

# Office of Attorney General

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## OPEN MEETINGS ACT

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Please save your questions until the end of the presentation.

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# What is the OMA?

“It is essential to the maintenance of a democratic society that **public business be performed in an open and public manner** and that the **citizens be advised of and aware** of the performance of public officials and the deliberations and decisions that go into the making of public policy.”

*R.I.G.L. § 42-46-1*



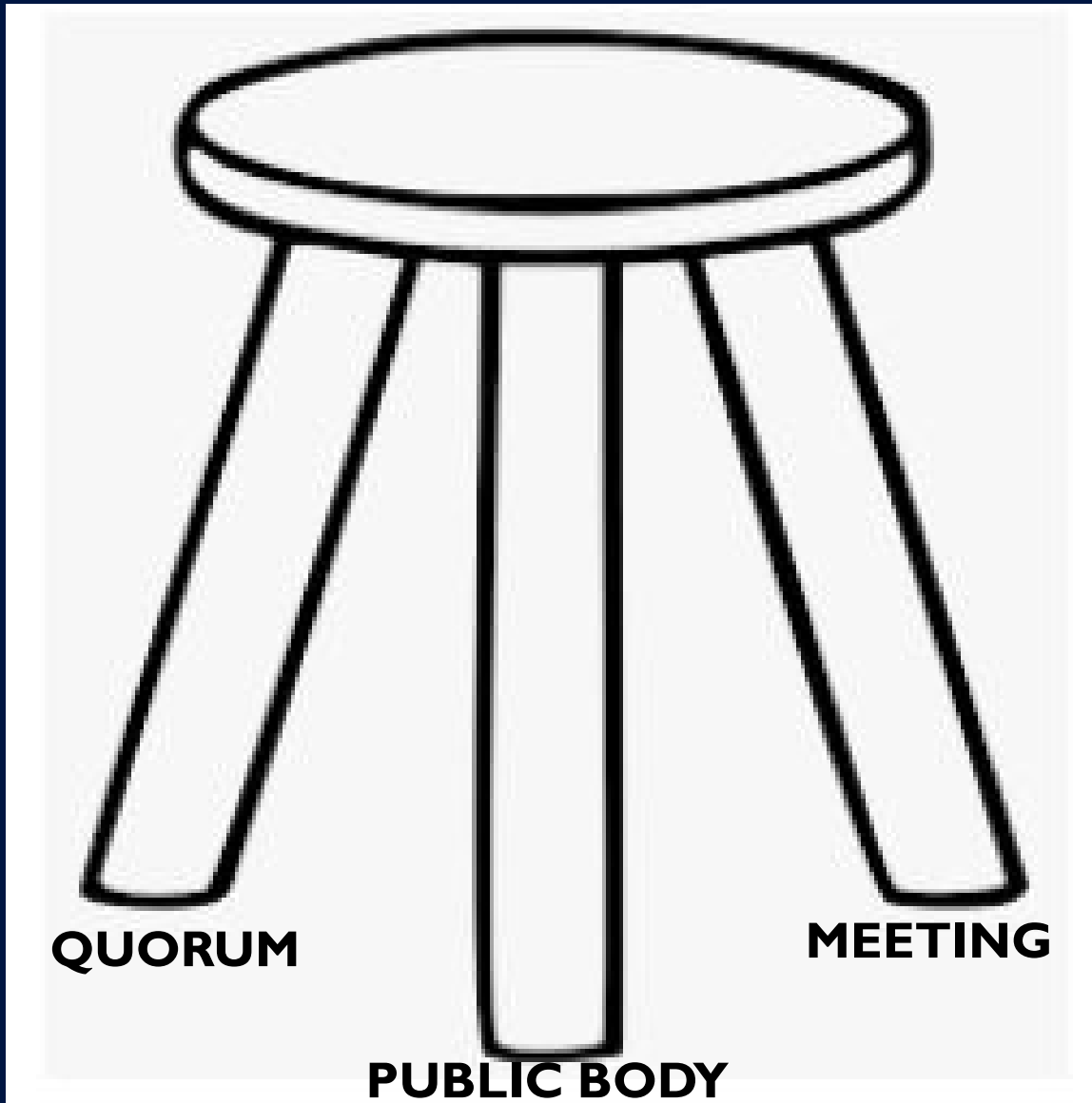
# What does the OMA require?

