

Guide to Posting Meetings, Agendas & Minutes

This is a guide for chairs of multiple-member bodies, and their associate members regarding their responsibilities for posting meetings and filing minutes.

Reference -The Massachusetts Open Meeting Law (OML) (MGL Ch 30A, Sec. 18-25)

Posting a Meeting Notice

Meeting postings and agendas must be posted with the Town Clerk **AT LEAST 48 hours PRIOR** to a meeting, **excluding Saturdays, Sundays and Legal Holidays (weekends and holidays cannot be counted as part of the 48-hour notification period).**

The Open Meeting Law requires 24 hours, 7 days a week access to meeting schedules and agendas. The Town Clerk's office must process and post each meeting in both locations - Town Hall bulletin board & Town of Seekonk web-site in order to comply with Open Meeting Law.

The Official Town of Seekonk Meeting Notice can be found on the Town's website under Town Clerk - **Downloadable Forms**, or you may come to The Town Clerk's office and get one for your files. This meeting notice is to be used for all meeting postings. The requirements on this posting are:

Name of the Committee.

Date of the Meeting.

Meeting room.

Address of the location of the building where meeting is being held.

A brief description of topics to be discussed along with a full agenda attached.

A committee may use any of the following methods to communicate a posting to the Town Clerk's office, however email is preferred.

Email to **BOTH** the Town Clerk and Asst. Town Clerk –

KI'heureux@seekonk-ma.gov & lsorel@seekonk-ma.gov

Fax: 508- 336-0764

In person, Town Clerk's office, Town Hall, 100 Peck St. Seekonk, MA.

Please note; that the ownership for making sure the Town Clerk's office has received a posting is the responsibility of the person posting the meeting, not the Town Clerk's office. The Town Clerk's office checks emails regularly and it is important to email posting to both the Town Clerk and the Asst. Town Clerk.

If a committee is down to the wire to comply with the 48-hour notice, please call the Town Clerk's office at 508-336-2920 to inform us that you have emailed the posting so we can assist you with compliance.

To verify that we have received your email and the meeting has been posted go to the town's website and check the calendar on the home page to see if the meeting is listed on the date you specified.

When hand delivering your postings, please provide the Town Clerk's office with four (4) copies of the Meeting notice and two (2) copies of the agenda. One is for our files, one for your records, one will be posted on the bulletin board at Town Hall.

Meeting Postings & Agendas must be received 30 minutes prior to closing.

Town Hall Office Hours:

Monday, Tuesday Thursday	8:30am - 4:30pm
Wednesday	8:30am - 7:00pm
Friday	8:30am - 12:00pm

Any Holiday which Town Hall is closed, is NOT included in the 48 hours required.

Please note any meeting not posted within these guidelines will NOT be in compliance with the open meeting law and the committee should not meet. The Town Clerk's office will post the meeting but the posting will clearly be marked as **NOT IN COMPLIANCE** with the open meeting law.

Meeting Agenda Requirements

Meeting Agendas must contain the following information:

Name of Committee

Date and day of the week and starting time of meeting

Location of meeting

Body of the Agenda: List of Topics the Chair reasonably anticipates to be discussed. It must be a specific itemized list so the public will understand what will be discussed and which items a vote is anticipated to be taken.

Old Business and New Business may be listed on the agenda. This is NOT for items to be voted on, or may be controversial. It simply allows for conversation on old or new items not specifically listed on the agenda.

Agendas may include items to inform the public that certain matters be discussed that arise after the meeting notice was posted. Such items may be listed as; "Other- Topics not reasonably anticipated 48 hours in advance of meeting." Again, this is NOT for items to be voted on.

If Chairs anticipate an **Executive Session** might be needed, that should be included on the agenda.

Meeting Cancellations

Cancelling a meeting before the meeting is scheduled to start.

If it is necessary to cancel a meeting before it is scheduled to start (due to inclement weather or any other reason), the Chair of the public body or an assigned member should notify the Town Clerk's office as soon as possible so the postings on the bulletin board and website can be updated. You can cancel by sending an email stating what meeting you are cancelling and the reason.

Cancelling a meeting after the meeting when a quorum is not present.

It is necessary to inform the Town Clerks office when a posted meeting was not held, either due to lack of quorum or any other unforeseen reason.

It is strongly recommended that a minority of members of a public body not “meet” in the absence of a quorum, and further, that such a group avoid discussion about any business within the jurisdiction of the public body, or any other matter.

Deliberations

A public body cannot discuss a matter that should have been reasonably anticipated unless the matter appears on the agenda.

The OML specifically defines the term “deliberation” to include email. Public bodies may only use email to distribute agendas or documents to be discussed as well as scheduling. Information. No opinions of a member may be expressed and members should avoid a reply all on emails.

Whenever members are sharing feelings, ideas, beliefs or concerns relative to their position it is considered deliberation and would need to be in compliance with open meeting law postings.

Should a public body deliberate inadvertently outside a public meeting they MUST meet in open session to rectify the mistake and they MUST make an independent deliberative action and not merely, a ceremonial acceptance in open session. They should also share in open session any email communications that could be considered a violation to rectify it.

Meeting Minutes – per MGL Ch. 66 & 6

State law requires all public bodies (committees, commissions, boards, sub-committees and ad-hoc committees) to keep accurate written records of its public meetings.

Importance of the Record

Many matters before boards and committees are reviewable by a court, on an appeal. In many of these matters, the appeal is based on the record developed before the board or committee. Thus, it is important to adequately develop a record that will accurately reflect what went on during the meeting and, most importantly, support the decisions and actions of the board or committee.

Meeting Minutes, as set forth by law, must include the following:

Date, time and place of meeting.

List of members present and absent.

Any actions taken at the meeting (including going into executive session w/roll call vote).

A summary of the discussions on each subject.

Exact wording of all motions, including who made and seconded the motion.

The decisions made and actions taken, including a record of all votes.

A list of documents and other exhibits used by the body at the meeting.

Once minutes are approved by vote of the public body;

The person who recorded the minutes and the committee chairman should sign the minutes and indicate the date of the meeting at which the minutes were accepted.

Minutes are public and permanent records. Departments must keep a file of all the minutes and must be able to provide an original approved and signed copy of the minutes upon request. The Public records Law advises that the approved minutes should be posted on the town’s website.

Public Record

The records of all public body non-executive session meeting minutes are public and permanent records and must be made available for public inspection. Minutes of open meetings are public records, subject to mandatory disclosure upon request within 10 days.

Records of any executive session may be withheld from disclosure only as long as publication may defeat the purposes of the executive session.

Meeting notes and drafts minutes are considered public records from the moment of their creation. They are considered the public record of the meeting until official minutes are approved by the public body. The notes and drafts of minutes must be retained until the minutes are approved, and may be destroyed without permission from the Supervisor of Public Records. Any secretarial notes, if not destroyed once official minutes are accepted, are considered a public document under public records law.

Timely Fashion

Chapter 30A, Sec. 22 C of the Open Meeting Law requires minutes to be produced in a timely fashion, but does not provide a definition for “timely fashion”. The Attorney General does however recommend that minutes be approved at the public body’s next meeting whenever possible. The law does, however state that in the event someone requests minutes from a meeting, such minutes must be provided to them within 10 days.

For committees which meet monthly or more frequently, the minutes should be reviewed and approved at the next regular meeting following the one being reported. Committees, which meet less frequently, should adopt a procedure, which will assure approval within 2 months of the original meeting date.