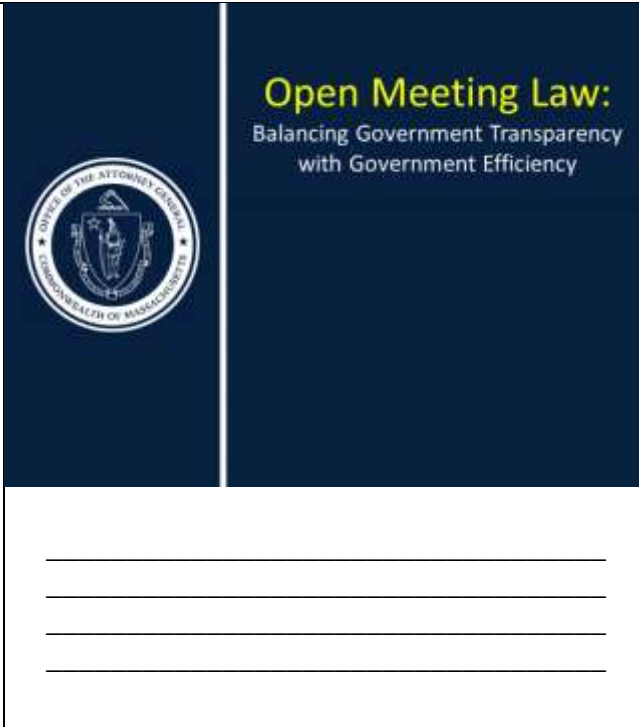


# Attorney General's Open Meeting Law Presentation Handout

Slide 1.



**Open Meeting Law:**  
Balancing Government Transparency  
with Government Efficiency

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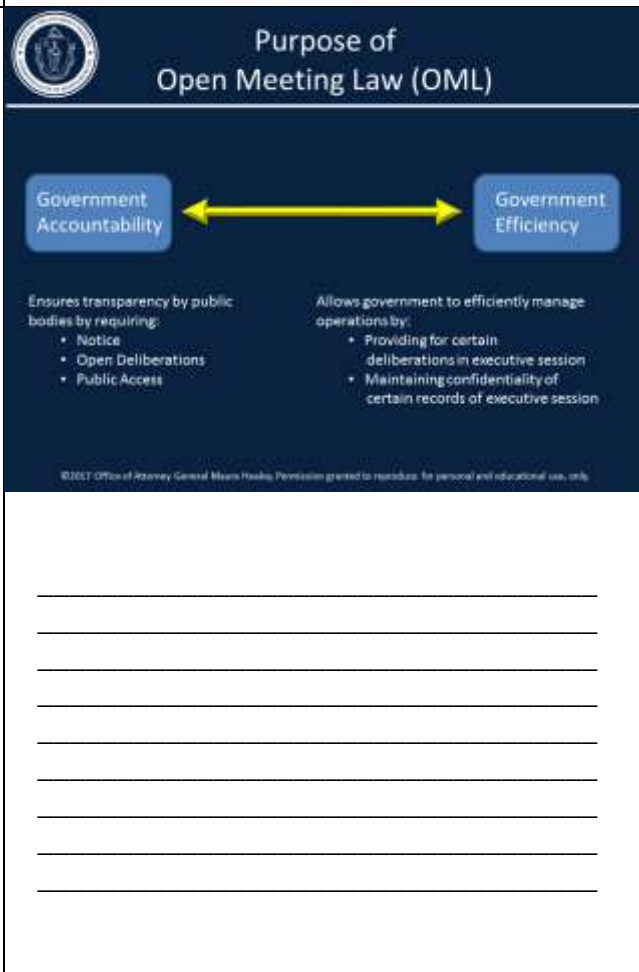
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Slide 2.



**Purpose of  
Open Meeting Law (OML)**

**Government Accountability** ↔ **Government Efficiency**

Ensures transparency by public bodies by requiring:

- Notice
- Open Deliberations
- Public Access

Allows government to efficiently manage operations by:

- Providing for certain deliberations in executive session
- Maintaining confidentiality of certain records of executive session

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## Purpose of Open Meeting Law

- Recognizes the necessary balance between government accountability and government efficiency.
- Ensures transparency by public bodies by requiring:
  - Notice
  - Open Deliberations
  - Public Access
- Allows government to efficiently and effectively manage its operations by:
  - Providing for certain deliberations to take place in executive session
  - Maintaining confidentiality of certain records of executive session

Slide 3.



### Attorney General's Role

- Educate / train public officials and members of public bodies
- Promulgate regulations
- Provide guidance on OML requirements
  - Hotline / Email
  - Website
- Address OML complaints
- Make findings and bring enforcement actions

Slide 4.

**Certification**

Members must sign certification within two weeks of receipt:  
Read and understand requirements of the law and consequences for violating it

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### OML Certification

- OML materials must be distributed to all public body members upon taking oath of office or, if none is required, before entering performance of office

Local Public Bodies: Municipal clerk

Regional, District, County or State Bodies: Appointing authority, executive director, or other administrator or designee

- Members must sign certification within two weeks of receipt
  - Read and understand requirements of law and consequences for violating OML
- Person distributing materials also keeps certifications

Slide 5.



The slide features a dark blue background with a white seal in the top left corner. The title "Open Meeting Law Basics" is centered at the top. Below the title, a large white arrow points to the right, containing four colored boxes: a purple box with "Notice of meetings must be posted", a blue box with "Meetings must be open to the public", a light blue box with "Minutes must be kept", and a teal box with "Complaint process". At the bottom left, there is a copyright notice: "©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only." Below the slide content, there are five horizontal lines for notes.

