



**Municipal Client Advisory
January 2012**

**ARE YOUR EXECUTIVE SESSION MEETING MINUTES SUFFICIENT?
ATTORNEY GENERAL'S OFFICE CLARIFIES ITS EXPECTATIONS**

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Under the current version of the Open Meeting Law (M.G.L. c. 30A, § 22(a)), public bodies are required to prepare and maintain accurate minutes for the open and executive session of each public meeting. Among other requirements, these minutes must include “a summary of the discussions on each subject.” In OML 2011-55 (Stoughton School Committee), the Office of the Attorney General recently addressed the sufficiency of minutes prepared by a local public body.

In particular, the Attorney General noted that minutes do not have to include every remark or opinion from the meeting, although the Attorney General encouraged public bodies to include dissenting or minority opinions in the minutes (particularly if a request is made to include such information in the minutes). The Attorney General further clarified that the minutes should include a summary of each discussion with adequate content and accuracy “so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred.”

The Attorney General concluded that, based upon the circumstances, the subject public body did not comply with the Open Meeting Law because its executive session minutes did not include the minimum level of detail required. The Attorney General noted that the subject public body was in executive session for an hour and twenty-five minutes, but only included two (2) brief sentences under “Contract Negotiations” and three (3) brief sentences under “Grievance.” Given the duration of the executive session, the Attorney General held that additional detail was required and it ordered the subject public body to prepare and approve a new set of executive session minutes.

Murphy, Hesse, Toomey & Lehane, LLP, is prepared to assist you by providing training sessions on the Open Meeting Law, at your request. For more information or to schedule a training session, please contact Kevin Bresnahan or Brandon Moss directly at (617) 479-5000 or via email at kbresnahan@mhtl.com or bmoos@mhtl.com.

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Phone 617-479-5000 1 Fax 617-479-6469
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