

Ordered that rule 4.03 of the Rules and Orders of the City Council be amended as follows by adding:

The City Clerk shall distribute all executive session meeting minutes to all members who attended the executive session within 10 days of the date the meeting was held. Council members shall provide the Clerk with any feedback or objections to any materials contained within the minutes within 5 days of receipt. If no objection is received within 5 days, these minutes shall be deemed to be approved by consent of the body.

The City Clerk will schedule an executive session meeting within 14 days upon receipt of a request for the release of minutes from an executive session meeting to determine if Open Meeting Laws warrant continued non-disclosure under G.L. c 30A. Additionally, the City Clerk shall schedule an executive session of the Malden City Council during the last weeks of May and November of each year for the purposes of determining if the Open Meeting Law warrants continued non-disclosure under G.L. c 30A of meeting minutes that have not previously been released. The council will vote on the release of any minutes that no longer warrant exemption from the Open Meeting Laws.

Public bodies must create and approve minutes of all meetings, including executive



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approve minutes at the next meeting whenever possible. The Open Meeting Law does not govern the method for approving those minutes, however. Public bodies may choose the method for approving their minutes, including approval by the public body chair alone, by majority vote of the public body, or by consent of the body (approved unless there is an objection). When a quorum of a public body approves minutes, however, it must do so during a noticed meeting.

Frequently asked questions about executive session minutes

What process must public bodies follow for reviewing executive session minutes for approval?

Executive session minutes must be approved in a timely manner, just like open session minutes. Executive session minutes may be withheld from disclosure “as long as publication may defeat the lawful purposes of the executive session, but no longer.” G.L. c. 30A, § 22(f). If a public body reviews confidential portions of executive session minutes in open session, it may risk publicly disclosing confidential information. For this reason, a public body may decide to designate the chair or another individual to review and approve executive session minutes, or it may review the minutes together in executive session (see below).

Can a public body convene in executive session to approve executive session minutes?

Yes, a public body may convene in executive session to review and approve executive session minutes. A public body may convene in executive session under the original purpose for the executive session, or it may convene in executive session pursuant to G.L. c. 30A, § 21(a)(7) “[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements” (“Purpose 7”), citing to the Open Meeting Law, G.L. c. 30A, §§

22(f), (g). That section of the Open Meeting Law requires public bodies to review executive



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What process must public bodies follow for reviewing executive session minutes for release to the public?

The Open Meeting Law requires that a public body, or its chair or designee, review the minutes of its executive sessions at reasonable intervals to determine if the Open Meeting Law warrants continued non-disclosure. G.L. c. 30A, § 22(g)(1). Upon a request for executive session meeting minutes, it shall review those minutes and release “the non-exempt minutes, or any portion thereof, not later than the body’s next meeting or 30 days, whichever first occurs.” G.L. c. 30A, § 22(f).

The law requires a two-stage review of executive session minutes, with both stages occurring within 30 days of a request. G.L. c. 30A, § 22(f), (g)(2). First, the public body must determine whether the executive session purpose continues to warrant confidentiality. G.L. c. 30A, § 22(f). Second, if the purpose no longer warrants confidentiality, then the public body must determine whether the attorney-client privilege or one or more of the exemptions under the Public Records Law apply to withhold the minutes, or a portion thereof, from disclosure. *Id.* At the conclusion of this review, the public body must respond to the requester and either make the minutes available or provide an explanation of what is being withheld and why. A public body may not charge the requester a fee for this review.

Frequently asked questions about meeting notices

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.