### Open Meeting Law Basics

- 1) Notice must be posted for all meetings
- 2) Meetings must be open to the public, unless the public body enters into executive session
- 3) Minutes must be kept for open and executive sessions
- 4) Complaint process

Slide 6.



The slide features a dark blue background with a white seal in the top left corner. The title "Public Body" is centered at the top. Below the title, there are two colored boxes: a teal box labeled "Definition" and an orange box labeled "Connelly exception". The "Definition" box contains the text: "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." The "Connelly exception" box contains the text: "Where a public official creates a group to advise that public official on a decision that he or she has sole responsibility for, the group is not subject to the Open Meeting Law. See *Connelly v. School Committee of Hanover*, 409 Mass. 232 (1991)." At the bottom left, there is a copyright notice: "©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only." Below the slide content, there are five horizontal lines for notes.

### Public Body

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.

Connelly exception: where a public official creates a group to advise that public official on a decision that he or she has sole responsibility for, the group is not subject to the Open Meeting Law

Slide 7.

**Exclusions**

- State Legislature  
Massachusetts House of Representatives
- Judicial Branch  
Massachusetts Supreme Judicial Court
- Not-for-Profit Organizations  
THE GREATER WORCESTER GREEN LAND TRUST  
The Greater Worcester Land Trust
- Focus Groups
- No Public Purpose
- Constitutional Officers  
Massachusetts Governor Charlie Baker

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Excludes:

- Legislature and its committees
- Bodies of the Judicial branch
- Bodies created by a constitutional officer solely to advise that constitutional officer
- Bodies that do not serve a public purpose (such as a retirement party planning committee)
- Groups not established with the “jurisdiction” to make decisions or recommendations collectively (such as a focus group)

Slide 8.

**Examples: Public Bodies**

- State:** University of Massachusetts Board of Trustees
- Local:** Town of Braintree, MA Board of Selectmen
- Regional:** Martha's Vineyard Airport Commission

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Examples: Public Bodies

- **State:** Open Meeting Law Advisory Commission; Massachusetts Gaming Commission; UMass Board of Trustees; Charter Schools
- **Local:** Board of Selectmen; School Committee; Planning Board
- **Regional:** Regional School Committee; Regional Water Commission; Regional Planning Commission
- **County:** Board of County Commissioners; County Retirement Board; County Charter Review Commission

Slide 9.

Examples: **NOT** Public Bodies

State: Regional: Local:

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Examples: Not Public Bodies

**State:** State Senate; House of Representatives; Judicial Nominating Commission; Massachusetts Municipal Association

**Regional:** Regional high school boosters club

**Local:** Neighborhood watch association; PTO; Republican/Democratic Town Committees

Slide 10.

Quorum and Deliberation

"An oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction."

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Quorum and Deliberation

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

**Quorum:** A simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.

Slide  
11.



## Deliberation

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**Not deliberation:**



- Agenda
- Scheduling



- Reports or documents



- Subquorum, but not subcommittee



- Recess a Town Meeting for emergency

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### Deliberation

#### Excludes:

- Distribution of meeting agenda, scheduling or procedural information
- Distribution of reports or documents to be discussed, provided no opinion of a member of the public body is expressed
- Communications between a Subquorum, if not subcommittee, and no serial communication
- Discussion of the recess or continuance of a Town Meeting, in the event of a weather-related or public safety emergency

Slide  
12.



## Meeting

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

**Excludes:**



On-site Inspectors



State Quasi-Judicial Boards



Town Meetings (Township, Town Meeting)



Towers



Attendance at Meetings of other Public Bodies

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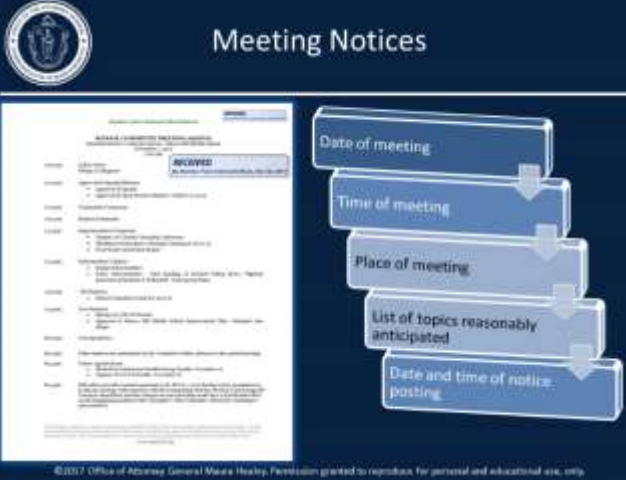
### Meeting

Deliberation by public body with respect to any matter within the body's jurisdiction

#### Excludes:

- On-site inspection provided no deliberation
- Attendance by a quorum at an event provided no deliberation
- Attendance by a quorum at meeting of another public body provided no deliberation
- Meeting of a quasi-judicial board for sole purpose of making a decision in an adjudicatory proceeding
- Town Meeting

Slide  
13.



The slide features the Seal of the Commonwealth of Massachusetts at the top left. The title "Meeting Notices" is centered at the top. On the left, there is a screenshot of a meeting notice document. On the right, a vertical stack of five blue boxes with white text lists the required components of a meeting notice: "Date of meeting", "Time of meeting", "Place of meeting", "List of topics reasonably anticipated", and "Date and time of notice posting". Below the screenshot, there is a copyright notice: "©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only." At the bottom of the slide, there are five horizontal lines for notes.

