

# Environmental Justice Council

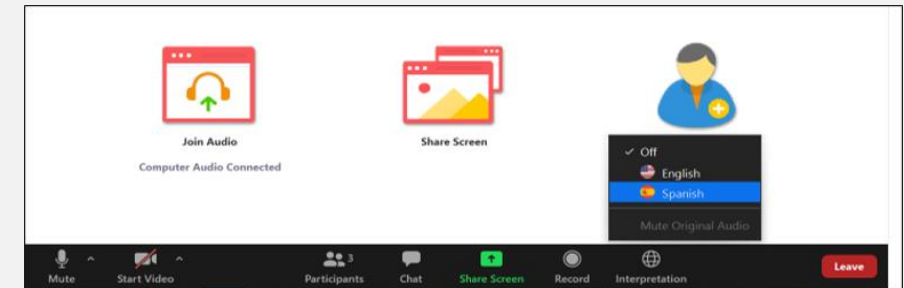
Meeting #8 • Wednesday, February 8, 2023 • 6:00 pm



## LOGISTICS

- ➔ Language Interpretation is being offered in: Español, Kreyòl ayisyen 普通话, Kriolu, Português, Tiếng Việt, and American Sign Language (ASL)
  - To participate in English, click the “Interpretation” icon and select English.
  - Para entrar no canal em português, clique no ícone “Interpretation” e selecione “Portuguese”
  - Si alguien desea interpretación en español, haga clic en “Interpretation” y seleccione “Spanish”
  - Pou rantr nan chanèl kreyòl ayisyen an, klike sou ikòn “Interpretation” an epi chwazi “Haitian Creole”
  - 要以普通话参加会议，请单击口语图标并选择 “Chinese”
  - Pa partisipa na Kriolu, klika na ikone "Intirpretason" y silisyon "Cape Verdean Kriolu".
  - Để vào kênh bằng tiếng Việt, hãy nhấp vào biểu tượng “Interpretation” và chọn “Vietnamese”

- ➔ Please speak slowly.
- ➔ All attendees must select a language channel, even if viewing the presentation in English.



- ➔ If you would like a translated version of the slides, please go to the EJC website at: <https://www.mass.gov/service-details/environmental-justice-council-ejc-meetings>

**THIS MEETING IS BEING RECORDED**



# Environmental Justice Council

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Meeting #8

Wednesday, February 8, 2023, 6:00 pm

In Person location: Chelsea, MA

*Williams School Building, 180 Walnut Street*



# Logistics and Agenda

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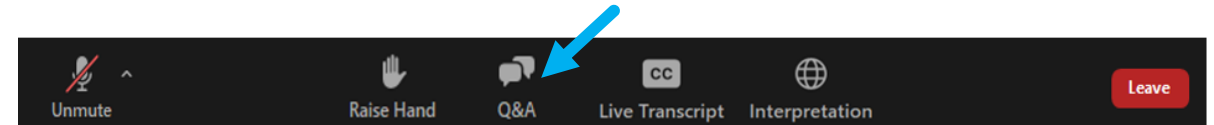


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- ➡ All lines will be muted during the presentations.
- ➡ The line will be open for oral comments after the presentations.
- ➡ If you have a clarifying question or a logistical or technical issue during the presentations, please type it into the Q&A box.



- ➡ Contact the ERG webinar lead **Kecil John** at [meetings@erg.com](mailto:meetings@erg.com) with any technical issues or questions.

