

# OPEN MEETING LAW CHANGES

Effective 7/1/2010

## GENERAL

- Repeal current provisions under G.L. c.39, §§ 23A – 23C
- Revised OML under G.L. c.30A, §§ 18 – 25
- “Governmental Body” is now referred to as a “Public Body”
  - includes sub-committees of any multiple-member body created to advise or make recommendations to a public body

## NOTICE

- 48-hour meeting notification now EXCLUDES Saturdays, in addition to Sundays and Legal Holidays (i.e. Monday meeting must be posted by previous Thursday; Tuesday meeting following a Monday holiday must also be posted by previous Thursday)
- Agenda is now REQUIRED to be filed with the meeting notice, and must include: *“a listing of topics that the chair reasonably anticipates will be discussed at the meeting”*
  - “Old” & “New” business can be listed on an agenda to allow discussion/action on unanticipated topics not specifically listed on the agenda
  - this option should NOT be used to circumvent the agenda and notification process
- Meeting Notice and Agenda must be posted and conspicuously visible in or on Town Hall at all hours (24/7). (Municipal website posting does not suffice)
- Notice requirements apply to continued, adjourned or extended meetings

## MEETINGS and MINUTES

- Minor changes to purposes for convening in Executive Session
- Remote participation in meetings permitted if previously authorized by AG’s Office
  - Chair and quorum must still be physically present
- If audio/video recordings used, Chair must state so for the record
- Minutes must include:
  - a listing of members who are present, as well as members who are absent
  - a summary of ALL topics discussed at the public meeting
  - decisions made and actions taken, including a record of all votes
  - a list of all documents and other exhibits used at the meeting
  - the documents and other exhibits used constitute a component of the minutes

## ELECTRONIC MAIL [“E-Mail”]

- “Electronic Mail” is now included in the definition under “Deliberation” and therefore is now SPECIFICALLY PROHIBITED as a means of communicating with other board members regarding a meeting matter, except for the following types of communication:
  - set up meeting dates
  - distribute meeting agendas
  - schedule information
  - distribution of other procedural meeting materials, reports or documents that may be discussed at the open meeting

## ENFORCEMENT

- Oversight and enforcement of OML under jurisdiction of State Attorney General
  - Regulations and Guidelines are being developed by the AG’s Office
  - AG has authority to issue binding interpretations of the OML (DA’s did not)
  - Complaints to be filed directly with the Board/Committee within 30 days
  - Public body must forward complaint and answer within 14 days to AG
  - Complainant can file directly with AG not less than 30 days after date complaint filed with public body if they feel the alleged violation has not been sufficiently addressed by the public body
  - AG would make determination if violation occurred and proceed further.