

Mass Workforce Issuance

Workforce Issuance No. 11-05

☒ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Managers

cc: WIA State Partners

From: Michael Taylor, Director
Department of Workforce Development

Date: January 11, 2011

Subject: **New Open Meeting Law: Meeting Notice Requirements**

Purpose: To provide guidance to Local Workforce Investment Boards with respect to meeting notice requirements under the new Massachusetts Open Meeting Law.

Background: Effective July 1, 2010, the State Open Meeting Law (c. 28, §§ 17-20); the County Open Meeting Law (c.30A, §§ 11A, 11A1/2); and the Municipal Open Meeting Law (c. 39, §§ 23A, 23B, and 23C) were repealed and replaced with a single Open Meeting Law covering all public bodies, MGL c. 30A, §§ 18-25. The new law is enforced by the Massachusetts Attorney General.

Section 20 of the new Massachusetts Open Meeting Law covers notification requirements for meetings. Section 20 also distinguishes between types of “public bodies”: “local” public bodies; “regional” public bodies; “county” public bodies; or “state” public bodies. Other than the Boston PIC, all other Massachusetts Local Workforce Investment Boards (LWIBs) include multiple units of government within their individual jurisdictions.

Under the new law, notwithstanding the type of public body, all meeting notices must be posted at least 48 hours prior to such meeting (excluding Saturdays, Sundays and legal holidays), and must be provided in an easily understandable

format that includes the “date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.”

For “local” public bodies whose jurisdiction consists of a single city or town, the new law requires that notice of meetings be filed with the municipal clerk and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk’s office is located.

For “regional” public bodies whose jurisdiction consists of multiple cities and/or towns, the new law requires that notice of meetings be posted in each city or town within the region in the manner prescribed for “local” public bodies.

For “county” public bodies the new law requires notice to be filed in the office of the county commissioners and a copy publicly posted in a manner conspicuous to the public at all hours in such place or places as the county commissioners shall designate for that purpose.

Per discussions with the Massachusetts Office of the Attorney General it has been determined that for purposes of applying the new Open Meeting Law to the Commonwealth’s LWIBs, other than the Boston FSC that shall be designated a “local public body”, the balance of Massachusetts local workforce boards shall be construed to fall within the designation of “regional public body” even though a particular LWIB’s jurisdiction may conform to a specific “county” geographical configuration.

Section 20 of the new Open Meeting Law also gives the Attorney General the authority to prescribe or approve *alternative* methods of notice (that include all required notice information) where it is determined that such alternative “will afford more effective notice to the public.” In accordance with said authority, the Office of the Attorney General published new regulations at 940 CMR § 29.03 providing methods of notification, including allowable alternative methods for all public bodies. The regulations were published on October 1, 2010.

For a “local” public body, the alternative methods include:

1. posting notice of meetings on the municipal website;
2. posting notice of meetings on cable television *and* posting notice or providing cable television access in an alternate municipal building (e.g. police or fire station) where the notice is accessible at all hours;
3. posting notice of meetings in a newspaper of general circulation in the municipality, and posting notice or a copy of the newspaper containing the meeting notice at an alternative municipal building (e.g. police or fire station) where the notice is accessible at all hours;
4. posting notice of meetings via the placement of a computer monitor or electronic or physical bulletin board displaying meeting notices on or in a door, window, or near the entrance of the municipal building in which the clerk’s office is located in such a manner as to be visible to the public from outside the building; or
5. providing an audio recording of meeting notices, available to the public by telephone at all hours.

For “regional” public bodies, as the one alternative to continuing to provide written notice to each town and/or city clerk in the local workforce investment area, the LWIB may instead choose:

1. to post a meeting notice on the regional public body’s (its own) website. A copy of the notice shall be filed and kept by the chair of the public body or the chair’s designee.

To access the full text of the new Open Meeting Law, click on the following link:

[MGL c.30A Sections 18-25](#)

To access the full text of the new Open Meeting Law Regulations, click on the following link:

[940 CMR 29.00 Open Meetings](#)

- Policy:** Each Massachusetts Local Workforce Investment Board must comply with meeting notification requirements as prescribed in the new Massachusetts Open Meeting Law, MGL c. 30A, §§ 18-25 and its regulations at 940 CMR § 29.03.
- Action Required:** Per the guidance provided here, each Local Workforce Investment Board must review its meeting notification procedures to assure it complies with the requirements of MGL c. 30A, §§ 18-25 and its regulations at 940 CMR § 29.03.
- Effective:** Immediately
- Inquiries:** Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.