# Agenda

- Welcome and Overview of Meeting Logistics 6:00 - 6:10
- Remarks from EEA Secretary Rebecca Tepper 6:10 - 6:25
- Roll Call and Approval of Prior Meeting Minutes 6:25 - 6:30
- Announcements 6:30 - 6:40
- Possible Workgroup Formation and Open Meeting Law Compliance 6:40 - 7:00
- EJ Council Discussion and Decision on EEA EJ Strategy Comments 7:00 - 7:40
- Vote on EEA EJ Strategy Comments 7:40 - 7:45
- Questions and Comments from the Public 7:45
- Next Steps and Adjourn Close



## Approval of December 13, 2022 Meeting Minutes & Roll Call: EJ Council Members

- Kalila Barnett
- Madeline Fraser Cook
- Melissa Harding-Ferretti
- Cheryll Holley
- Caroline Hon
- Namrita Kapur
- Lydia Lowe
- Marcos Luna
- Peter Maathey
- Rishi Reddi
- Patricia Spence
- Ari Zorn

# Announcements

# Possible Workgroup Formation and Open Meeting Law Compliance





# Commonwealth of Massachusetts

## *Compliance with the Open Meeting Law: Understanding Subcommittees*

**Read Porter, Acting General Counsel  
Executive Office of Energy & Environmental Affairs**

*February 8, 2023*

# What is the Open Meeting Law?

- The Open Meeting Law applies only to “public bodies”
- Subject to certain exceptions, all meetings of a public body shall be open to the public” M.G.L. c 30A, § 20(a).”
  - A “Meeting” is “a deliberation by a public body with respect to any matter within the body's jurisdiction”, with certain exceptions
  - A “Deliberation” is “an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction . . .”.
  - A quorum is a simple majority of the public body, unless otherwise stated.
- Guide and educational materials available on the Attorney General’s website.

# What is a “public body”?

- A public body is “a multiple-member board, commission, committee or subcommittee . . . however created, elected, appointed or otherwise constituted, established to serve a public purpose . . . . provided [], that a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.” M.G.L. c. 30A, § 18.
- “When reviewing whether a public body created a subcommittee, our analysis hinges on the public body's actions and whether it intended to create a multiple-member body.”  
OML 2022-22
- “A gathering of individuals, on their own initiative, does not create a subcommittee.”  
OML 2022-10.

# Examples

- No subcommittee was created where a single volunteer was sought to work on a matter and another board member thereafter, on their own initiative, volunteered to assist. OML 2017-111
- No subcommittee was created where some members of Committee, on their own accord, met with constituents, individually or in groups, as well as with elected and other government officials, to discuss concerns related to flightpaths arriving at and departing from Logan Airport. OML 2022-22
- A subcommittee was created where multiple volunteers were sought to work on a matter and after two individuals volunteered, the public body agreed to the arrangement by consensus but did not vote. OML 2018-23

# Compliance by voluntarily constituted groups

- A voluntarily constituted group that includes members of a public body is a subcommittee subject to the OML if:
  - A quorum of the public body is present
  - The public body votes or otherwise directs its members to undertake business on its behalf or approves of its actions even by consensus.
- A voluntarily constituted group will reduce the chance of becoming a subcommittee if:
  - The public body does not agree to the creation of the group
  - Members work at their own initiative and are not assigned to a task or to participate in the group.
  - The group engages in factfinding/synthesis rather than developing a recommendation for the public body to act.
  - Reporting findings to the public body and the use of the information by the public body do not make a group a subcommittee.

# Practical Example

- The public body discusses the need to advance its work beyond the limited time available at its meetings.
- One or more members of the public body volunteer to lead working groups to consider specific issues relevant to the work of the public body, with or without input from the public or non-member experts. No vote is taken, and the public body does not seek consensus on the matter.
- Working groups meet to collect and synthesize information and prepare reports or presentations of their findings. A quorum of public body members is never present.
- The public body hears presentations or considers reports at a public meeting, and votes to adopt a course of action based on the material.

# **EJ Council Discussion on Draft EEA EJ Strategy: Decision on EJ Council Comments**

# Public Comments and Questions

*Please limit each comment to two minutes to  
allow time for others to speak*





WHAT'S  
NEXT?

## Next Steps & Adjourn

Information on the EJC and its meetings can be found at

<https://www.mass.gov/orgs/environmental-justice-council-ejc>