

Introduction to Open Meeting Law

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- These four questions will 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?

A deliberation is:

- 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.

A deliberation is not distribution of a meeting agenda, scheduling or procedural information, or reports or documents that may be discussed at a meeting is often helpful to public body members when preparing for upcoming meetings, as long as no member of the public body expresses, via reply, an opinion on matters within the body's jurisdiction.

Quorum

- The Open Meeting Law defines a quorum as a **simple majority** of the members of a public body, unless otherwise provided in a general or special law, executive order, or other authorizing provision. G.L. c. 30A, § 18.
- If a quorum of a public body wants to discuss public business within that body's jurisdiction, they must do so during a properly posted meeting.

- The Attorney General's Regulations, 940 CMR 29.10, permit remote participation in certain circumstances. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible.

Reasons for Remote Participation

- Once remote participation is adopted, any member of a public body may participate remotely if the chair (or, in the chair's absence, the person chairing the meeting) determines that one of the following factors makes the member's physical attendance unreasonably difficult:
 - Personal illness;
 - Personal disability;
 - Emergency;
 - Military service; or
 - Geographic distance.

Means for Remote Participation

- Acceptable means of remote participation include:
 - Telephone;
 - Internet;
 - Satellite enabled audio or video conferencing; or
 - Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

Minimum Requirements for Remote Participation

- Any public body using remote participation during a meeting must ensure that the following minimum requirements are met:
 - A quorum of the body, including the chair or, in the chair's absence, the person chairing the meeting, must be physically present at the meeting location;
 - Members of a public body who participate remotely and all persons present at the meeting location must be clearly audible to each other; and
 - All votes taken during a meeting in which a member participates remotely must be by roll call vote.

- Additional References:

- Attorney General's Office Open Meeting Law Guide
- Attorney General's Office Open Meeting Law Website:
<http://www.mass.gov/ago/government-resources/open-meeting-law/>

Questions: Contact Deputy General Counsel Rebecca Rodman at (617) 994-9811.