entity as part of membership with MCIT. The Safety Council offers a number of programs and services to support employers in their workplace safety efforts. (See page 9 for “Take Advantage of Safety Council Membership: Streaming Video Library” and Minnesota Safety Council website)

Boiler and pressure vessel inspections required by the Minnesota Department of Labor and Industry are provided at no cost to members as part of MCIT's equipment breakdown coverage. (See [MCIT.org/property-liability/property-coverage/boiler-pressure-vessel-inspections](https://mcit.org/property-liability/property-coverage/boiler-pressure-vessel-inspections))

New Members Join MCIT

The MCIT Board of Directors approved membership for two new members during its April and May meetings:

- **Faribault County Economic Development Authority** was approved in April for MCIT membership. Their efforts support local businesses with low-interest loans or forgivable loan programs, as well as host job fairs and recognition events, and provide business planning resources. Faribault County sponsored the membership application.

- **Vermillion River Watershed**, a joint powers organization, was approved for MCIT membership in May. It is tasked with providing water quality analysis, implementing watershed plans, protecting and enhancing water resources, setting and enforcing standards, environmental stewardship and executing capital improvement project programs. Scott County sponsored the membership application.



How Leaders Can Support Mental Health in the Workplace

According to a recent National Alliance on Mental Illness (NAMI) workplace mental health poll, people who are less comfortable talking about their mental health at work are more likely to report feeling burnout. More than half of those polled reported feeling burned out in the past year, with 37 percent reporting difficulty in their jobs due to feeling emotionally overwhelmed.

Organizational leaders (elected officials, department heads, managers) are positioned to create positive work environments, but conversations around mental health at work can be challenging to navigate. Approaching an employee about issues of mood and mental health can be tricky, even anxiety-producing, for organizational leaders.

Despite being a challenging topic, openness about mental health in the workplace can improve the well-being of staff, as well as increase productivity. Here are five tips leaders can use to approach mental health at work.

1. Communicate about Mental Health and Well-being

Tools such as stress reduction training, articles and videos on the topic of mental health can open the door to future communication on the topic.

Leaders can schedule Employee Assistance Program staff to conduct educational trainings on topics such as mental health in the workplace, the future of mental health, substance use disorder, or busting the myths of mental illness.*

Inviting this content into the workspace can be part of creating a positive workplace culture. In addition, employees

may feel more comfortable asking for help for themselves or a co-worker.

2. Discuss Mental Health Insurance Benefits

When staff know what resources are available to them, they are more likely to self-refer for treatment and support. This often leads to employees addressing their mental health symptoms before chronic and pervasive performance or attendance problems begin.

3. Promote Employee Assistance Program

According to NAMI, 51 percent of employees say they would utilize a service to support their mental health if the services offered were free, confidential and independent from their employer. Fortunately for MCIT members, their employees have such a service in the Employee Assistance Program.

When employees understand how the EAP works, they are more likely to use this service. It is also important to know that the EAP provides work-life resources and referrals, when appropriate, in addition to counseling. Receiving resources and referrals to address underlying sources of stress can bolster the efficacy of EAP counseling.

MCIT offers several items to assist members in promoting the Employee Assistance Program, including posters, digital images, brochures and more. The “EAP Employer Promotion Guide” provides tips about how to build awareness of the program among employees. Members can download this at [MCIT.org/resources](https://www.mcit.org/resources). MCIT recently released new EAP posters and digital images. See page 5 for more about those.

4. Establish an EAP Champion

Members are encouraged to create an in-house EAP champion who advocates for the program and can answer employees’ questions about it. This role is often best suited to the HR function, administrator/executive director and/or sheriff.

MCIT is happy to work with EAP champions to ensure that they understand the program and all the ways it can support employees. Individuals should contact MCIT Deputy Director Steve Nelson at **866.547.6516** or snelson@mcit.org to get started. (Note: Individuals should call **800.550.6248** to connect with an Employee Assistance Program counselor.)

Members are also encouraged to check out these self-service resources to learn about the EAP:

- Employee Assistance Program page at [MCIT.org](https://www.mcit.org) under the Services & Program tab
- Informative articles in the Resource Library at [MCIT.org](https://www.mcit.org)
- [SandCreekEAP.com](https://www.sandcreekeap.com): This is the website for MCIT’s partner in administering the EAP. The designated EAP contact for the member may send an email to info@mcit.org to request the company code to set up a log in for the “member portal” of this site.

