

## Executive Session Meeting Minutes Best Practices (Prepared for 2025 MMA Connect 351 Conference)

This eUpdate outlines best practices regarding the preparation and review of executive session meeting minutes under the Open Meeting Law. Minutes must be prepared for open and executive session meetings of public bodies and be timely approved within three meetings or 30 days, whichever is longer.

**Content:** General Laws c. 30A, § 22(a) requires executive session minutes to contain essential details of the meeting, including the time, date and place, as well as the members present and absent. The executive session purpose must be clearly stated and should reference the applicable subsection of G.L. c. 30A, § 21(a). The executive session minutes must also provide an accurate summary of the public body's discussions, which, while not a transcript, must provide sufficient detail to allow a person reading the minutes to know what occurred at the meeting. All votes taken must be taken by roll call vote and be recorded in their entirety. There is value in recording the full vote taken to enter executive session and the time the session started and ended.

**Maintenance:** To ensure confidentiality, executive session minutes should be maintained separately from open session meeting minutes and be clearly labeled. Labeling the executive session minutes with the following information supports an efficient minutes management system: purpose of the executive session and whether it has expired, whether the minutes have been approved and if they are being withheld from public disclosure in whole or in part pursuant to G.L. c. 30A, § 22(f) at this time. Often, this information can be managed in a chart and easily updated for the public body's reference.

**Review:** The Open Meeting Law requires that executive session minutes be regularly reviewed. The Attorney General's Division of Open Government has interpreted that requirement to mean that review must occur every four to six months. See OML 2019-45. An individual board member can be authorized to do this review and bring to the full board release recommendations or questions, or even to release minutes if there are no questions.

**Disclosure:** Once the need for confidentiality has passed, the executive session minutes must be made available to the public upon request. However, if the minutes or a portion thereof fall within an exemption to the Public Records Law, or are subject to the attorney-client privilege, they may be withheld in whole or in part. A public body must respond to a request to inspect or copy executive session minutes within ten calendar days of the request. If there are questions about review or disclosure of executive session minutes, it can be appropriate to consult with legal counsel.

For further information, please contact Attorneys [Lauren Goldberg](#), [Janelle Austin](#) or your KP Law Attorney at 617.556.0007.

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