

Public Body Checklist for Responding to an Open Meeting Law Complaint

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A public body is required to respond to each Open Meeting Law complaint filed with it in accordance with the procedures set forth in General Laws Chapter 30A, section 23(b), and the Attorney General's Open Meeting Law Regulations, 940 CMR 20.05.

- ☐ Open Meeting Law complaints must be filed with the Chair of the public body. For local public bodies, complaints must also be filed with the municipal clerk.
- ☐ Upon receipt of an Open Meeting Law complaint, the Chair must disseminate the complaint to the members of the public body.
 - The complaint may be distributed by email outside of a meeting, but the public body must not discuss the merits of the complaint or share opinions about the complaint outside of a meeting.
- ☐ Within **14 business days** of receipt of an Open Meeting Law complaint, the public body must:
 - Review the complaint during a meeting.
 - ❖ The public body may review and discuss the complaint in executive session under Purpose 1, as an Open Meeting Law complaint is, by its nature, a complaint filed against a public official(s).
 - ❖ The public body may review the complaint at a meeting and then authorize an individual—such as the Chair, an administrator, or legal counsel—to draft and send a response.
 - ❖ An individual—such as the Chair, an administrator, or legal counsel—also may receive the complaint and draft a response in advance of the meeting for the public body to approve at a meeting.
 - ❖ The Open Meeting Law does not require a public body to engage in a substantive discussion of the merits of the complaint. The decision to refer the complaint for response, rather than discuss its substance, is the public body's prerogative.
 - ❖ Nonetheless, the public body may not remove itself entirely from the process. It must, at some point before responding, review the complaint during a meeting.
 - Respond to the complainant in writing.
 - Send to the Attorney General a copy of the complaint and a copy of the response (may be sent via email to openmeeting@mass.gov).
- ☐ A public body may request an extension of time to respond to an Open Meeting Law complaint.

- An extension must be requested before the response is otherwise due (typically, within 14 business days).
- An extension may be granted upon a showing of good cause.
- Requests for extension should be sent to openmeeting@mass.gov.

Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at openmeeting@mass.gov. For more information on the Open Meeting Law, please visit www.mass.gov/ago/openmeeting.