KP LAW

THE LEADER IN PUBLIC SECTOR LAW

# Reasons for Convening Executive Session (M.G.L. c.30A, Sec. 21(a))

1. **To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. (*See Rights of Individuals on reverse.)***

2. **To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.**

3. **To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.**

4. **To discuss the deployment of or strategy regarding security personnel or devices, e.g., a sting operation.**

5. **To investigate charges of criminal misconduct or to consider the filing of criminal complaints.**

6. **To consider the purchase, exchange, lease or value of real estate if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.**

7. **To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.**

8. **To consider or interview applicants for employment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants. This clause shall not apply to any meeting regarding applicants who have passed a prior preliminary screening.**

9. **To meet with a mediator regarding any litigation or decision; provided that (i) any decision to participate in mediation shall be made in open session and the parties disclosed and (ii) no action shall be taken with respect to the issues involved without deliberation and approval of the action at an open session.**

10. **To discuss trade secrets or confidential or proprietary information regarding activities by a governmental body as energy supplier, municipal aggregator or energy cooperative, if an open session will adversely affect conducting business relative to other entities making, selling or distributing energy.**



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# Procedures for Convening Executive Session

1. **The meeting must be convened in an open posted session, with executive session listed on the agenda when reasonably anticipated by the chair.**

2. **A majority must vote in a recorded roll call to go into executive session and the vote must be recorded.**

3. **The chair must state the purpose for the executive session, including all subjects that may be revealed without compromising the purpose of the executive session (and, under exemptions 3, 6, and 8, makes the required declaration).**

4. **The chair must announce whether the meeting will reconvene in open session.**

5. **Accurate minutes and other records of the executive session must be maintained, with all votes recorded by roll call.**

# Rights of Individuals

1. **When a governmental body wishes to discuss: (a) the reputation, character, physical or mental health of an individual; or (b) the discipline or dismissal of or complaints or charges brought against a public officer, employee, staff member or individual, it must notify that person in writing at least 48 hours in advance of the meeting, not including Saturdays, Sundays or holidays.**

2. **Written notice may be waived by the individual.**

3. **The individual may choose to instead have the meeting held in open session.**

4. **If an executive session is held, the individual has the right to be present for deliberations, to speak, and to have counsel or a representative of choice present for the purpose of giving advice but not for active participation.**

5. **The individual may have an independent record of the executive session created by audio recording or transcription, at the individual's expense.**


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