5. Talk to Employees One-on-one about Concerns

Changes in performance, attendance, attitude and presentation are opportunities for managers to express genuine concern for the employee and remind him or her about resources such as the EAP that are available to support the employee.

Supervisors are encouraged to contact the EAP at **800.550.6248** for one-on-one consulting and professional guidance on how to have this conversation with an employee, and how to support people who may be experiencing mental health concerns or other work-life challenges.

*This training may incur a fee. It is outside of the MCIT contract with AllOne Health. Call 800.550.6248 to discuss options and potential cost.

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Refresh EAP Promotion with New Materials

Several new posters and digital images are now available to promote the Employee Assistance Program to member employees. The no-cost items highlight how the service can generally support employees and their families, as well as specifically those who work in public safety. New materials, along with past items, can be downloaded at MCIT.org/resources.

Despite being offered for nearly 30 years, many MCIT member employees are still unaware of the EAP and how it can support them. MCIT encourages members to build awareness of the valuable service among staff and officials.

EAP Helps with Variety of Personal Concerns

The EAP offers no-cost, short-term counseling and support to member employees for:

- Personal concerns such as stress, relationship and family challenges, anxiety, depression, loss and grief, substance use
- Periods of change
- Professional and personal goals and concerns
- Financial worries
- Specific challenges of working in public safety, such as traumatic incident response, emotional exhaustion and conflict or anger management

IDEAS FOR MARKETING THE EAP

- Hang posters in areas employees frequent, such as break rooms, work rooms and near water fountains.
- Rotate digital images on the intranet home page and create an EAP section on the intranet.
- Send digital images to staff in emails and include links to the EAP area of the intranet.
- Watch an EAP video during a team meeting and answer staff questions about the program.
- Use the digital images as EAP ads in the employee newsletter throughout the year.
- Distribute the Coaching for Supervisors flier to team leaders as a reminder that they have support for their managerial challenges.

EAP BENEFITS EMPLOYEES AND EMPLOYERS

The EAP is an important risk management tool that provides voluntary, confidential, no-cost counseling to employees, officials and their dependents for support of personal concerns that may affect performance at work.

MCIT members are encouraged to promote the EAP to employees and officials throughout the year, as the service provides real benefits for both employees and employers:

- 91 percent of EAP users report that as a direct result of the services they received, they were

able to do better at work.

- 89 percent of users feel better able to deal with their situations as a result of EAP services.
- 30 people report that the EAP gave them an alternative to filing a grievance or lawsuit over the past five years.



Achieve Maximum Awareness with Ongoing Promotion

Awareness of the EAP builds as employers frequently provide information to employees. For maximum effectiveness, members should use multiple formats and put the message in front of employees every few months so they remember the program when they need it.

Wall posters, digital images and videos highlight key features of the EAP. The items are designed to inspire and encourage use of the service when appropriate, while emphasizing that it is easy to use, confidential, voluntary and effective.

The “Employee Assistance Program Employer Promotion Guide” offers more information about the EAP and ideas about how to promote it. Members can download this at MCIT.org/resources.

Download Materials Now

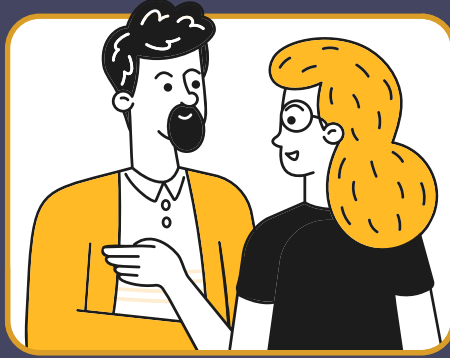
Promotional materials are available at MCIT.org/resources. In addition to posters and digital images, MCIT offers:

- Five videos covering what the Employee Assistance Program is, who can use the program, how the EAP works, how the EAP supports supervisors/managers, and that the service is for law enforcement, too
- Informational brochures for employees, supervisors/managers and public safety
- Wallet card that includes the EAP contact number and services available
- Coaching services flier available for supervisors/managers

Members with questions about the program should contact MCIT Deputy Director Steve Nelson at snelson@mcit.org or 866.547.6516. Requests for counseling services should be directed to the EAP at 800.550.6248.

