

Open Meeting Law – 2025 Update (Prepared for 2025 MMA Connect 351 Conference)

Below are summaries of recent determinations made by the Attorney General’s Division of Open Government concerning Open Meeting Law complaints.

I. OML 2023-130. Old Rochester Regional School Committee

Attaching a Power Point to Minutes Not Sufficient for Minutes. A subcommittee of the School Committee attached a copy of a PowerPoint presentation to meeting minutes in place of summarizing the discussions that occurred during the meeting. The Attorney General found a violation of the Open Meeting Law, holding that attaching a report or presentation cannot summarize the subcommittee’s discussions during the meeting. The Attorney General reiterated in its determination that, “the Open Meeting Law requires that meeting minutes include a substantive summary of the discussion on each topic...” and “requires that meeting minutes include more than a statement that a public body held a discussion about a topic; the Law requires that the minutes summarize the discussion that was held.”

- Take Away --> Minutes must include an accurate, detailed summary of discussions occurring at meetings of public bodies.

II. OML-2024-113. Royalston Select Board

Providing Information to Select Board Members about a Personnel Matter Deemed to be a Deliberation. A Select Board Chair e-mailed a quorum of fellow members regarding the departure of the Town Accountant and the steps the Accountant took to transition to an outside accounting firm. The Attorney General concluded that the Open Meeting Law defines “deliberation,” in part 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; . . .” Finding that discussions of the personnel matter to be within the Board’s jurisdiction, the Attorney General found a violation of the Open Meeting Law relative to the e-mail communication.

- Take Away --> Select Boards have broad jurisdiction and to avoid potential violations communication outside of public meetings with public body members should be limited to ministerial, non-substantive matters, for example, scheduling.

III. OML-2024-115. Sandwich Historic District Committee

Discussion of Second Related Complaint Not on Meeting Notice Found to be a Violation. The Attorney General found that a Historic District Committee violated the Open Meeting Law by discussing topics not included on the meeting notice. Specifically, the Committee addressed a second, separate complaint about a property after

posting notice of a meeting to discuss existing issues with the property. The Attorney General noted that while the issue raised by the second complaint was related to other agenda items, it was a separate, anticipated matter that should have been explicitly listed in the original meeting notice. Similarly, the discussion of the second letter was reasonably foreseeable before the meeting but omitted from the notice.

- Take Away --> The Attorney General's office interprets broadly the requirement that meeting notice items be specific; to avoid a violation, if a board anticipates discussion of a particular matter that topic should be listed separately on a meeting notice.

IV. OML-2024-120. Quincy Zoning Board of Appeals

Failure to Timely Complete OML Certification Forms a Violation. In this determination, the Attorney General found that members of the Zoning Board of Appeals violated the Open Meeting Law by failing to complete Open Meeting Law certification forms in a timely manner. The Open Meeting Law requires that members of a public body complete a certification within two weeks of their qualification of office that they have received a copy of the law and regulations. The Attorney General deems such certification to be evidence that a board member has read and understands the requirements of the Open Meeting Law, as well as the consequences of violating it.

- Take Away --> Although the Open Meeting Law certification form seems administrative in nature, the Attorney General strictly interprets statutory requirement, regardless of the intentions of the member.

V. OML-2024-127. Lowell School Committee

Failing to Specify on Meeting Agenda Name of Non-Union Personnel or Collective Bargaining Unit a Violation. Responding to an Open Meeting Law complaint that a meeting notice did not provide sufficient specificity with regard to the topics to be discussed under Purpose 2 and Purpose 3, the Attorney General's office reiterated that a public body must identify the non-union personnel or collective bargaining unit with whom it will be negotiating if doing so will not compromise the lawful purpose for secrecy.

- Take Away --> This issue is often the reason for finding an Open Meeting Law violation and public body chairs should carefully assess their agenda items to ensure that they are appropriately detailed.

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

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