



Town Clerk's Office

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Guidelines for Massachusetts Open Meeting Law

This guideline is a comprehensive review of the Open Meeting Law MGL Ch. 30A Sec. 18-25. The Office of the Town Clerk is a resource to all residents, taxpayers, and volunteers to local government, either elected or appointed. As your Town Clerk, I believe strongly in communication and education. As you navigate your position on the various boards and commissions in Town, I offer this guide to assist you in understanding the basics of the open meeting law. If you have any questions or concerns, please contact my office at 781-721-7130 #1 for Town Clerk or email melannon@winchester.us

The Office of the Attorney General's Division of Open Government oversees the open meeting law for the Commonwealth. Town Clerks across the Commonwealth assist the Attorney General's Office in disseminating information and providing guidance where appropriate. Should we not know the answer we can research and/or refer you to the "Attorney of the Day" who are staff attorneys assisting the public on a regular basis.

Listed below and attached to this packet are helpful resources. Due to COVID-19 the Commonwealth of Massachusetts made significant changes to the open meeting law to accommodate for the work of the boards, commissions and committees throughout the commonwealth when we were not able to gather. Currently those modifications will expire on July 1, 2022. The Town Clerk's Office will provide an update to this resource guide and post information on the official website located at www.winchester.us under the Town Department *Town Clerk*

The Town of Winchester values transparency and open government and we look forward to serving you at Town Hall.

Online Resources for Open Meeting Law

<https://www.mass.gov/service-details/open-meeting-law-trainings>

<https://www.mass.gov/service-details/updated-guidance-on-holding-meetings-pursuant-to-the-act-extending-certain-covid-19-measures>

<https://www.mass.gov/service-details/complete-public-body-member-certification>

<https://massago.hylandcloud.com/203publicaccess2/oml.htm>

<https://www.mass.gov/service-details/open-meeting-law-training-videos>

<https://www.mass.gov/service-details/open-meeting-law-educational-materials>

email for Attorney General Questions openmeeting@state.ma.us

phone number for Attorney Generals Division of Open Government 617-963-2540

Requirements for elected or appointed volunteers in Local Government

- **Oath of Office** – elected or appointed members of various boards and commissions must appear before the Town Clerk to be sworn into office prior to participation in the meetings of the body. For re-elected or re-appointed you are still required to take the Oath of Office however, time is not of the essence with regards to participation in the meetings. We do, however, encourage you to report in a timely manner to the Town Clerk's Office during normal business hours.
- **Certification of Receipt of Open Meeting Law materials** from the local Town Clerk. See link to download the certificate. Once you have read the Open Meeting Law Guide, please fill out the certificate and return to the Town Clerk. You may email the document or return the original signed document via drop boxes or USPS. If emailing send to townclerk@winchester.us
- **Public Meeting Notices** – MGL requires public meeting notices to be filed with the local Town Clerk not later than 48 hours prior to the public meeting. The Office of the Town Clerk requires additional time for processing. Please submit your notice for public meetings or public hearing no later than 72 hours prior to the meeting. Please submit the digital notice to townclerk@winchester.us for staff's approval and posting on the official website located at www.winchester.us
 - The public meeting notices must include date, time, place, or remote/hybrid. If remote/hybrid notice must include the zoom link with details on how to login into the meeting. All remote/hybrid meetings must be recorded in zoom and video recordings are to be sent to townclerk@winchester.us for permanent storage.
- **Public Meeting Minutes** - MGL requires public bodies to produce minutes of the body forthwith and make them available upon request. The handouts attached and videos referenced in this guide are an excellent resource for you to determine the best practices for writing the minutes of your board or commission. NOTE: The minutes must include date, time, place, members present and absent, method (remote/hybrid/in person) and topics of the meeting with brief statement on the subject. Should any presentations be made the handouts, slides, or plans must be listed in the minutes and made available upon request. However, the presentations do not become part of the official minutes. See video on meeting minutes for more details.
 - **Conduct of the Meeting** - unless otherwise provided by rules, regulations or policies and procedures of a local body, the Chair of the Board shall manage the conduct of the meeting. Typical public meetings are conducted in a formal manner such as:
 - Call meeting to order
 - Chair statement – welcome and review of the agenda for the meeting
 - Public Comment – **NOTE:** It is up to the Chair of the board or commission to allow for public comment. It is not required under MGL. If the body allows for public comment, the body can allow for recognition of the comments however, the body does not need to answer the question immediately unless they choose to do so. It is helpful if the body informs the public as to the expectations of a response.

- **Items on Agenda:** The Chair will work through the agenda in order unless a vote is made to change the order or the board is unanimous in moving an item. Should a vote be needed or necessary for the board a formal vote must be recorded by the Clerk in a manner such as
 - **Moved by Ms. Smith Seconded by Mr. Jones.**
 - **Motion Carried Majority; or 2/3 if required.**
 - **Motion to adjourn should reflect exact time the meeting adjourned.**
 - An item may be added to the agenda after the 48th hour however, only for discussion purposes by the board members and the public. NOTE: No vote can be taken until the item has been given at a minimum the 48 hours' notice to the public.

- **Conflict of Interest concerns:** Should any member of an elective or appointed board, committee or commission feel they may have a conflict of interest on a topic before the board they serve please feel free to ask the Town Clerk at melannon@winchester.us or contact the State Ethics Commission directly <https://www.mass.gov/how-to/request-advice-about-how-the-conflict-of-interest-law-applies-to-you> If you are aware of a potential appearance of a conflict of interest you may file a form with the Town Clerk under MGL Ch.268A <https://www.mass.gov/service-details/municipal-employee-disclosure-forms>

Any other questions or concerns please contact the Town Clerk's Office.

Thank you for your service.

MaryEllen Lannon, CMC
Winchester Town Clerk