'Public Sector HR 2.0' Seminar Takes Attendees to Next Level

The seminar "Public Sector HR 2.0" Aug. 27 in St. Cloud area takes attendees beyond the basics of human resources management and addresses the next level of challenges that public entity HR professionals face.



An effective and accurate investigation of employee misconduct allegations requires that an HR professional work within the limits of the law to uncover and assess evidence.

This is not an easy task. Everett offers his top tips on how to do this.

Who Should Attend?

"Public Sector HR 2.0" is best suited for those who are tasked with human resources responsibilities (e.g., human resources manager, administrator, executive director) for a local public entity.

What Attendees Learn

Untangling the Uniformed Services Employment and Reemployment Rights Act (USERRA)

Presented by Mathew M. Meyer, attorney and owner, Meyer Law Office

USERRA is a complicated law that affords service members a number of employment protections. This session explains these protections, the employer's obligations and how the HR professional can stay in compliance and avoid discrimination claims. In addition, resources provided by the Department of Defense Employer Support of the Guard and Reserve program are discussed.

Top Tips for Conducting Investigations of Employee Misconduct

Presented by Bill Everett, attorney, Everett Law LLC

Minnesota Paid Family and Medical Leave Updates

Presented by Penny Phillips, attorney, Felhaber Larson

The new Minnesota employee paid family and medical leave program begins in January. Is your organization ready? This session dives into the status of the state's activities in this area, obligations employers have under the law and provides tips for how they can get ready for this change.

How HR Managers Can Influence without Authority

Presented by Susan Herreid, organization development consultant, AllOne Health

The human resources manager is often a role that has little authority over other directors, managers and employees to carry out tasks or duties the department requires of them. In addition, the HR manager may need to persuade leadership to adopt new programs, policies or procedures. This session provides several strategies the HR manager can employ to influence without being in a position of authority.

EVENT DETAILS

- **Date:** Aug. 27, 2025
- **Location:** Park Event Center, Waite Park, Minn. (TheParkEventCenter.com)
- **Program Time:** 9 a.m.-4 p.m.
- **Cost:** \$75 per person for MCIT member employees (includes materials, lunch and refreshments)*
- **Registration:** Visit MCIT.org/events (payment by credit card is required when registering)
- **Questions:** Email hblakestad@mcit.org or call 866.547.6516

*No refunds will be issued for cancellations received after Aug. 13, 2025.

HR and AI: When Government Entities Use AI Tools Like ChatGPT

Presented by Ann Goering, attorney, Ratwik, Roszak and Maloney; and Kerry L. Childe, attorney and owner, KLC Law LLC

As government employees increasingly turn to publicly accessible generative artificial intelligence tools such as ChatGPT in their day-to-day work, their employers must address a range of legal and practical challenges. This session highlights real-world scenarios where HR professionals may be called upon to respond to government employee use of AI tools, as well as how AI can be used responsibly in HR work. Issues, such as confidentiality, algorithmic bias and data privacy are examined.

Register Now

Register now for "Public Sector HR 2.0" at MCIT.org/events.

'MANAGE DATA TO MANAGE CYBER RISK' WEBINAR SEPT. 17 AT 11 A.M.

The enormous volume of information that public entities collect to carry out their missions means their data security threat landscape is just as large. Fortunately, taking a few consistent steps can help organizations reduce their risk exposure.

This webinar:

- Explains how deliberately managing the orga-

nization's records and data can help reduce the potential adverse consequences from a data security incident

- Gives an overview of the laws related to a public entity's data management, including the Minnesota Official Records Act, Records Retention Act and Minnesota Government Data Practices Act
- Provides best practices tips for reducing the

amount of information the public entity maintains and how to ensure the information it needs to keep is secure

No Cost but Registration Required

Learn more about the session and register at MCIT.org/events.



Take Advantage of No-cost Fire Suppression System Design Review in Construction Planning

MCIT's partnership with Travelers Insurance Company for property reinsurance includes no-cost design reviews of building sprinkler systems, fire pumps and special extinguishing systems to ensure that they will sufficiently suppress fires for proposed structures.

Early identification of risk control concerns enables members to account for them in the design and to plan for estimated costs in budgets. The earlier in the process that the member engages Travelers for a plan review, the better.

