

CITY OF BEMIDJI

RESOLUTION NO. 6569

RESOLUTION REGARDING THE MERIT HEARING BOARD

WHEREAS, the City of Bemidji has a Merit Hearing Board, which exists to review employment decisions taken by any superior officer of the City who has the power to suspend, discharge, or remove from his employment any other employee; and,

WHEREAS, the City of Bemidji historically did not view the Merit Hearing Board as subject to the Minnesota Open Meeting Law; and,

WHEREAS, on December 4, 2023, C.T. Marhula brought suit in Minnesota District Court, Beltrami County, alleging volunteer civil servants Michael Herbert and Lois Jenkins violated Minnesota's Open Meeting Law concerning a merit hearing; and,

WHEREAS, on July 8, 2024, the Honorable Annie Claesson-Huseby issued an order denying Defendant Herbert and Jenkins's Motion for Judgment on the Pleadings, finding there were sufficient facts to support a claim the Merit Hearing Board was subject to the Minnesota Open Meeting Law; and,

WHEREAS, to avoid the significant time, further expense, and the uncertainty of litigation, the City, while not a party to the above-referenced litigation, voluntarily adopts this Resolution to put to rest any and all possible disputes regarding the applicability of Minnesota's Open Meeting Law to the Merit Hearing Board going forward.

NOW, THEREFORE, BE IT RESOLVED that the City of Bemidji hereby agrees to treat the Merit Hearing Board as being subject to Minnesota's Open Meeting Law, effective on the date of the passage of this Resolution.

The foregoing resolution was offered by Councilmember Rivera, and upon due second by Councilmember Eaton, was passed by the following vote:

Yeas: Thayer, Johnson, Eaton, Rivera, Fiskevold Gould, Peterson
Nays: None
Absent: Prince

Passed: August 19, 2024

ATTEST:



Michelle R. Miller, City Clerk

APPROVED:



Ron Johnson, Mayor Pro-Tem