

Frequently asked questions about meetings

What accommodations must public bodies provide for individuals with disabilities?

All open session meetings of public bodies must be accessible to members of the public, including those with disabilities. Therefore, public bodies must ensure that meetings are held in handicap accessible locations. Public bodies are encouraged to include in meeting notices the name and contact information of the appropriate Americans with Disabilities Act (“ADA”) Coordinator, so that any individual seeking an accommodation may contact the ADA Coordinator in advance of the meeting. The following sample language is recommended by the Attorney General’s Civil Rights Division:

If you need reasonable accommodations in order to participate in the meeting, contact the ADA Coordinator [Insert Name/Contact Information] in advance of the meeting. While the municipality will do its best to accommodate you, certain accommodations require the hiring of outside contractors who may not be available if requested immediately before the meeting.

May a public body meet without a quorum?

The Open Meeting Law requires that any communication between or among a quorum of a public body on any matter within its jurisdiction must be conducted during a noticed meeting. See G.L. c. 30A, §§ 18, 20. A “quorum” is defined as “a simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.” G.L. c. 30A, § 18. The law defines a “meeting” as “a deliberation by a public body with respect to any matter within the body’s jurisdiction[.]” Id. Thus, when less than a quorum meets (and it is not a subcommittee of the public body), it is not considered a “meeting” under the law.

Nevertheless, we caution public bodies about meeting when a quorum is not present. The Open Meeting Law prohibits serial communication between or among members of a public body that reach a quorum of members outside of a noticed meeting. Thus, when a sub-quorum discusses a topic, which is then shared with a quorum outside of a meeting, it may be considered improper deliberation. See *District Attorney for the Northern District v. School Committee of Wayland*, 451 Mass. 561, 570-571 (2009) (“Governmental bodies may not circumvent the requirements of the open meeting law by conducting deliberations via private messages, whether electronically, in person, over the telephone, or in any other form”). The Attorney General recommends that a

public body that does not achieve a quorum for a particular meeting consider postponing the meeting until a quorum is present, rather than proceeding with an informal discussion.

Local Commissions on Disability may meet without a quorum physically present in accordance with G.L. c. 30A, § 20(e), where additional members participate remotely in order to reach the quorum.

May a public body hold a meeting on a Sunday?

While the Open Meeting Law is silent with regard to holding public meetings on Sundays, the best practice is not to hold public meetings on Sundays or holidays when access to public buildings may be limited and when the public does not normally anticipate the scheduling of a public meeting.