

Town of Randolph - Open Meeting Law Update

July 2010

The **Open Meeting Law** was revised as part of the 2009 Ethics Reform Bill, and will centralize responsibility for state-wide enforcement of the law in the Office of the Attorney General. The proposed effective date of the revised law is **July 1, 2010**.

The Open Meeting Law supports the principle that the democratic process depends on the public having knowledge about the considerations underlying governmental action. The Open Meeting Law requires that most meetings of governmental bodies to be held in public. There are some exceptions, which are designed to ensure that public officials are not "unduly hampered" by having every discussion among public officials open to the public. As a result, the Open Meeting Law provides for particular circumstances under which a meeting may be held in executive session. We recommend that you do **not go into executive session without first contacting Town Counsel**.

There are **major changes** to the Open Meeting Law that are listed below. Some of them you are already aware of and have complied since our board, committee & commission orientation workshops:

- All persons serving on "public bodies" must receive a copy of the Open Meeting Law, you received these when you were sworn in:

M.G.L. c. 30A, § 19(c)

Open Meeting Law Guidelines – To be updated by the Attorney General's office in July 2010.

- **The officer calling the meeting** is responsible for complying with the following posting requirements:

1. **48 Hour notice** for meetings of Boards and Committees – the Town Clerk must receive your meeting posting, **including agenda** by 3:30pm at least 48 hours prior to the meeting. This notice must be available to the public at all hours. **The 48 hours notice cannot include Saturdays, Sundays or holidays.**
 - a. Email postings to BHoward@TownofRandolph.com
 - b. Fax to 781-961-0919
 - c. In person at the Town Hall
 - d. By phone (781) 961-0900
 - e. Or mail to Town of Randolph, 41 South Main Street

For example:

Monday night meetings must be posted **before the Thursday night** prior to the meeting.

Tuesday night meetings must be posted **before the Friday night** prior to the meeting (if Monday is a holiday, before Thursday night).

Wednesday night meetings must be posted **before the Monday night** prior to the meeting.

Thursday night meetings must be posted **before the Tuesday night** prior to the meeting.

Friday night meetings must be posted **before the Wednesday night** prior to the meeting.

2. **Notices** must include the **date, time and place** of the meeting and the **agenda** (the list of topics that the chair reasonably anticipates will be discussed).

- **Emails** are included in the definition of “deliberation” which is prohibited outside of open session; but **distribution of agendas, scheduling information or reports to be discussed at future meetings is permitted.**
- **Attendance by a quorum** at a location is not considered to be a “meeting” if members are not intending to conduct business and no deliberation occurs.

For example:

1. Attendance at a conference, social event, or a meeting of another municipal board is **not considered to be a meeting** if no intention to conduct business or deliberation occurs.
2. A meeting of a quasi-judicial board solely to make a decision required in an adjudicatory proceeding is **not a “meeting”**.

- **Meeting minutes** must contain more detailed information than previously required.

The following must be included in the minutes:

1. Date, place, time and matters discussed.
 2. Summaries of discussions
 3. List of documents used
 4. Decisions made
 5. Actions taken
 6. Record of all votes (yeas, nays and abstentions).
 7. Documents and other exhibits, such as photographs, recordings, maps and presentations used by the body at the open or executive session shall be part of the official record of the session in addition to the minutes.
- The new law does allow for **remote participation** by members under certain circumstances. However, they are quite limited and you are advised not to do so without contacting Town Counsel in advance.
 - **Executive Minutes** must be reviewed by the chair periodically to determine if they should be released, or if purpose for executive session is still ongoing to keep minutes confidential.
 - **Attorney General** will assume broad interpretation and enforcement authority over the Open Meeting Law. The District Attorney is no longer involved. Persons making complaints of Open Meeting Law violations must file **written complaint** with the **Public Body** first. The **Public Body** then submits a reply to the complainant and to **The Attorney General’s Office.**

Source: MTCA June Conference

I have received and will comply with the new Open Meeting Law requirements.

Name: _____

Date: _____

Board / Committee / Commission: _____