Automatic Sprinkler Protection

Travelers reviews automatic sprinkler protection plans to ensure that:

- Proposed system provides adequate protection for the covered occupancy and hazard
- Available water supply can meet the system demand
- Equipment and materials are properly rated and listed
- System will be installed per National Fire Protection Association (NFPA) guidelines and any interpretations and formal positions of Travelers

Travelers also recognizes FM Data Sheets as a sufficient basis of design. Should a member decide to continue to utilize FM Data Sheets, Travelers will perform reviews accordingly. FM Data Sheets are mostly in agreement with NFPA, but may differ in certain areas

providing a higher level of property protection.

Members should provide the following to Travelers for an automatic sprinkler system review:

- Contractor's shop drawings for proposed automatic sprinkler system
- Hydraulic calculations
- Equipment cut sheets or product specifications (sprinkler heads, piping, valves, etc.)
- Water supply test data within one year
- Occupancy details

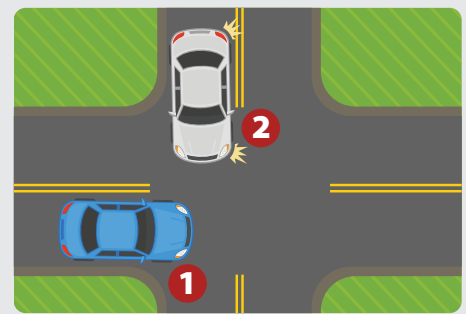
Fire Pump Installations

Travelers reviews fire pump installation plans to ensure that the resulting water supply will meet the system demands, that all components are properly rated and listed, and that the installation is in accordance with the latest edition of NFPA 20, "Standard for the Installation of Centrifugal Fire Pumps."

Members should provide the following to Travelers for a fire pump plan review:

- Contractor's shop drawings
- Pump curve (manufacturer's bench curve for the pump)
- Equipment specifications and cut sheets (for the pump, driver and controller)
- Pump house design and layout
- One-line electrical diagram (depicting electrical feed arrangement to the pump)

continued on page 11



Drive Wisely

Left Is Always Last

The ability to anticipate other drivers' actions is essential for preventing collisions and maintaining traffic flow. Right-of-way rules are established to do this.

Minnesota Statutes, Section 169.20(1) sets right-of-way rules that drivers must observe.

Key Provisions

- When two vehicles approach an uncontrolled intersection from different roads at roughly the same time, the driver on the left must yield to the driver on the right.
- At intersections controlled by stop signs or flashing red signals, the same rule applies. The vehicle on the left yields to the right.
- For T-shaped intersections without control devices, the driver turning must yield to cross traffic.
- Any driver intending to turn left at an intersection or into an alley, private road or driveway must yield to oncoming vehicles that are close enough to pose an immediate hazard.
- Importantly, drivers traveling at unlawful speeds forfeit any right-of-way they might otherwise have, making speed compliance crucial.

Additional Considerations

- Right-of-way rules do not absolve any driver from the duty to remain alert and take reasonable precautions if another motorist fails to yield.
- Failing to yield as required can result in a petty misdemeanor or, if intentional, a misdemeanor charge.
- When the right of way is unclear for the circumstance, the best course of action is simply to wait, be patient and communicate with other drivers.



Changes to Meeting Remotely Under Open Meeting Law

Significant changes were made during the 2025 legislative session to the section of the Open Meeting Law that allows board members to attend and participate in meetings from a remote location using interactive technology.

Previously, Minnesota Statutes, Section 13D.02 required:

- Remote locations to be open and accessible to the public
- The meeting notice to include notice of any remote locations
- Limited the circumstances under which a board member's remote location could be closed to the public

The below changes to the law took effect July 1:

- The law no longer requires the remote location to be open and accessible to the public.
- The requirement that remote participation from a closed location be related to an illness or military service has been removed.

Therefore, the law now allows a board member regularly to attend and participate in board meetings from a remote location that is closed to the public.

Additionally, although public bodies must still provide notice of the meeting, the meeting notice is no longer required to include details on any remote loca-

tions. Instead, the notice must only state that members may be participating by interactive technology.

