

# **Frequently asked questions about meeting notices**

## **May a public body consider a topic at a meeting that was not listed in the meeting notice?**

Yes, if it is a topic that the chair did not reasonably anticipate 48 hours before the meeting. If a meeting topic is proposed after the meeting notice is posted, the public body is encouraged to update its posting to provide the public with as much notice as possible of what subjects will be discussed during a meeting. Although a public body may consider a topic that was not listed in the meeting notice if unanticipated, the Attorney General strongly encourages public bodies to postpone discussion and action on topics that are controversial or may be of particular interest to the public if those topics were not listed in the meeting notice.

## **How specific must the listing of topics be in the meeting notice?**

The listing of topics must contain enough specificity to give the public an understanding of each topic that will be discussed. It is not sufficient to list broad topic categories, such as "Old Business." For example, when the Chair of a Board of Selectmen reasonably anticipates a discussion about on-going traffic improvement projects in town at the next Board meeting, it would be appropriate for the Chair to list that topic in the notice as: "Discussion of Traffic

Improvement Projects at the intersection of Main and Pleasant Streets; and at the intersection of Elm and Oak Streets." In some instances, there may be overlap in the posting requirements of the Open Meeting Law and other statutes. In most cases, the information required by the controlling statute will satisfy the Open Meeting Law meeting notice requirements, however for specific questions please contact the Division of Open Government.

## **If a public body holds a properly noticed meeting, and decides to continue the meeting until a future date, is the public body required to post another meeting notice?**

Yes, the public body must treat the meeting as though it is a new meeting for the purposes of notice posting. The public body must post the meeting 48 hours in advance and post a new meeting notice.

## **Will posting meeting notices on the municipal website fulfill the meeting notice requirements of the Open Meeting Law?**

Yes, provided that website is the designated alternate posting method for the municipality and the meeting notice satisfies all the other requirements of the Open Meeting Law: 1) it is posted at least 48 hours in advance of the public meeting, excluding Saturdays, Sundays and legal holidays; 2) it is displayed in a legible, easily understandable format; 3) it contains the date, time and place of the meeting; 4) it lists the topics that the Chair reasonably anticipates will be discussed at the meeting with sufficient specificity to advise the public of the issues the public body will discuss; and 5) the date and time that the notice was posted is conspicuously recorded on the notice. Public bodies are encouraged to coordinate with the municipal clerk, or the person designated by agreement with the municipal clerk, to ensure that meeting notices are filed

sufficiently in advance of the meeting to allow the municipal clerk or the designee to post the meeting 48 hours in advance

**What if the website that hosts meeting notices becomes inaccessible to the public?**

Where a public body adopts a website as its official method and the website becomes inaccessible to members of the public, the municipal clerk or other individual responsible for posting notice to the website must restore the website to accessibility within six business hours of discovering that the website is down. If the website is not restored within six business hours, the public body must cancel or reschedule any meetings that are noticed to occur within 48 hours of the outage.

**What is the posting method for state public bodies?**

State public bodies have different notice posting requirements than local public bodies. A state public body must post its meeting notice on its website or, if none exists, then the website of its parent agency. It must also submit a copy of the meeting notice to the Secretary of State's Regulations Division. It is not necessary to send meeting notices to the Attorney General, however, the public body must notify the Attorney General of the website location where its meeting notices will be posted.

**How detailed should meeting notices be where the public body intends to act on a large group of similar items (for example, annual license renewals or board appointments)?**

The notice must include details about each item, including the identity of the licensee or applicant or appointee, or the address that is the subject of an application to be considered by the public body. This level of detail is intended to provide members of the public with sufficient information to understand what business is being transacted by the public body and the opportunity to attend and observe deliberations in which they are interested.

This advice is consistent with our prior determinations. See OML 2016-167; OML 2011-11. We had, on limited occasions, advised public bodies that when identifying each annual appointment, license, or application to be considered at a meeting would result in the notice consisting of many pages that cannot fit on a bulletin board, a public body may instead reference on the notice that such additional information can be found at the municipal clerk's office or at another easily accessible location. However, the Suffolk Superior Court recently concluded that this approach is arbitrary, because the determination of whether it is practical to post a certain number of pages on a bulletin board is subjective. See *Town of Swansea v. Maura Healey*, Civil Action No. 2017-3269-E (Suffolk Sup. Ct. October 29, 2018). Accordingly, the specific information must be included on or with the notice itself; it is not acceptable for a meeting notice to refer members of the public to another location to find the required information. We encourage municipalities with limited posting space to consider adopting a website as the official notice posting method.