- Open meetings
- Limited circumstances for closed meetings
- Notice
  - Annual
  - Supplemental
- Meeting minutes



## Three Threshold Elements that Trigger OMA

- A “quorum” of a “public body” has a “meeting”
- If one (or more) element is missing, the OMA does not apply



# What is a Public Body?

“department, agency, commission, committee, board, council, bureau, or authority or any subdivision thereof of state or municipal government”

*R.I.G.L. § 42-46-2(c)*

Childs, et al. v. Bonnet Shores Fire District, OM 20-29;  
Pontarelli v. RI Council on Elem/Second Ed., 151 A.3d 301 (R.I. 2016);  
Solas v. Emergency Hiring Council, 774 A.2d 820 (R.I. 2001)



# What is a Quorum?



“unless otherwise defined ...  
a simple majority of the  
membership”

*R.I.G.L. § 42-46-2(d)*

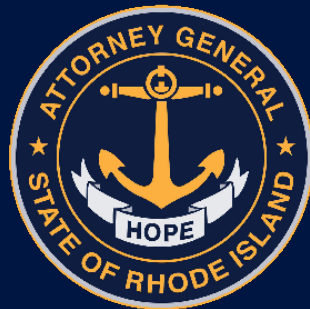
GoLocalProv v. Providence City Council, OM 20-15



# “Rolling” or “Walking” Quorum

A series of meetings each less than a “quorum,” but that collectively represent a “quorum”

Benjamin v. South Kingstown School Committee, OM 20-06





# “Rolling” or “Walking” Quorum

Quorums can be created not only by members of a public body, but through a third person

Finnegan v. Scituate Town Council, OM 20-22



# What is a Meeting?

“The convening of a public body to discuss and/or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power”

*R.I.G.L. § 42-46-2(a)*

Cook v. Tiverton Town Council, OM 20-23





# Two Types of Notice



- **Annual Notice:** at the beginning of each calendar year
- **Supplemental Notice:** a minimum of 48 hours, excluding weekends & state holidays

Childs, et al. v. Bonnet Shores Fire District, OM 20-29



# Notice Requirements

## Annual

- Dates, times and location of regularly scheduled meetings
- Available to public upon request
- Posted with the Secretary of State

## Supplemental

- Date, time and location of all meetings
- Date posted
- Statement specifying business to be discussed

*R.I. Gen. Laws § 42-46-6(a), (b)*



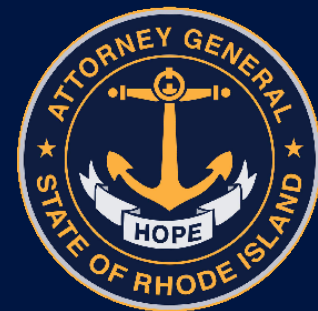
# Supplemental Notice Posting Requirements

- Principal office of public body
- One other prominent location within the governmental unit
- Secretary of State (electronic)

*R.I.G.L. § 42-46-6(c)*







# Minutes: Contents



- the date, time, and place of meeting
- the members who are absent/present
- a record by individual member of any vote(s) taken
- any other relevant information that a member of the public body requests

*R.I.G.L. § 42-46-7(a)*

Langseth v. Buttonwoods Fire District, OM 19-27





# Superior Court Remedies

- Injunctive relief and declare actions null and void
- Civil fine up to **\$5,000** for a willful or knowing violation
- Attorney fees and costs

*R.I.G.L. § 42-46-8(d)*