Other requirements related to meetings by interactive technology under Section 13D.02 continue to apply without change, including:

- Providing notice of the regular meeting location
- Requirements for time and method of notice
- One board member must be physically present at the regular meeting location
- All members of the board must be able to hear and see one another and all discussion and testimony presented
- Members of the public present at the regular meeting location must be able to hear and see all discussion, testimony and votes
- All votes must be conducted by roll call, and each member's vote must be recorded

Failure to comply with the above requirements may mean that a remote board member is unable to be counted as part of the quorum and may be unable to participate in all proceedings.

Members are encouraged to consult with their legal counsel regarding how the changes to the Open Meeting Law apply to a specific situation.

OTHER NOTABLE LEGISLATIVE CHANGES

Limits on Health Insurance Benefit for Duty Disabled

Employers have long expressed concern that the ability for public safety employees to receive continued health care until age 65 provided financial incentives for employees to secure a duty disability retirement. In recent years, public safety duty disability claims have increased and contributed to the destabilization of the Public Employee Retirement Association Police and Fire fund.

The Minnesota Legislature passed changes to the law this year that limits employees deemed duty disabled by PERA to 60 months of health insurance provided by the employer after they leave employment. The new law prohibits lump sum settlements for insurance coverage and the employers' ability to challenge the disability determinations once made by PERA. The changes took effect May 24.

MGDPA Modifications

A few changes to the Minnesota Government Data Practices Act:

- Judges and their families may request that certain personal information in real property records be classified as private data and access to the data be limited. An application must be submitted for each property, and counties may charge up to \$75 for each property. This change takes effect Jan. 1, 2026.
- All county managers; chiefs; heads or directors of departments, divisions, bureaus or boards; and any equivalent position are now "public officials" for purposes of classifying data related to a complaint or charge against a public official. The definition was previously limited to individuals in these positions in counties with a population of more than 5,000. This change took effect July 1.



More to Recording Individual Votes Under Open Meeting Law Than You Might Think

When a board member participates in an open meeting through interactive technology, the Open Meeting Law requires roll call votes and recording the votes. However, recording votes of individual board members goes beyond remote participation in meetings.

Nearly all individual votes of board members need to be recorded in a journal or minutes, regardless of whether the meeting is in person or has remote participants.

Section 13D.01, subd. 4 of the Minnesota Open Meeting Law provides that:

- a) Votes of members of state agency, board, commission or department; or of the governing body, committee, subcommittee, board, department or commission on an action taken in a meeting required by this section to be open to the public must be recorded in a journal or minutes.
- b) The vote of each member must be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute.

This subdivision applies to all meetings covered by the Open Meeting Law, whether they are completely in person or have board members that are participating remotely.

In an opinion from 1975, the Minnesota Attorney General stated that this subdivision requires “that the individual votes

of public officials on ‘any action’ be recorded in a journal [sic] except for votes on ‘payments of judgments, claims and amounts fixed by statute.’”¹ (Op. Atty. Gen. 125a-14, Feb. 28, 1975.)

Citing to this Attorney General opinion, the Minnesota Department of Administration rejected the argument that only items related to appropriations of money needed to be recorded individually. In Advisory Opinion 21-001, the Commissioner stated “[t]he Commissioner agrees; the Board must include the votes of each member of the public body on any action, ‘except for payments of judgments, claims, and amounts fixed by statute.’”

In its Statement of Position: Meeting Minutes, the Office of the State Auditor also instructs that the Minnesota Open Meeting Law “requires that minutes include the individual votes of each member of the governing body on any action, including each appropriation of money other than ‘payments of judgments, claims, and amounts fixed by statute.’”

Members are encouraged to discuss any specific questions regarding Open Meeting Law compliance with their legal counsel.

¹In 2021, Minn. Stat. 13D.01, subd. 4 was modified to permit the recording of votes in a journal or minutes.

Take Advantage of Safety Council Membership: Streaming Video Library

MCIT provides each of its members with a Minnesota Safety Council membership at no additional cost, giving members even more services and programs to support their loss control and risk management efforts.

1,500+ Training Video Library

The Safety Council has an extensive library of training videos that members can stream at no cost to boost workplace safety and that address HR compliance concerns:

- Videos are available 24/7
- Quick access to important safety and HR information
- Many videos are available in multiple languages

To access streaming videos, members must request admin access, which is a simple process. Just follow the instructions at the Minnesota Safety Council website on the On-demand Safety Video Library page. With the admin access, members can assign videos to individual viewers (employees) to watch on their own or can stream videos during a team meeting.