### Meeting Notices

Except in an emergency, a public body must post notice of meeting at least 48 hours in advance, excluding Saturdays, Sundays, and legal holidays

Notice must include:

- Date of meeting
- Time of meeting
- Place of meeting
- List of topics chair reasonably anticipates will be discussed at meeting
  - Topics should give enough specificity so that the public will understand what will be discussed.
- Date and time notice was posted
  - If the notice is revised, the revised notice must record the date and time the original notice was posted, as well as the date and time of the revision

Slide  
14.




The slide features the Seal of the Commonwealth of Massachusetts at the top left. The title "Meeting Notices" is centered at the top. Below the title, the words "Emergency Meeting" are written in a yellow, underlined font. In the center, there is a photograph of a flooded street with a car partially submerged. Below the photo, there are two blue buttons: "Unexpected" on the left and "Requires immediate action" on the right, separated by a small blue square with a white plus sign. Below the buttons, there is a copyright notice: "©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only." At the bottom of the slide, there are five horizontal lines for notes.


### Meeting Notices

- “Emergency” is a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.
- In an emergency, a public body shall post notice as soon as reasonably possible prior to a meeting

Slide  
15.




### Meeting Notices: Local Public Bodies




File with Municipal Clerk

Or



Bulletin Board



Municipal Website

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#### Meeting Notices: Local Public Bodies


- Local public bodies must file notice with the municipal clerk
- Notice must be posted in a manner conspicuously visible to the public, including persons with disabilities, at all hours in or on the municipal building where the clerk's office is located
- Alternate posting options
  - Municipal website
  - Cable television/alternate municipal building open 24 hours
  - Newspaper/alternate municipal building open 24 hours
  - Monitor/electronic display where may be viewed 24 hours
  - Audio recording available 24 hours

Note that even if an alternative posting method has been adopted, meeting notices must still be available in or around the clerk's office


Slide  
16.




### Meeting Notices: County, District and Regional Public Bodies



Hampshire Council Of Government Board Of Councilors



Plymouth Board of County Commissioners



Amherst-Pelham Regional School Committee

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#### Meeting Notices: County, District and Regional Public Bodies

- Regional or district public bodies must post notice in each city or town within the region or district in the manner prescribed for local public bodies, or may post to a website
- For a regional school district, the secretary of the regional school district is the clerk of the school district and shall file the notice with the clerk of each city or town in the district, or may post to a website
- County public bodies must post notice with the office of the county commissioner and a copy of the notice posted in a manner conspicuously visible to the public at all hours in a place or places designated by the county commissioners, or may post to a website

Slide  
17.

**Meeting Notices:  
State Public Bodies**

Post to the public body's website or the website of its parent agency

Notify the Attorney General of the location of the website

Send a copy of the meeting notice to the Regulations Division of the Secretary of the Commonwealth's Office  
[regs@sec.state.ma.us](mailto:regs@sec.state.ma.us)

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### Meeting Notices: State Public Bodies

- Post to the public body's website or the website of its parent agency
- Notify the Attorney General of the location of the website where meeting notices will be posted
- Send a copy of each meeting notice to the Regulations Division of the Secretary of State's Office
  - [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us)

Slide  
18.

**Notice Posting:  
Common Concerns**

What if a new topic arises after notice is posted?

What if the clerk can't post notice in time?

Cancelling a meeting?

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### Notice Posting: Common Concerns

- What if a new topic arises after notice is posted?
  - Public bodies are encouraged to update the notice when made aware of new topic within the 48-hour period before the meeting
  - Chairs should not post notices so far in advance that there is a high likelihood that new topics will arise
- What if the clerk can't post notice in time?
  - Chairs are encouraged to work with municipal clerks to enable sufficient time for posting
- Canceling a meeting
  - Meeting cancellations do not require 48 hours' notice
  - Meetings that are continued, or cancelled and rescheduled, must comply with all notice requirements of the Open Meeting Law
- Other laws may apply (such as notice for public hearings)

Slide  
19.

 **Accessibility**

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

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### Accessibility

- Reasonable efforts to accommodate crowds
- Meetings must be accessible to the disabled
- Americans with Disabilities Act, Federal Rehabilitation Act of 1973, state constitutional provisions
- Civil Rights Division of the Attorney General's Office can assist
- Contact the Civil Rights Division at (617) 963-2939
- Security policies

Slide  
20.

 **Remote Participation Authorization**

**Local Public Bodies**  
• Mayor or board of selectmen approval

**County Public Bodies**  
• County commissioners must authorize

**State/Regional Public Bodies**  
• Simple majority vote

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### Remote Participation Authorization

- Must be adopted before members can use
  - Local Public Bodies: Chief Executive Officer must authorize for all public bodies in municipality
  - County Public Bodies: County Commissioners must authorize for all county public bodies in county
  - State/Regional Public Bodies: Simple majority vote to authorize for all future meetings
- Exception: Local Commissions on Disability

Slide  
21.



Remote Participation

Permissible reasons for Remote Participation: One or more reasons must make physical attendance unreasonably difficult

