



TOWN OF BELMONT
TOWN CLERK'S OFFICE
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ELLEN O'BRIEN CUSHMAN
TOWN CLERK

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To: Department Heads and All Boards, Committees, & Commissions
From: Ellen O'Brien Cushman, Town Clerk
Date: September 14, 2011
Re: **Effective October 1st** – New Meeting Posting Procedure Compliant with Open Meeting Law

A recent update in the Massachusetts Open Meeting Law allows a town's website to be the official posting place. We have concentrated effort to make that possible in Belmont. While that is our ultimate goal, during this transition stage, the bulletin boards in Town Hall (and the book in the police station) remain our official legal posting. By October 1, 2011, please follow Belmont's updated process to post meetings in compliance with the Massachusetts Open Meeting Law.

Here is the updated process Belmont will follow:

- **Postings may be filed either by emailing the posting to townclerk@belmont-ma.gov** as an attachment (pdf or Word document) **or delivering/mailling hardcopy paper** to the Town Clerk's office during business hours.
- The meeting posting must contain the full name (no abbreviations/acronyms) of the governmental body (boards, committees, commissions, appointed subcommittees) holding the meeting, the date, time, location, and agenda for the meeting. The agenda must include specific items that the chairperson reasonably expects will be discussed. Items such as "General Updates" or "New/Old Business" may not be included as they are too vague to comply with the law. **"The list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting."** Anyone reviewing the posted agenda should be able to determine if there will be a topic of interest and whether or not he/she will observe the meeting.
- The **48 hour advance notice** of the posting will be strictly followed. Weekends and holidays are not included in the 48 hours. For example: a Monday meeting must be posted by Thursday.
- The Town Clerk Staff will extract and post meetings from the email townclerk@belmont-ma.gov account every business day at 9:00am and 2:00pm. **If you are emailing a meeting after 2:00pm that must be posted that day to comply with the 48 hour requirement, please call 617-993-2600 to alert the Town Clerk's staff.** If a posting does not comply with the law (48 hours notice and sufficient information), it will be returned to the originator. The Law specifically requires that the official time stamp be on the posting; the Town Clerk's staff will time stamp each posting and will return a copy to the liaison and/or chairperson (either return email with pdf or hardcopy paper if posting in person).
- **Upon receipt, the liaison should post this time stamped copy onto the town website meeting calendar.** Although only official meetings with time stamped agendas should be on the website, it has been the practice to put planned meetings on the website in advance and later post the agenda officially. Because we are working toward Belmont's website serving as the official posting location, **any meeting on the meeting calendar of the website without the Town Clerk's time stamp, must indicate "Tentative" on the meeting calendar website.** When the liaison posts the official time stamped copy onto the website, he/she should remove "tentative" from the calendar.
- **The Town Clerk's staff will continue to post meetings on the bulletin boards & binder (still Belmont's official posting) during this transition.** Please continue to minimize size of posting to half page if possible, and proofread carefully to minimize changes/corrections.
- **By October 1st please add "Tentative" to any meeting already listed on the website calendar that has not been officially posted through the Town Clerk's office.**

Because there is an increased awareness and watchfulness regarding the Open Meeting Law, here are some reminders about compliance:

- Every elected or appointed member of Belmont's Boards, Committees, and Commissions **must be sworn in at the Town Clerk's office before participating**. At that time, the appointee or elected person receives a copy of the Attorney General's Open Meeting Law Guide (attached) which can be found at http://www.mass.gov/Cago/docs/Government/OML_Guide_032411.pdf and the Ethics/Conflict of Interest requirements.
- **The chairperson is responsible for compliance with the 48 hour posting requirements**. In Belmont, each committee continues to have an appointed liaison to assist with the posting process. The 48 hours requirement does NOT include Saturdays, Sundays or holidays.
- **Meeting minutes must be created, approved, and filed with the Town Clerk "in a timely manner"**. They must include: date & place of meeting, list of members present or absent, summary of discussion on each subject, the decisions made and actions taken, including a record of all votes. The Open Meeting Law and Public Records Law require that minutes be made available to the public within 10 days upon request, whether they have been approved or remain in draft form.
- **Executive Session is allowable only for ten very specific conditions as listed in the law**. When such a situation is anticipated, a chairperson may list executive session on the agenda. Please remember that the body must first meet in public session, the chair must verbalize one of the ten legal reasons (actually reading from the law) and take a roll call vote to enter executive session. Before leaving open session, the chair should state whether or not they will return to open session. Minutes must be taken during executive session; all votes in executive session must be roll call votes and recorded in the minutes. Periodically, the chair must review those minutes and determine if they should be released, or if the purpose for executive session is ongoing to keep minutes confidential.
- **Emails** among committee/board members are included in the definition of "deliberation" which is prohibited outside of open session; but distribution of agendas, scheduling information or reports to be discussed at future meetings is permitted.
- **Attendance by a quorum** at a location is not considered to be a "meeting" if members are not intending to conduct business and no deliberation occurs. Attendance at a conference, social event, or a meeting of another municipal board is not considered to be a meeting if no intention to conduct business or deliberation occurs.
- **Remote Participation** is not permitted at this time. The Attorney General's Office is currently reviewing the policy.
- **Persons with complaints** of Open Meeting Law violations should first contact the committee chairperson. For complaints not addressed and corrected by the committee chairperson, individuals may contact the Town Clerk with concerns or questions about filing a complaint. The Attorney General outlines the complaint process in Section 23 of the Open Meeting Law Guide (attached).

The website will not be Belmont's official posting site until compliance is adequate. The transition will be smoothest with everyone's cooperation. Please feel free to contact me with any questions or concerns; I will likewise contact you with any committee-specific issues. **I will notify everyone as soon as we reach the level of consistent compliance necessary to make the website our official posting.**

Thank you for your patience and effort.



Ellen O'Brien Cushman, Town Clerk

Attachment: Open Meeting Law Guide

To post meetings contact:

townclerk@belmont-ma.gov

617-993-2600