KP LAW
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eUpdate

Open Meeting Law – 2026 Update

(Prepared for 2026 MMA Connect 351)

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

I. OML 2025-112. Rockland Zoning Board of Appeals

Public Bodies Cannot Require Online Attendees to Display their Full Names. The Attorney General concluded that requiring persons who attended a Zoning Board of Appeals meeting by Zoom to display their full, real name, or be removed, was a violation of the Open Meeting Law. The Attorney General emphasized that "the core of the Open Meeting Law is the requirement that meetings of public bodies be open and accessible to the public" and that under the law "it is not appropriate for a public body to require members of the public to identify themselves in order to attend a meeting" unless the "public body is enforcing a reasonable, consistently-applied security policy." The Attorney General further noted, however, that requiring members of the public to identify themselves in order to participate in public comment would not be a violation of the Open Meeting Law.

Take Away → Public bodies may not require members of the public attending a public meeting to display their full, real name on a Zoom or virtual meeting.

II. OML 2025-132. Dalton Fire District Board of Water Commissioners

Public Bodies Must Periodically Review Executive Session Minutes and Announce Results of that Review. The Attorney General found that a Board of Water Commissioners that failed to announce a review of its executive session minutes over a ten-month period violated the Open Meeting Law because it either failed to periodically: (1) review its executive session minutes for release; or (2) announce and record the results of such a review. The Attorney General emphasized that minutes of executive sessions must be reviewed at reasonable intervals and may be withheld only for "as long as publication may defeat the lawful purposes of the executive session." While the determination acknowledged that the term, "reasonable interval" is not defined by the law, the Attorney General's office "has found a quarterly review or a review every six months to be appropriate."

Take Away → Multiple member bodies must review their executive session minutes at "reasonable intervals" of every three to six months and announce the results of each review at the next open session of the public body. Development of a spreadsheet of executive session minutes, including the date of each executive session, the reason for going into executive session, identification of any critical dates (such as the expiration of the date of an appeal) and the dates of each review, will help facilitate these mandatory regular reviews.

III. OML 2025-135. Wakefield Conservation Commission/Permanent Building Committee

The Committee's "Working Group" was a Subcommittee Subject to the Open Meeting Law. The Wakefield Conservation Commission created a working group to attend site visits and report back to the full Commission. The Attorney General observed that when a public body creates "a multiple-member body and charges it with advising the creating body on public policy through collective action," that body will likely be a subcommittee subject to the Open Meeting Law. Here, the Attorney General found that the working group was a subcommittee that was required to comply with the Open Meeting Law.

Violation Found where Subcommittee Deliberated at Site Visits. The Attorney General found a further violation of the Open Meeting Law as members asked questions at a site visit when a quorum of members was present. The Attorney General advised that "to conduct an on-site inspection in compliance with the Open Meeting Law, a public body has only three options": (1) post notice of a meeting if the property is accessible and open to the public; (2) visit the property separately or in groups of less than a quorum; or (3) visit the property as a quorum, but refrain from asking any questions or otherwise discussing any matters within the public body's jurisdiction.

Take Aways → One person is not subject to the Open Meeting Law and can be tasked by a public body to undertake action on behalf of the body. Any group of two or more persons tasked by a public body to carry out the work of and/or make recommendations to the public body, is likely subject to the Open Meeting Law. Site visits attended by a quorum of members of a public body are not "meetings" for purposes of the law provided that the members do not deliberate. The Attorney General indicates that a deliberation will occur if members of the public body ask questions. Best practice is to (1) attend site visits with fewer than a quorum, or, (2) if a quorum is present for a site visit, for each member to take notes and then immediately adjourn to at a properly posted meeting to discuss their observations.

IV. OML 2025-156. Shutesbury Select Board

Meeting Notices Must Include the Names of Individuals Being Considered for Appointment When Known. The notice for a meeting of the Shutesbury Select Board included the item, "Review for Vote, FY26 Annual Appointment List." The meeting notice did not list the names of potential appointees, nor was there a list attached. During the meeting, the Board voted to approve over 80 appointments. The Attorney General found a violation as "the names of applicants for appointment or employment which are known 48 hours in advance of a meeting should be included on a meeting notice."

Take Away → When the name of a potential appointee or hire is known at least 48 weekday hours in advance of a meeting, the meeting notice must include the name of the individual and the position for which they are being considered. If the information is not known when the meeting notice is posted, the notice should be updated as soon as that information is available.

V. OML 2025-157. Townsend Select Board

Meeting Notice Must Include Specific Items for Reasonably Anticipated Topics. At a meeting of the Townsend Select Board, a presentation by the Police Chief was made under an item providing for "Town Administrator Updates and Reports" and a pending Open Meeting Law complaint was discussed under an item stating, "Meeting Business". Where these matters were reasonably anticipated, the Attorney General found an Open Meeting Law violation and emphasized that boilerplate or placeholder topics such as "Chairman's Report" or "Chairman's Additions or Deletions" cannot be used to discuss an otherwise reasonably anticipated but unlisted topic.

Take Away → Any specific topic reasonably anticipated more than 48 hours in advance of a meeting, not including Saturdays, Sundays or legal holidays, must be listed on a meeting notice with sufficient detail and specificity. Placeholder or boilerplate agenda items like "Town Administrator's Report" or "New Business" may be used to organize an agenda, but do not substitute for specific agenda items.

For further information, please contact Attorneys Lauren Goldberg, Janelle Austin or your KP Law Attorney at 617.556.0007.