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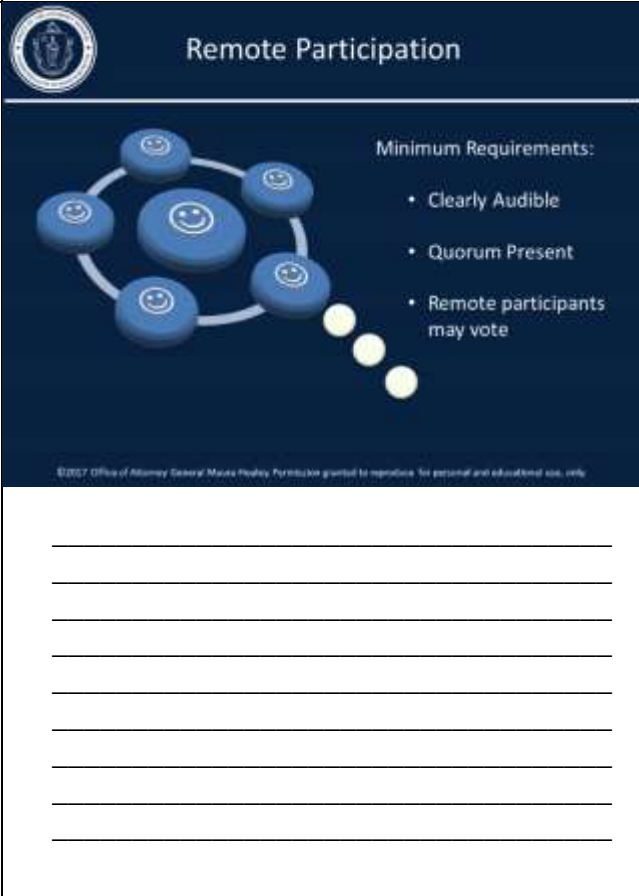
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### Remote Participation

Permissible Reasons for Remote Participation: One or more must make physical attendance unreasonably difficult

- Personal illness
- Personal disability
- Emergency
- Military service
- Geographic distance

Slide  
22.



Remote Participation

Minimum Requirements:

- Clearly Audible
- Quorum Present
- Remote participants may vote

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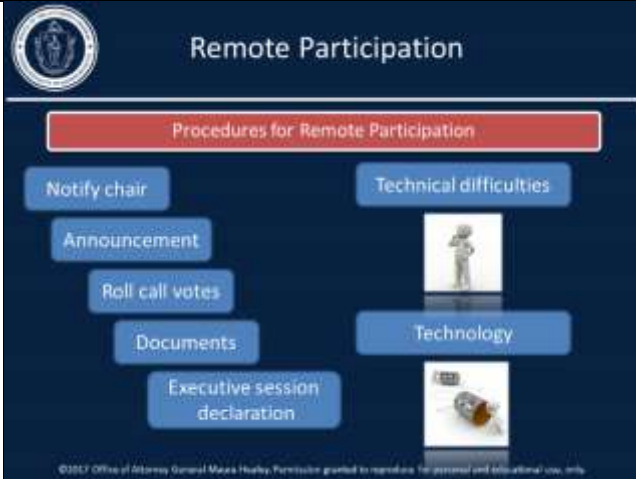
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### Remote Participation Minimum Requirements

- Remote participants and all persons present at the meeting location must be clearly audible to each other
- A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, must be physically present at the meeting location
- Members of public bodies who participate remotely may vote and shall not be deemed absent

Slide  
23.



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### Remote Participation

#### Procedures for remote participation

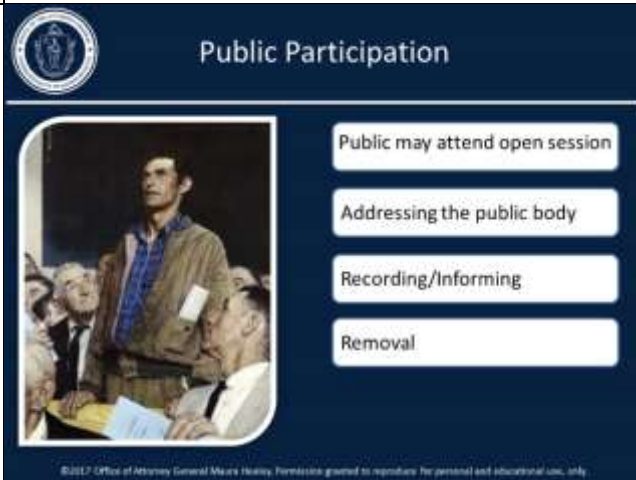
- Notify chair
- Announcement by chair
- Roll call votes
- Executive sessions
- Distribution of documents

#### Acceptable methods

- Telephone, internet, or satellite enabled audio or video conferencing
- Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another
- Public body determines which method to use
- If video technology is used, remote participant must be clearly visible to all persons present at the meeting location

Chair decides how to address technical difficulties

Slide  
24.



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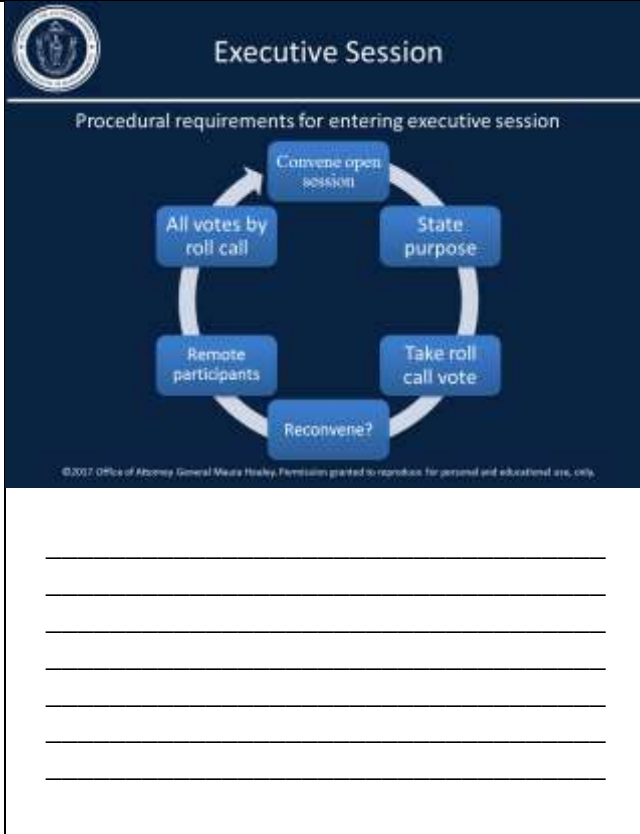
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### Public Participation

- Public may attend open session of meeting
- Public may not address public body without permission of chair or otherwise disrupt meeting
- Public may make audio or video recording of open session upon notification to chair and subject to reasonable requirements
- Chair must inform other attendees of recording at beginning of meeting
- If a person continues to disrupt a meeting after clear warning from the chair, the chair may order the person to leave the meeting. If the person does not leave, the chair may authorize a constable or other officer to remove that person.

