

TO: Department Heads
June 8, 2010

KEY PROVISIONS OF THE NEW OPEN MEETING LAW

Brian W. Riley of the law firm Kopelman and Paige has developed the following Top Ten list of to changes to the open meeting law. This new law takes effect on July 1, 2010.

- **Information:** All persons serving on “public bodies” will be required to receive the attorney general’s version of the open meeting law as well as regulations and educational materials. The town or city clerk, or a designee, shall maintain written certifications of receipt.
- **Notice:** The law still requires forty-eight-hour notice of meetings, but Saturdays, Sundays and holidays cannot be counted as part of the notice period. For example, a Monday night meeting must be posted by Thursday night.
- **Notice:** Meeting notices must include a list of topics that the chair reasonably anticipates will be discussed, and notices must be posted in or on a municipal building to be visible to the public at all hours.
- **E-mail Deliberation:** E-mails are expressly included in the definition of “deliberation,” which is prohibited outside of open session, but using e-mail for the distribution of agendas, scheduling information, or reports to be discussed at the next meeting is permitted.
- **Quorum:** Attendance by a quorum at a conference, social event or a meeting of another municipal board, for example, is not a “meeting” if there is no intent to conduct business and there is not deliberation.
- **Minutes:** In addition to “date, place, time and matters discussed,” meeting minutes must include summaries of matters discussed, a list of documents used, and all decisions made and votes taken.
- **Documents:** Documents and other exhibits – such as photographs, recordings or maps – used by public body at an open or executive session shall, along with the minutes, be part of the official record of the session.
- **Executive Session:** Chairs will be required to periodically review executive session minutes to determine if they should be released. The purpose for the

executive session must be ongoing in order for the minutes to be kept confidential.

- **Enforcement:** The attorney general's office will assume all interpretation and enforcement authority over open meeting law, with broader enforcement authority. District attorneys will no longer be involved.
- **Complaints:** Citizen complaints of open meeting law violations must be filed, in writing, with the governmental body first. The governmental body will submit its reply to the complainant and the attorney general's office.

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Lorraine Pease, Town Clerk