Benefits of Safety Council Membership

The “Members Benefits Overview” video is a quick way to learn more about how an employer can get the most from its Minnesota Safety Council membership. Check it out at [YouTube.com/watch?v=M0ssvpLn0AU](https://www.youtube.com/watch?v=M0ssvpLn0AU).

To access all areas of the Safety Council’s site ([MSC.imiscloud.com](https://www.msc-imiscloud.com)), members need to set up a log in for the site, which is simple. Just choose “create an account” from the Sign In page and complete the online form.

Remember MGDPA When Using Public AI

When local governments consider artificial intelligence (AI) products, tools or programs, they need to balance their potential efficiencies with understanding how the systems use provided information and with caution for securing sensitive data.

AI databases typically fall into one of two categories: public or private. Information entered into a public AI database is stored in the program to then teach and enhance that AI product for all of its users. After the information is entered, it is in that product indefinitely and will be utilized to generate future responses, not only for the governmental entity that provided the information but for others who use that product.

Some examples of public AI tools are ChatGPT, Claude and Grammarly.

Information entered into a private AI database typically enjoy enhanced security or privacy benefits that keep sensitive data within the product's controlled environment. Some examples of private AI tools are CustomGPT.ai, PrivateGPT and LlamalIndex.

Because of the unending lifespan of the data entered into an AI product, it is vital to ensure that sensitive data that a public entity has is not made available to a public AI product. Sensitive government data includes information that is classified as nonpublic under the Minnesota Government Data Practices Act (MGDPA) and other statutes to which the entity is subject (e.g., HIPAA), as well as other information the entity wants to keep secured.

Know Data's Classification Before Using Public AI

Public entities should understand the various classifications of data under the MGDPA and the entity's other security policies when considering the use of an AI product. Levels of data risk vary depending on the information's classification and should be treated differently.

Low-risk data, which would include public data as defined by Minnesota Statutes, Chapter 13, are intended to be available to the public. Hence, this data classified as public could be considered safe to use with a public AI product. Some examples of low-risk public information are public meeting minutes and agendas or names of government employees.

As the data categories grow in sensitivity, the obligation to keep information secured from the general public grows as well. It is essential that employees understand what they should *not* be entering into a public AI product.

Clear examples of high-risk data are nonpublic criminal justice, child protection, tax and banking information, to name a few. Others might be details about the organization's IT systems and passwords.

Ensure Accuracy, Creation of Data

One crucial aspect of the MGDPA is that public entities must be able to prove or show where government data or information is created or developed.

With that, the transparency or lack thereof (currently) with many public AI tools is problematic.

Additionally, accuracy is still an area of concern within public AI tools. AI has the ability to get things wrong or generate conflicting information within a single response. When an AI tool has insufficient data to generate a correct answer, the tool may provide an incorrect or incomplete response. This is often referred to as an "AI hallucination."

As such, it would not be reasonable simply to credit AI as the source of truth. Additional research and response confirmation would be needed. Every result should be vetted by a subject matter expert before relying on it or using said response for additional distribution.

Recommendations

MCIT recommends that members develop a policy for acceptable AI use by employees. This should include the above data practices and security considerations. For example, the policy should restrict users from entering not public data and other identified sensitive information into a public AI product, and should require users to independently verify an AI product's responses before using them.

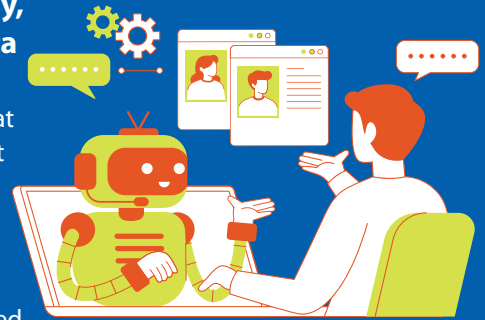
At the very least, members should compile a list of acceptable tools, services and products, as well as circumstances for which these are approved for use and when they are not.

Having clear boundaries and logical use cases is a great place to start an entity's AI utilization, but it is not everything the entity should consider. MCIT recommends that members continually learn, evaluate and assess AI products and how employees want to use them. Then members should modify policies and use cases as necessary to ensure full compliance with data privacy obligations and security best practices.