Slide  
25.



### Executive Session Procedures

Public bodies must follow OML requirements for executive session:

- Convene open session prior to going into executive session
- State publicly the purpose(s) for the executive session
- Conduct roll call vote to enter executive session and obtain a majority of members
- Announce whether open session will reconvene after
- Statement by remote participant(s) that no unauthorized person is present / able to hear discussion at remote location
- Maintain minutes and documents
- Discuss only matters for which executive session is lawfully called
- Conduct roll call votes of all votes taken during executive session

Slide  
26.



### Executive Session Purpose 1

"To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual."

If an executive session is held, such individual shall have the following rights:

- To be notified in writing at least 48 hours prior to the proposed executive session
- To request that the session be open
- To be present at such executive session during deliberations which involve that individual
- To have counsel or a representative present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session
- To speak on his or her own behalf
- To cause an independent record to be created by audio-recording or transcription, at the individual's expense

Slide  
27.



## Executive Session Purpose: 2

"To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel."




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### Executive Session Purpose 2

"To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel."


- When discussing the contract of nonunion personnel, presumption that professional competence of the individual has already been discussed in open session
- When negotiating a non-union contract in executive session, if the public body reaches an agreement, it must still vote to execute the agreement in open session following executive session
- A public body should identify the specific nonunion personnel with whom it is negotiating before entering executive session, unless public disclosure of that information would compromise the purpose for secrecy
- While we generally defer to the judgment of public bodies on this issue, a body must be able to demonstrate a reasonable basis for this claim if challenged

Slide  
28.



## Executive Session Purpose: 3

"To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares."



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### Executive Session Purpose 3

"To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares."

- Chair must declare that deliberating during an open session would have a detrimental effect
- Litigation must be pending or be imminently threatened
- May approve final terms and execute a collective bargaining agreement in executive session; Should disclose in open session following execution
- A public body should identify the specific collective bargaining unit or litigation matter before entering executive session, unless public disclosure of that information would compromise the purpose for secrecy
  - While we generally defer to the judgment of public bodies on this issue, a body must be able to demonstrate a reasonable basis for this claim if challenged

Slide  
29.

 Executive Session Purpose: 4 & 5

4. Security personnel or devices      5. Criminal misconduct

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Executive Session Purposes 4 & 5


Purpose 4: Security personnel or devices

Purpose 5: Criminal misconduct

Slide  
30.

 Executive Session Purpose: 6

"To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body."



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Executive Session Purpose 6


“To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.”

- Must be to consider purchase, sale, lease or value of real property
- Chair must declare that discussing during an open session would have a detrimental effect on negotiating position
- Generally, the body should identify the specific piece of property it plans to discuss before entering executive session, unless disclosure of this information would compromise the purpose for secrecy
  - While we generally defer to the judgment of public bodies on this issue, a body must be able to demonstrate a reasonable basis for this claim if challenged

Slide  
31.

 **Executive Session Purpose: 7**

"To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements."



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### Executive Session Purpose 7

- "To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements."
- Must cite a statute that requires confidentiality or closed session
- The body should disclose information unless public disclosure would compromise the purpose for secrecy
  - While we generally defer to the judgment of public bodies on this issue, a body must be able to demonstrate a reasonable basis for this claim if challenged

Slide  
32.

 **Executive Session Purpose: 8**

"To consider or interview applicants for employment or appointment by preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening."



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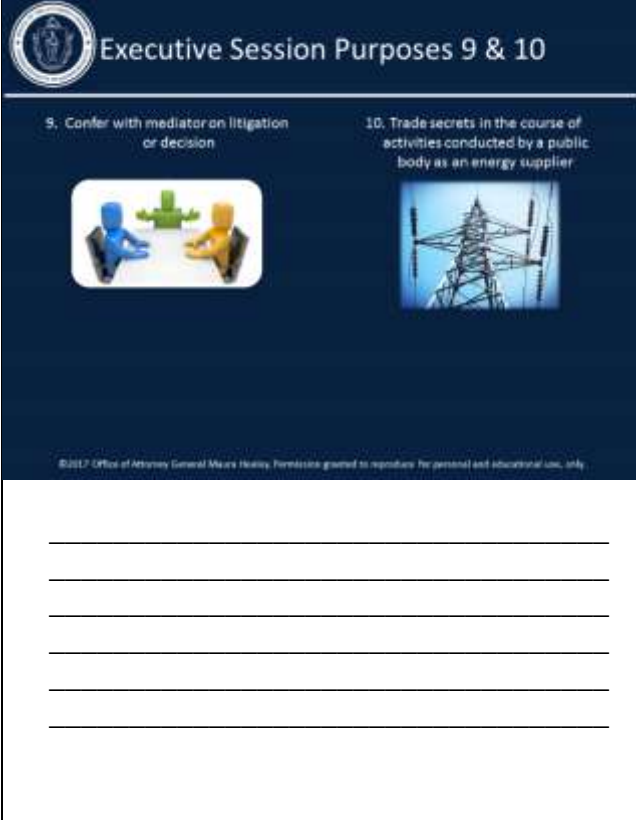
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### Executive Session Purpose 8

"To consider or interview applicants for employment or appointment by preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening."

