

MA Open Meeting Law Overview

November 2021

What is OML?

Massachusetts General Law Chapter 30A §19(a).

Open Meeting Law ensures transparency in the deliberations on which public policy is based. Because the democratic process depends on the public having knowledge about the considerations underlying governmental action.

This requires, with some exceptions, that meetings of public bodies be open to the public.

The Office of Attorney General's Division of Open Government has oversight of OML and provided training, responds to inquiries, investigates complaints, and when necessary, makes findings and orders remedial action to address violations of the law.

What is Subject to OML?

Four questions help determine whether a communication constitutes a “meeting” subject to the law:

1) is the communication between or among members of a public body;

2) if so, does the communication constitute a deliberation;

3) does the communication involve a matter within the body’s jurisdiction; and

4) if so, does the communication fall within an exception listed in the law?

THIS INCLUDED WRITTEN AND ORAL COMMUNICATION BY A QUORUM OF THE BOARD/COMMITTEE MEMBERS

What About Executive Session?

IF - public discussion of the following would be detrimental you can have a private, executive session regarding the following:

- ▶ To discuss reputation, character, physical condition or mental health of an individual
- ▶ To prepare strategy or conduct Negotiation
- ▶ To prepare strategy for Litigation or Collective Bargaining
- ▶ To discuss the deployment of security personnel or devices
- ▶ To investigate charges of criminal misconduct
- ▶ To consider the purchase, exchange, lease or value of real property
- ▶ To consider or interview applicants for employment or appointment by a preliminary screening committee

Entering Executive Session

- ▶ Convene in open session
- ▶ State the reason(s) for the executive session
 - ▶ without compromising the purpose
- ▶ State that an open discussion would be detrimental to our position.
- ▶ Will we reconvene in open session?
- ▶ Take a roll call vote

In Executive Session

- ▶ Keep accurate records/minutes
- ▶ Roll call votes
- ▶ Only discuss matters identified

- ▶ NOTE: Once the purpose for the executive session no longer exists, the minutes are subject to request (i.e. the purchase of the buildings)

Responsibilities

- ▶ Announcement of Meetings at least 48 hours in advance
- ▶ Providing accommodations to persons with disabilities
- ▶ Minutes approved and available
 - ▶ Minutes posted on AMSA web site
 - ▶ See also BOT policy A-102
- ▶ NOTE: we are still allowed to have remote meetings as long as the public has access to them.

Other Aspects of OML

- ▶ An individual may not address the Board without permission of the chair.
- ▶ May be recorded by attendees

Resources

- ▶ Governance Chair
- ▶ Open Government at (617) 963-2540 or visit our website at - www.mass.gov/ago/openmeeting

Questions

