



The Commonwealth of Massachusetts

OFFICE OF THE DISTRICT ATTORNEY
FOR THE NORFOLK DISTRICT

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Re: Open Meeting Law Inquiry #06-26

Dear Ms. Connors:

Thank you for your letter inquiry, which was received on December 11, 2006.

The Open Meeting Law defines governmental bodies in relevant part as "every board, commission, committee or subcommittee of any district, city, region or town, however elected, appointed or otherwise constituted." G.L. c. 39, § 23A. Meetings are defined as "any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program. G.L. c. 39, § 23A. According to your letter, the Coolidge Corner District Planning Council ("Council") was appointed by the Brookline Board of Selectmen to study zoning, traffic and parking in Coolidge Corner. Accordingly, it appears that the Council is a governmental body conducting meetings in subject to the Open Meeting Law.

The Open Meeting Law requires a governmental body to "maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions." G.L. c. 39, § 23B. The law further provides that "the records of each meeting shall become a public record and available to the public." G.L. c. 39, § 23B. The burden of establishing compliance with the Open Meeting Law falls on the governmental body. G.L. c. 39, § 23B.

The Open Meeting Law does not explicitly require a governmental body to formally approve its minutes. However, since it requires that accurate records be maintained and places the burden of demonstrating compliance on the governmental body, we interpret the law as requiring the governmental body to review the minutes of past meetings to document that they are accurate. We find further support for this position in the definition section of the law, where "made public" is defined as "when the records of an executive session have been approved by the members of the respective governmental body attending such session for release to the public and notice of such approval has been entered into the records of such body." G.L. c. 39, § 23A. In order to determine whether records should be made public, the governmental body would need to review them.

Accordingly, it is the position of this Office that in general, the Council is required to formally approve the minutes of its meetings.

Please note that this Office has not communicated with anyone else from the Council, and any presentation of additional facts and specific circumstances could alter this opinion.

Please feel free to call me at extension 265 with any questions.

Very truly yours,


Tracey A. Cusick
Assistant District Attorney