- Preliminary screening committee cannot include a quorum of the public body; may include people who are not members of the public body
- May only interview/screen candidates during a preliminary screening in executive session; once there are finalists, all additional screening must be conducted in open session
- Chair must declare that an open meeting will have a detrimental effect in obtaining qualified applicants

Slide  
33.



**Executive Session Purposes 9 & 10**

9. Confer with mediator on litigation or decision

10. Trade secrets in the course of activities conducted by a public body as an energy supplier

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### Executive Session Purposes 9 & 10

Purpose 9: To confer with a mediator on a litigation matter or other decision

Purpose 10: To protect trade secrets in the course of activities conducted by a public body as an energy supplier

Slide  
34.



**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
- List of documents and other exhibits used by the body at the meeting, including by remote participants

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### Meeting Minutes

- Minutes must state the date, time, place of the meeting, and list of members present or absent
- Minutes must also include:
  - A summary of discussion of each topic
  - Decisions made and actions taken, including a record of all votes
  - List of documents and other exhibits used by the body at the meeting, including by remote participants
  - Name(s) of any member who participated remotely and the reason under 940 CMR 29.10(5) for his or her remote participation
- Secret ballots are explicitly prohibited

Slide  
35.



**Meeting Records Overview**

Meeting minutes shall be created and approved in a timely manner for both open and executive sessions

Whenever possible, approve at the next meeting

Documents and exhibits used by public body must be retained by the public body but do not need to be physically stored with the meeting minutes

Minutes of open session must be made available within 10 days of a request, whether in draft or final form

Executive session records must be disclosed once publication will no longer defeat the purpose for having entered into executive session, unless exempt from disclosure

Secretary of State's records retention schedules for local public bodies

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### Meeting Records

- Meeting minutes shall be created and approved in a timely manner for both open and executive sessions
  - Whenever possible, approve at the next meeting
- Documents and exhibits used by public body must be retained by the public body but do not need to be physically stored with the meeting minutes
- Minutes of open session must be made available within 10 days of a request, whether in draft or final form
  - Executive session records must be disclosed once publication will no longer defeat the purpose for having entered into executive session, unless exempt from disclosure
- Secretary of State's records retention schedules

Slide  
36.



**Executive Session Minutes**

Minutes must be reviewed periodically by the chair or public body to determine if the purpose for executive session remains. The determination must be announced during the next meeting and be included in the minutes

Public body must respond within 10 days to request for executive session minutes	Provide minutes if no longer exempt from disclosure; or	Review at next meeting or within 30 days, whichever comes first.
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### Executive Session Meeting Minutes

- Minutes must be reviewed periodically by the chair or public body to determine if the purpose for executive session remains; that determination must be announced during the next meeting and be included in the minutes
- Public body must respond within 10 days to a request for executive session minutes
- Provide minutes if no longer exempt from disclosure; or
- Undertake review at its next meeting or within 30 days, whichever comes first

Slide  
37.



**Document Used at a Meeting**

Documents used by a public body during an open meeting are public records!

But, the following materials are exempt from public disclosure:



Performance evaluations NOT created by members of the public body



Application materials, other than resumes

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## Documents Used During an Open Meeting

Documents used by a public body during an open meeting are public records.

However, exemption from disclosure are:

- Materials used in a performance evaluation of an individual bearing on his/her professional competence that were not created by members of the body for purposes of evaluation
- Materials used in deliberations about employment or appointment of individuals, including applications and supporting materials but excluding resumes, which must be disclosed

Slide  
38.



**Complaint Process**  
Step 1: The Complainant



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## OML Complaint Process: Step 1

- Complaint shall be filed in writing with the public body within 30 days of the alleged violation, or if it could not reasonably have been known at the time, then within 30 days of the date the complainant reasonably should have discovered the alleged violation
- Complaint Form, found at the Division of Open Government website, completed and sent to chair of public body
- For local public bodies, copy also filed with municipal clerk

Slide  
39.

**Complaint Process**  
Step 2: The Public Body

Chair disseminates the complaint for response within 14 business days

May delegate responsibility for responding after public body review

Public body may request an extension of time to respond for good cause

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### OML Complaint Process: Step 2

Chair must disseminate the complaint to the members of the public body; the public body has 14 business days in which to respond and inform Division of Open Government of remedial action taken

- May delegate responsibility for responding after public body review
- Public body may request from the Director of the Division an extension of time to respond for good cause

Slide  
40.

**Complaint Process**  
Step 3: The Attorney General's Office

If the complainant is not satisfied with the resolution of the complaint by the public body, he/she may file the complaint with the Division 30 days after the complaint is filed with the public body

Complaints must be filed with the AGO within 90 days of the date of the original alleged violation

- The AGO will not review allegations that were not raised in the initial complaint filed with the public body
- Complaints filed with the Attorney General's Office, and documents submitted with the complaint, are considered a public record

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### OML Complaint Process: Step 3

- If the complainant is not satisfied with the resolution of the complaint by the public body, he/she may file the complaint with the Division of Open Government 30 days after the complaint is filed with the public body
- To be considered timely, complaints must be filed with the AGO within 90 days of the date of the original alleged violation
- The Attorney General's Office will not review allegations that were not raised in the initial complaint filed with the public body
- In most circumstances, complaints filed with the Attorney General's Office, and documents submitted with the complaint, are considered a public record

Slide  
41.



## OML Complaint Process: AGO Review

Step 4: Acknowledgment

Step 5: Request for documents and interviews

Step 6: Has there been a violation?

Step 7: Was the violation intentional?

