Slide 1: Open Meeting Law: Balancing Government Transparency with Government Efficiency

Special Commission on State Institutions

September 6, 2023

Slide 2: Certification

Image description: Picture of Certificate of Receipt of Open Meeting Law materials

Members must sign certification within two weeks of receipt:

* Read and understand requirements of the law and consequences for violating it
* Educational Materials:
  + OML Guide Book
  + Last 5 Years of OML Determinations

Slide 3: Open Meeting Law Basics

Notice of Meetings must be posted

Meetings must be open to the public

Minutes must be kept

Complaint process

Slide 4: Public Body

Definition:

A multi-member board, commission, committee or sub-committee … however created, elected, appointed or otherwise constituted, established to serve a public purpose … subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.

Subcommittees: Subcommittees are themselves public bodies, and must comply with all provisions of the Open Meeting Law

Slide 5: Quorum and Deliberation

Quorum: a simple majority of the members of a public body, unless otherwise provided.

Deliberation: an oral or written communication through any medium, **including e-mail**, between or among a quorum of a public body on any public business within its jurisdiction.

“Deliberation” includes almost all communications, with limited exceptions for administrative matters such as scheduling meetings, and is not limited to decision-making or opinion communications.

Slide 6: Deliberation

Not deliberation:

* Agenda
* Scheduling
* Reports or documents
* Subquorum but not subcommittee

Slide 7: Meeting

Definition: Deliberation by public body with respect to any matter within the body’s jurisdiction

Includes:

* Regular board meetings
* Special meetings
* Retreats
* Workshops

Slide 8: Accessibility

Adequate, alternative access: Ability to clearly follow the proceedings of the public body while they are occurring

Reasonable efforts to accommodate crowds

Accessible to the disabled

Americans with Disabilities Act, federal Rehabilitation Act of 1973, state constitutional provisions

The Attorney General’s Civil Rights Division can assist -

Contact the Civil Rights Division at (617) 963-2939

Slide 9: Meeting Notices

Image description: Example of a meeting agenda with a “received” stamp by the town clerk.

Date of Meeting

Time of Meeting

Place of Meeting

List of Topics reasonably anticipated

Date and time of notice posting

Slide 10: Executive Session

Procedural requirements for entering executive session

Convene open session

State purpose

Take roll call vote

Reconvene?

Remote participants

All votes by roll call

Slide 11: Meeting minutes

Image description: Example of Meeting Minutes

Minutes must state the date, time, place of the meeting, and list of members present or absent

Minutes must include:

* A summary of discussion of each topic
* Decisions made and actions taken, including a record of all votes - Secret ballots prohibited; roll call votes recorded accordingly
* List of documents and other exhibits used by the body at the meeting, including by remote participants

Slide 12: Resources

Attorney General’s Open Meeting Law Website

http://www.mass.gov/ago/openmeeting

* Open Meeting Law: G.L. c. 30A, §§18-25
* Regulations: 940 CMR 29.00
* Guide
* FAQs
* Checklists
* Determination Letters

Slide 13: Contact Information

Office of Attorney General

Division of Open Government

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