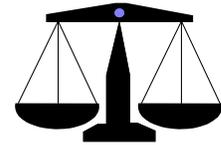




DEPARTMENT OF ATTORNEY GENERAL
PETER F. KILMARTIN, ATTORNEY GENERAL



OPEN MEETINGS ACT CHECKLIST
OPEN GOVERNMENT UNIT

NOTICE REQUIREMENTS

Have you posted:

- annual notice (beginning of each calendar year only); **and**
- supplemental notice (minimum 48 hours before the date of the scheduled meeting).
R.I. Gen. Laws § 42-46-6.

Have the notices been posted/provided:

- at the principal office of the public body holding the meeting, **or** if no principal office exists, at the building where the meeting is to be held; **and**
- in at least one other prominent location within the governmental unit; **and**
- electronically with the Secretary of State; **and**
- to a member of the public upon request (annual notice only). *R.I. Gen. Laws § 42-46-6.*

Does the notice contain:

- the date the notice was posted (supplemental notice only); **and**
- the date(s), time(s), and location(s) of the meetings; **and**
- a statement specifying the nature of the business for each matter to be discussed (supplemental notice only). *R.I. Gen. Laws § 42-46-6.*

CONVENING INTO EXECUTIVE SESSION

Does the open call contain for each matter to be discussed in executive session:

- vote by a majority of the members to convene in executive session; **and**
- record in the open session minutes the vote of each member on the question of holding a meeting closed to the public; **and**
- state in the open call **and** record in the open session minutes the specific subsection of R.I. Gen. Laws § 42-46-5(a)(1)-(10) upon which each executive session discussion has been convened; **and**
- state in the open call **and** record in the open session minutes a statement specifying the nature of the business for each matter to be discussed. *R.I. Gen. Laws § 42-46-4(a)*

Does the executive session concern:

- any discussion of the job performance, character, or physical or mental health of a person(s), provided:
 - person(s) affected shall be notified in advance in writing; **and**

- person(s) advised they may require discussion held in open session; **and**
- during open call, state in open session and record in open session minutes that person(s) have been notified. *R.I. Gen. Laws § 42-46-5(a)(1).*
- sessions pertaining to collective bargaining or litigation. *R.I. Gen. Laws § 42-46-5(a)(2).*
- discussion regarding the matter of security. *R.I. Gen. Laws § 42-46-5(a)(3).*
- any investigative proceedings regarding allegations of civil or criminal misconduct. *R.I. Gen. Laws § 42-46-5(a)(4).*
- any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the public interest. *R.I. Gen. Laws § 42-46-5(a)(5).*
- any discussions related to or concerning a prospective business or industry locating in Rhode Island when an open meeting would have a detrimental effect on the interest of the public. *R.I. Gen. Laws § 42-46-5(a)(6).*
- a matter related to the question of the investment of public funds, which includes any investment plan or matter related thereto, where the premature disclosure would adversely affect the public interest. *R.I. Gen. Laws § 42-46-5(a)(7).*
- school committee sessions to conduct student disciplinary hearings **or** to review other matters that relate to the privacy of students and their records, provided in either case:
 - any affected student shall be notified in advance in writing; **and**
 - student(s) advised they may require discussion held in open session; **and**
 - during open call, state in open session and record in open session minutes that student(s) have been notified. *R.I. Gen. Laws § 42-46-5(a)(8).*
- any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining agreement. *R.I. Gen. Laws § 42-46-5(a)(9).*
- any discussion of the personal finances of a prospective donor to a library. *R.I. Gen. Laws § 42-46-5(a)(10).*

MINUTES

Open and closed session minutes must contain:

- the date, time, and place of the meeting; **and**
- the members of the public body recorded as either present or absent; **and**
- a record by individual member of any vote taken; **and**
- any other information relevant to the business of the public body that a member of the public body requests included. *R.I. Gen. Laws § 42-46-7(a).*

Unofficial (unapproved) open and closed session minutes must be available at the principal office of the public body:

- within thirty-five (35) days of the meeting; **or**
- at the next regularly scheduled meeting, whichever is earlier. *R.I. Gen. Laws § 42-46-7(b).*

EXCEPTIONS

- when a closed session meeting has been properly convened **and** a majority of the members vote to seal the minutes, **or**
- where a majority of the members vote to extend the time period for filing minutes **and** publicly state the reason for the extension.
R.I. Gen. Laws § 42-46-7(b).
- All State Executive branch public bodies and all State and quasi-public boards, agencies, and corporations shall keep official/approved minutes **and** electronically file a copy of such minutes with the Secretary of State within 35 days of the meeting. *R.I. Gen. Laws § 42-46-7(d).*

EXCEPTION

- not applicable to public bodies whose responsibilities are advisory in nature.
R.I. Gen. Laws § 42-46-7(d).
- All volunteer fire companies, associations, fire district companies, or any other organization currently engaged in extinguishing fires and preventing fire hazards shall post unofficial minutes on the Secretary of State's website within 21 days of the meeting, but not later than 7 days prior to the next regularly scheduled meeting, whichever is earlier. *R.I. Gen. Laws § 42-46-7(b)(2).*

VOTING

- all votes listing how each member voted on each issue shall be available at the office of public body within two (2) weeks of the vote. *R.I. Gen. Laws § 42-46-7(b).*
- if a vote is cast during executive session the vote must be disclosed once the open session is reopened.
R.I. Gen. Laws § 42-46-4(b).

EXCEPTION

- a vote taken in executive session need not be disclosed for a period of time during which its disclosure would jeopardize any strategy, negotiation or investigation undertaken pursuant to a properly closed meeting. *R.I. Gen. Laws § 42-46-4(b).*

NOTE:

This checklist is intended to assist public bodies and provide guidance concerning the Open Meetings Act's requirements. This checklist does not list all Open Meetings Act requirements and is not intended to replace the Open Meetings Act.