As with the adoption or use of any new product, a member's legal counsel should be involved to provide recommendations.

Learn More

MCIT's Resource Library at [MCIT.org/resources](https://www.mcit.org/resources) includes several articles that cover various aspects of the MGDPA and a public entity's obligations under it. Members may also want to visit the Minnesota Department of Administration's Data Practices Office website ([MN.gov/admin/data-practices](https://www.mn.gov/admin/data-practices)) for further resources about the Act.



Seminar: Guidance for County Land Use Decision Makers

The seminar “Navigating Key Land Use Issues” Aug. 7 at Park Event Center in the St. Cloud area explores current issues facing county land use decision makers, examines recent case law changes and provides keys for making defensible determinations within the law.

Who Should Attend?

This seminar is developed for county commissioners, boards of adjustment members, planning commission members, planning and zoning employees and county attorneys.

What Attendees Learn

Creating the Defensible Record and Findings

Presented by Kristin Nierengarten (Squires, Waldspurger & Mace)

Having an adequate record and findings to support the zoning authority’s decision on a land use application is crucial when later defending the decision. This session provides helpful and practical tips on creating the record, crafting findings and guiding decision makers through the process of considering land use applications. It also discusses potential pitfalls and lessons learned in drafting and composing findings.

Regulatory Approaches to Data Centers and Energy Storage Units

Presented by Liz Vieira (Squires, Waldspurger & Mace PA)

The rise of artificial intelligence and recent state legislation relating to data centers and battery storage facilities have generated a number of concerns

for local zoning authorities. This session identifies the different and overlapping regulations and provides practical advice in approaching data centers and battery energy storage.

Nonconforming Uses and Abandonment

Presented by Jason Kuboushek (Iverson Reuvers)

Nonconforming uses are by definition exceptions to a local government’s established land use controls. Land use decision makers also need to understand what constitutes abandonment and the rules that apply to it. Often these applications are controversial and may result in litigation. Applying the correct standard is essential to creating a defensible decision. This session addresses the most common missteps local governments make when processing these types of applications.

Bias and Prejudgment in Quasi-judicial Decision Making Process

Presented by Paul Reuvers (Iverson Reuvers)

Local governments can render deci-



sions so tainted by bias as to make them arbitrary and capricious, putting decisions at risk. This session highlights the need for decision makers to approach every proceeding in a fair and unbiased manner, and explains tools to assist in reminding decision makers of their fiduciary responsibility to the public and to the entity.

Short Shots: Hot Button Issues Explained

Presented by Nierengarten, Vieira, Kuboushek and Reuvers

Each presenter gives a quick explanation of other hot issues of land use decision making, which may include Religious Land Use and Institutionalized Persons Act, mandamus and 60-day rule, cannabis, and solar developments.

EVENT DETAILS

- **Date:** Aug. 7, 2025
- **Program time:** 9 a.m.-4 p.m.
- **Cost:** \$75 per person for MCIT member employees (includes materials, lunch and refreshments)*
- **Location:** Park Event Center, Waite

Park, Minn. (TheParkEventCenter.com)

- **Registration:** Visit MCIT.org/events (payment by credit card is required when registering)
- **Questions:** Email hblakestad@mcit.org or call 866.547.6516

*No refunds will be issued for cancellations received after July 23, 2025.

Take Advantage of No-cost Fire Suppression System Design Review in Construction Planning ... continued from page 7

Special Extinguishing Systems

Travelers reviews special extinguishing system plans for installation to ensure adequate protection is provided for the specific hazard and the system is installed per the applicable NFPA standard. Special extinguishing systems may include clean agent (gaseous) systems, carbon dioxide, dry chemical, water spray and foam systems.

Members should provide the following to Travelers for a special extinguishing system review:

- Contractor’s shop drawings
- Calculations (indicating the extinguishing agent concentrations or densities and durations)
- Equipment specifications and cut sheets
- Occupancy and hazard details

- Contractor’s application for acceptance (for the specific special extinguishing system)

How to Submit Plans for Review

Members should submit electronic plans (PDF format is preferred) to Stacy Friling at sfriling@travelers.com. Members typically receive a plan review letter approximately three weeks after submission.