

Did Austin HRA violate open meeting law?

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The Austin Post-Bulletin plans to file a complaint with the Housing and Redevelopment Authority of the city of Austin regarding what it believes is a violation of the Minnesota Open Meeting Law.

The alleged violation occurred when HRA Executive Director Jim Hurm called every member of the HRA board to discuss a change in leadership of the group. Specifically, Hurm discussed current City Engineer Jon Erichson stepping in as HRA executive director when Erichson retires from the city.

Hurm says he followed the law and did not violate it.

The Minnesota Open Meeting Law requires that meetings of governing bodies generally be open to the public. Communication about official business through telephone conversations — called serial meetings — would violate the law.

Hurm presented the information regarding the future of the HRA executive director position at an Austin City Council work session April 2. The information had not been discussed at any open, public HRA meeting. The HRA provides affordable, decent and safe housing to low-income individuals or families through subsidized programs.

Minnesota Newspaper Association Attorney Mark Anfinson said the legal violation seems "clear cut."

"If there was any back-and-forth, any effort to get their approval or to get their input or to get their suggestions," Anfinson said. "Anything like that. That would be a clear-cut violation of the open meeting law."

Anfinson said it would have been fine if Hurm had called each board member and told them he didn't want them to respond, he was just calling for informational purposes to tell them something and the conversation ended without a response from the board members.

Hurm said that is what he did.

"I wasn't trying to convince them of anything," Hurm said. "This whole thing is just courtesy. And there was no real discussion.

"I just simply informed them that I was going to bring this up at the city council meeting."

HRA Board Member Marilyn Prenosil disputes Hurm's claim that the calling was purely informational.

"He wanted to know what my opinion was," Prenosil said. "And I told him I'd have to think about it."

She said she also asked Hurm if he was calling other HRA board members. When he said he was, Prenosil said she questioned him about the open meeting law. Hurm told her it was all right because no decisions were being made, Prenosil said.

In Hurm's phone call to HRA board chairman Marvin Repinski, Hurm shared the information and mentioned Erichson's name but, according to Repinski, Hurm did not mention that he would be presenting it to the city

council.

"He never mentioned that," Repinski said. "I was really surprised that he did, and that's what infuriated me."