Step 8: Was the action taken by the public body adequate?

Step 9: Resolution

Step 10: Public body appeal

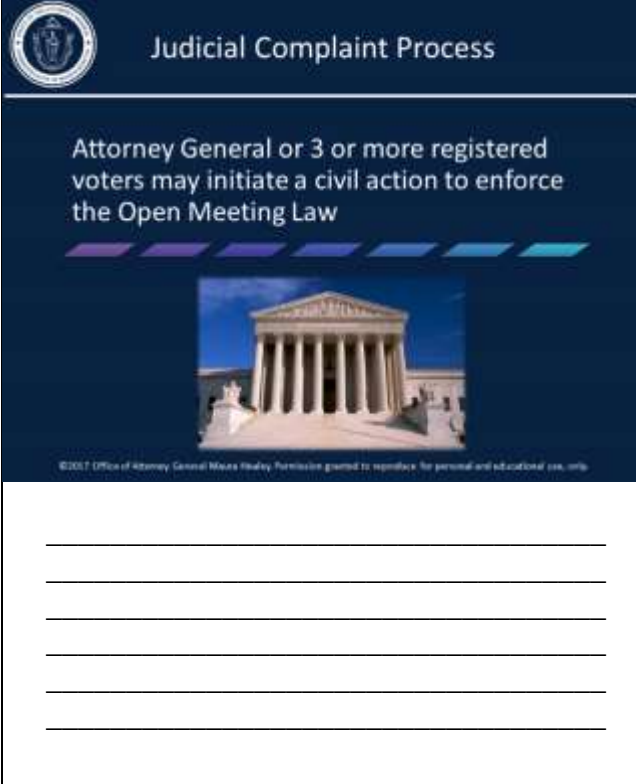
Slide  
42.



## Remedies

- Compel immediate and future compliance
- Compel attendance at training
- Compel public release of minutes or other materials
- Nullify any action taken in violation of the Open Meeting Law
- Reinstate an employee and make whole
- Impose a civil penalty of up to \$1,000 on a public body for each intentional violation
- Other appropriate relief

Slide  
43.



The slide features the Seal of the Commonwealth of Massachusetts in the top left corner. The title "Judicial Complaint Process" is centered at the top. Below the title, the text reads: "Attorney General or 3 or more registered voters may initiate a civil action to enforce the Open Meeting Law". This text is followed by a decorative horizontal line with a blue-to-purple gradient. Below this line is a photograph of the Massachusetts State House. At the bottom of the slide, there are five horizontal lines for notes. A small copyright notice at the bottom left reads: "©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only."

### Alternative Complaint Process

- Attorney General or 3 or more registered voters may initiate a civil action to enforce the Open Meeting Law
- Must file in Suffolk Superior Court for state public bodies
- For all other public bodies, must file in superior court in any county in which the public body acts or meets



Slide  
44.



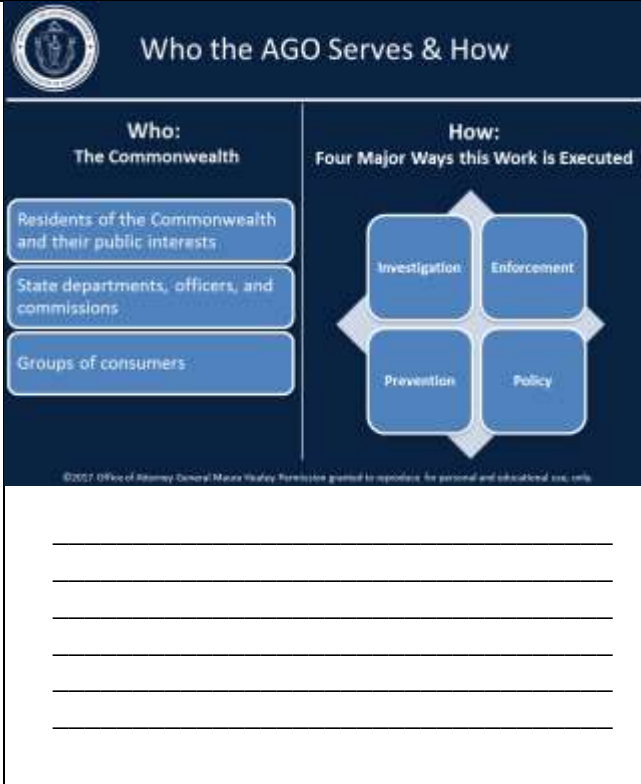
The slide features the Seal of the Commonwealth of Massachusetts in the top left corner. The title "Review" is centered at the top. Below the title is a large blue triangle pointing to the right. Inside the triangle, five white boxes are stacked vertically, each containing a requirement: "Notice must be posted for meetings", "Meetings must be open to the public, unless public body enters executive session", "Minutes must be kept for open and executive sessions", "Public body member certification", and "Complaint process". Below the triangle, there are five horizontal lines for notes. A small copyright notice at the bottom left reads: "©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only."

