

Notes from Open Meeting Law Guide (2017) and Public Law  
Of Interest to the VTA Church Street Review Committee  
July 29, 2020

1. *Requirement:* ...Any multi-member board, commission, committee or subcommittee within the executive or legislative branches of state government, or within any county, district, city, region or town, if established to serve a public purpose, is subject to the [Open Meeting] law.
2. *Meeting:* A meeting is generally defined as “a deliberation by a public body with respect to any matter within the body’s jurisdiction.”
3. *Quorum:* A quorum is a simple majority of the members of the public body.
4. *Deliberation:* The Open Meeting Law defines deliberation as “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. provided, however, that “deliberation” shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting, or
  - b. the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.”
  - c. Note that the expression of an opinion on matters within the body’s jurisdiction to a quorum of a public body is a deliberation, even if no other public body member responds.
5. *Meeting Notice:* ...a public body must provide the public with notice of its meeting 48 hours in advance, excluding Saturdays, Sundays, and legal holidays.
  - a. Meeting notices must ... list all topics that the chair reasonably anticipates, 48 hours in advance, will be discussed at the meeting.
  - b. The list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting.
6. *Unanticipated Topics:* If a discussion topic is proposed after a meeting notice is posted, and it was not reasonably anticipated by the chair more than 48 hours before the meeting, the public body should update its posting to provide the public with as much notice as possible....
  - a. Unanticipated topics must be brought up at the end of the meeting as per the agenda.<sup>1</sup>
  - b. Unless it is an emergency, voting on actions arising from the topic is not permitted. Such topics should be carried over to the next meeting and placed on the agenda.<sup>1</sup>
7. *Public Comment:* Under the Open Meeting Law, the public is permitted to attend meetings of public bodies....

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<sup>1</sup> This information from Maggie Downey, Administrator of Cape Light Compact.

- a. ...While the public is permitted to attend an open meeting, an individual may not address the public body without permission of the chair.
  - b. ...Although public participation is entirely within the chair's discretion, the Attorney General encourages public bodies to allow as much public participation as time permits.
8. *Voting*: According to the special rules for virtual meetings now in effect, all votes must be cast by roll call.
- a. The chair may request a non-binding "Sense of the body" vote, which is permitted by hand and may be recorded by count.<sup>1</sup>
9. *Minutes*: Public bodies are required to create and maintain accurate minutes of all meetings... The minutes, which must be created and approved in a timely manner, must include:
- a. the date, time and place of the meeting;
  - b. the members present or absent;
  - c. the decisions made and actions taken, including a record of all votes;
  - d. a summary of the discussions on each subject;
  - e. a list of all documents and exhibits used at the meeting; and
  - f. the name of any member who participated in the meeting remotely.
  - g. While the minutes must include a summary of the discussions on each subject, a transcript is not required.
  - h. ...public bodies must identify in the minutes all documents and exhibits used at a meeting and must retain them... Documents and exhibits needn't be attached to or physically stored with the minutes.

Sources:

<https://www.mass.gov/files/documents/2017/09/25/2017%20Guide%20only.pdf>

<https://www.mass.gov/files/documents/2017/09/25/New%20OML%20Regulations%20%28Clean%20version%29.pdf>

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