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Convening in Executive Session under the Open Meeting Law *M.G.L. c.30A, §21(a)*

Procedure for Convening an Executive Session

1. The Chair posts notice of the Executive Session at least 48 hours prior to convening (excluding Saturdays, Sundays and legal holidays). Such notice must state the purpose for convening in Executive Session (see reverse side).
If the Executive Session will be convened under Purpose 1, the individual in question must receive written notice 48 hours in advance of the Executive Session.
If the Executive Session could not have been reasonably anticipated by the Chair at the time of the posting of the meeting, the Chair must explain the circumstances that justify convening in Executive Session without having posted its intention to convene in Executive Session.
2. The Board or Committee convenes in an open session.
3. The Chair requests a motion to enter into Executive Session.
4. A majority of members vote by roll call to convene in Executive Session. The roll call vote must be recorded in the minutes.

Records Relating to an Executive Session

1. All votes taken during an Executive Session must be recorded roll call votes and shall become a part of the record of the Executive Session.
2. The minutes of the Executive Session and records used during the Executive Session may remain secret only as long as publication would defeat the lawful purpose(s) of the Executive Session, but must thereafter become public records.
3. The Board or Committee must, at reasonable intervals, review the minutes of Executive Sessions to determine if the minutes remain exempt from disclosure, and such determination must be announced at the next meeting of the Board or Committee and recorded in the minutes of that meeting.

Model Motion for Convening in Executive Session¹

[CHAIR READS]: I request a motion that the Board vote to convene in Executive Session

1. For the purposes of [insert purpose as listed on reverse side *modified* to include all subjects that may be revealed without compromising the purpose of the Executive Session (for example, the motion should specifically identify of the union, the nonunion member, the litigation matter, or the property to be discussed)];
2. [For Purposes 3, 6, and 8] because the Chair declares that having such discussion in Open Session would have a detrimental effect on [insert language from specific Purpose];
3. To allow [name any nonmembers] to participate in the discussion; and
4. To convene in Open Session after the conclusion of the Executive Session for the purpose of [adjourning/continuing on with the meeting in Open Session].

¹ Remote Participation: A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

Purposes for Convening in Executive Session

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual.²
2. To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.
4. To discuss the deployment of or strategy regarding security personnel or devices, e.g., a sting operation.
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints.
6. To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.
8. To consider or interview applicants for employment by a preliminary screening committee, if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants. This shall not apply to any meeting regarding applicants who have passed a prior preliminary screening.
9. To meet with a mediator regarding any litigation or decision; provided that (i) any decision to participate in mediation shall be made in open session and the parties, issues and purpose of the mediation is disclosed and (ii) no action shall be taken with respect to the issues involved without deliberation and approval of the action at an open session.
10. To discuss trade secrets or confidential or proprietary information regarding activities by a governmental body as energy supplier, municipal aggregator or energy cooperative, if an open session will adversely affect conducting business relative to other entities making, selling or distributing energy.

² If the Board wishes to convene in Executive Session for these purposes, the individual in question has the right to receive written notice 48 hours in advance of the Executive Session; to be present at the Executive Session; to have counsel or another representative present to advise the individual, though not to actively participate in the session; to speak in his/her own behalf; to make an audio recording or transcription of the Executive Session; and to require that that the discussion be held in open session.