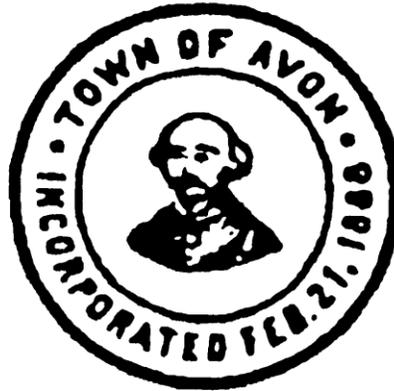


TOWN OF AVON



A Guide to Posting Meetings, Agendas & Minutes

This is intended to be a guide for chairs of multiple-member bodies, and their associated members, responsible for posting meetings and filing minutes.

The Massachusetts Open Meeting Law (MGL Ch. 30A, §18-25) and Bylaws for the Town of Avon should be referred to for further detail concerning the matters outlined in this document.

For further detail go to:

<http://www.mass.gov/ago/docs/government/oml/oml-guide.pdf>

Patricia Bessette
Town Clerk

Date of Publication: July 2016

Meeting Agenda Requirements

Meeting Agendas must contain the following information:

- Name of the Committee
- Day of Week, Date and Starting Time of Meeting
- Location of Meeting
 - Name of Town Building & Room
 - Street address & Town for non-Town Buildings
- List of Topics the Chair reasonably anticipates will be discussed – **MUST BE SPECIFIC** itemized list so the public will understand what will be discussed. Old Business and New Business may be listed on the agenda. Agendas may include items to inform the public that certain matters may be discussed that arise after the meeting was posted. Such an item 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 or may be controversial
- If the chair anticipates an executive session might be needed, that should be included on the agenda

Posting a Meeting & Agendas

- Meeting Postings & Agendas must be posted with Town Clerk **AT LEAST 48 hours PRIOR** to meeting, **excluding Saturdays, Sundays and Legal Holidays**
- The Open Meeting law requires 24 hour / 7 days a week access to meeting schedules and agendas. We must process & post each meeting in **BOTH** of the following locations to be in compliance
 - Town Hall Bulletin Board outside of the Town Clerks Office and Town Hall Mezzanine
 - Town of Avon Website (Calendar on the home page)
- You may use any of the following means to communicate your postings with the Town Clerks Office:
 - Fax, 508-559-0209
 - Email, pbessette@avon-ma.gov and copy dgouthro@avon-ma.gov
 - In Person at the Town Clerks Office

*Reminders for Emailing Postings & Agendas:

- The ownership of making sure the Town Clerks Office has received a posting falls on the person posting the meeting, not the Town Clerks Office.
- If you are down to the wire to comply with the 48-hour notice, please call the Town Clerks Office at 508-588-0414 to inform us that you have emailed the posting so we can help assist you with compliance.
- Should you want to verify that we have received your email and the meeting has been posted you can do so by going to the town's website at <http://www.avon-ma.gov> and checking the calendar on the home page to see if the meeting is listed on that date.

- **Meeting Cancellations**

- Cancelling a meeting before the meeting is scheduled to start:

Should it be necessary to cancel a meeting before the meeting is scheduled to start (due to inclement weather or any other reason), the Chair of the public body or assigned member should notify the Town Clerks Office as soon as possible so the postings (bulletin board & website) can be updated. We need to have a written notification of cancellation. You can cancel a meeting by simply calling the Town Clerks Office and sending an email verification.

- Cancelling a meeting after the meeting when a quorum is not present:

It is necessary to inform the Town Clerk's Office when a posted meeting was not held, either due to lack of a quorum or any other unforeseen reason. The Clerk's Office will be expecting Minutes for any posted meeting that is not cancelled with proper notification to the Clerk's Office.

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 opinion of a member may be expressed and members should avoid a reply to 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 of 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 information:

- Date, time and place of the 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**
- **File an original signed copy** of the approved minutes with the Town Clerk
- The Meeting Minutes will be scanned and posted as a pdf attachment to our website

Public Record

The records of all public body non-executive session meetings minutes are public and permanent records and must be 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 Draft minutes are considered public record from the moment of their creation, and are considered the public record of the meeting until official Minutes are approved by the public body. The notes and draft minutes must be retained only until the minutes are approved, and may thereafter be destroyed without permission from the Supervisor of Public Records. Any secretarial notes, if not destroyed once the official minutes are accepted, are considered a public document under the public records law.

Timely Fashion

Chapter 30A, §22C 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 a 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 two months of the original meeting date.