### Review

- 1) Notice must be posted for meetings
  - 48 hours in advance, except for emergency
  - Include date, time, place, and sufficiently detailed list of topics chair reasonably anticipates will be discussed
- 2) Meetings must be open to the public, unless public body enters executive session
  - Discussion must fit within one of 10 purposes for executive session
- 3) Minutes must be kept for open and executive sessions
  - Must include summary of discussion for each topic
  - Must contain a list of documents & exhibits used at the meeting
- 4) Public body member certification
- 5) Complaint process
  - Must be filed with public body first
  - Alternative complaint process in Superior Court

<p>Slide 45.</p>	<div data-bbox="261 191 906 989">  <h2>Resources</h2> <p>Attorney General's Open Meeting Law Website  <a href="http://www.mass.gov/ago/openmeeting">http://www.mass.gov/ago/openmeeting</a></p> <ul style="list-style-type: none"> <li>• Open Meeting Law: G.L. c. 30A, §§ 18-25</li> <li>• Regulations: 940 CMR 29.00</li> <li>• Guide</li> <li>• FAQs</li> <li>• Checklists</li> <li>• Determination Letters</li> </ul> <p><small>©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.</small></p> <hr/><hr/><hr/><hr/><hr/><hr/><hr/> </div>	<h2>Resources</h2> <p>Attorney General's Open Meeting Law Website:</p> <p><a href="http://www.mass.gov/ago/openmeeting">http://www.mass.gov/ago/openmeeting</a></p> <ul style="list-style-type: none"> <li>• Open Meeting Law: G.L. c. 30A, §§ 18-25</li> <li>• Regulations: 940 CMR 29.00</li> <li>• Guide</li> <li>• Checklists</li> <li>• FAQs</li> <li>• Determination Letters</li> </ul>
<p>Slide 46.</p>	<div data-bbox="261 989 906 1772">  <h2>Contact Information</h2> <p>Office of Attorney General  Division of Open Government  One Ashburton Place  Boston, Massachusetts 02108  <a href="mailto:openmeeting@state.ma.us">openmeeting@state.ma.us</a>  (617) 963-2540</p> <p><small>©2017 Office of Attorney General Maura Healey. Permission granted to reproduce for personal and educational use, only.</small></p> <hr/><hr/><hr/><hr/><hr/><hr/><hr/> </div>	<h2>Division Contact Info</h2> <p>Office of Attorney General  Division of Open Government  One Ashburton Place  Boston, Massachusetts 02108</p> <p>OML Email: <a href="mailto:openmeeting@state.ma.us">openmeeting@state.ma.us</a></p> <p>OML Hotline: (617) 963-2540</p>

Slide  
47.



**Who the AGO Serves & How**

**Who: The Commonwealth**

- Residents of the Commonwealth and their public interests
- State departments, officers, and commissions
- Groups of consumers

**How: Four Major Ways this Work Is Executed**

- Investigation
- Enforcement
- Prevention
- Policy

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### The Attorney General's Office

The Attorney General represents:

- Residents of the Commonwealth and their public interest
- State departments, officers, and commissions
- Groups of consumers

Slide  
48.



**Public Protection & Advocacy Bureau**

**Description**

Protecting students against predatory for-profit schools;  
Ensuring that workers are paid the wages they are owed;  
Combating discrimination by landlords and employers;  
Keeping struggling homeowners in their homes through loan modifications; and  
Fighting for consumers against scams and other deceptive business practices.

**Divisions of the Public Protection & Advocacy Bureau**

- Civil Investigations
- Consumer Protection
- Fair Labor
- Insurance and Financial Services
- Civil Rights
- CARD/HomeCorps

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### Public Protection & Advocacy Bureau

- Protecting students against predatory for-profit schools;
- Ensuring that workers are paid the wages they are owed;
- Combating discrimination by landlords and employers;
- Keeping struggling homeowners in their homes through loan modifications; and
- Fighting for consumers against scams and other deceptive business practices.

Slide  
49.



## Where the AGO is located

Attorney General Maura Healey and her staff engage with every city and town of the Commonwealth. The Attorney General's Office also runs a statewide Consumer Advocacy and Response Division and supports over thirty regional local consumer and face to face mediation programs, which you may choose to contact.



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### AGO Offices

#### Boston

One Ashburton Place and  
100 Cambridge St.

#### Central Massachusetts

10 Mechanist St., Worcester

#### Western Massachusetts

1350 Main Street, Springfield

#### Southeastern Massachusetts

105 Williams St., New Bedford

Slide  
50.



## Contact Us

[www.mass.gov/ago](http://www.mass.gov/ago)  
617-727-2200



File a Complaint about an Unfair or Deceptive Trade Practice  
617-727-8400  
[www.eform.ago.state.ma.us](http://www.eform.ago.state.ma.us)

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### Attorney General's Office Contact Info

Website: [www.mass.gov/ago](http://www.mass.gov/ago)

Main Phone: 617-727-2200

Consumer hotline: 617-727-8400

File a consumer complaint:

[www.eform.state.ma.us](http://www.eform.state.ma.us)

Slide  
51.



## Resources

Have a Complaint or Question?

### General Assistance

Consumer Hotline: (617) 727-8400  
E-Complaint form: [www.eform.ago.state.ma.us](http://www.eform.ago.state.ma.us)

### Specific Hotlines

HomeCorps (617) 573-5333  
Elder Hotline (888) 243-5337  
Fair Labor Division (617) 727-3465  
Civil Rights Division (617) 727-2200  
Medicaid Fraud Tipline (617) 963-2360  
Insurance Fraud Tipline (617) 537-5330  
Insurance & Health Care Consumer Helpline (888) 830-6277

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### AGO Resources

Consumer Hotline: (617) 727-8400

HomeCorps.....(617) 573-5333

Elder Hotline.....(888) 243-5337

Fair Labor Division.....(617) 727-3465


Civil Rights Division.....(617) 727-2200

Medicaid Fraud Tipline...(617) 963-2360

Insurance Fraud Tipline...(617) 537- 5330

Insurance & Health Care Consumer  
Helpline.....(888) 830-6277


Slide  
52.



## Thank You from the Attorney General

Attorney General

Maura Healey is the chief  
lawyer and law enforcement  
officer of the Commonwealth  
of Massachusetts.



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Attorney General Maura  
Healey thanks you for  
attending today's  
presentation!