

Open Meeting

MGL c 30A, Sec 18-25
940 CMR 29

Meeting:

Public Body: Boards, subcommittees, housing, redevelopment authority, state; county, district, region, town. NOT bodies that ONLY ADVISE an official.

QUORUM; Deliberations; Communication; e-mails; text messages, serial communications; social media; EVEN expressing an opinion to a QUORUM.

48 Hour Rule. Agenda including Old Business defined ALL TOPICS. Notices on Bulletin Board; Commissioners office; State web site.

Record; photograph; broadcast.

EXCEPTIONS: 5. On site inspections; conferences; meeting with another public body; BUT NO DELIBERATIONS for these 3; quasi-judicial boards (very limited by A.G.); and Town Meetings (even during a session of Town Meeting by a Board is exempt).

Executive Session: Convene in Open; State Exact Reasons; Whether will reconvene; Take a ROLL CALL before entering.

Only 10 reasons by law.

1. Personnel/Disciplinary. Reputation, character, physical condition, mental health. NOT professional competence, discipline, dismissal, complaints or charges brought against a public officer, employee, staff.

OR NOT Employee evaluation, considering applicants for a position, discussing the qualifications of an individual.

Disciplinary sanctions Secret; Layoffs Not Secret.

Litigation Strategy. BUT NOT REGULAR LITIGATION UNLESS ACTUAL OR More Than Threatening. Work Product vs. Atty. Client Privilege.

Person can request this be in OPEN Session.

2. Litigation Strategy. Collective Bargaining.
3. Collective Bargaining.
4. Security devices.
5. Criminal complaints and charges investigation. Secret. Conflicts with No. 1. Person NOT entitled to be present.
6. Real Estate purchase or lease – but must identify UNLESS hurts negotiations.
7. State or federal grants.
8. Interviewing applicants for jobs – appointing a screening committee. INITIAL SCREENING ONLY. Does not apply After screening committee votes to recommend candidates to full board. Chair MUST state in open session that the Board feels the open session would deter candidates.
9. Mediator for litigation. BUT, no action until an Open Meeting to deliberate and approve. Chapt. 233, Sec 23C.
10. Trade secrets. Chap. 164, sec 136.

Remote Open Meetings. Yes until June 30, 2027.

Telephone, internet, audio and video conferencing IN REAL TIME!

Minutes. Date, time, place, members, record of votes, SUMMARY OF DISCUSSIONS, list of documents and exhibits.

BOTH OPEN AND SECRET SESSIONS! Document in secret session may NOT be privileged! Executive Sessions NOT CLOSED FOREVER.

ASK for Raw minutes, handwritten, (not official stamp OK), the next day, ALSO, see all documents, exhibits, plans, recordings – NOT ONLY THE FINAL MINUTES.

APPEAL:

30 days (CALENDAR) to appeal!

14 days (BUSINESS) to review. OR

Need 7 days more

Need 10 days more for remedial action.

Need 10 days

Then Complaint to Atty. General

Must resolve in 90 days.

SUE! Need 3 voters.

\$1,000 fine. ALL FOUR BELOW REQUIRED.

\$500 each member

1. Meeting, Complaint Filed.
2. Complaint describes the meeting.
3. Request In Writing.
4. Refusal to Open Meeting or Public Record.