

Office of the Attorney General

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Open Meetings Act

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)

Esposito, et al. v. Scituate School Committee and Superintendent Search Committee, OM 17-08;

Salvatore v. Town of Cumberland, OM 18-03;

Pontarelli v. RI Council on Elem/Second Ed., 151 A.3d

301 (R.I. 2016)

What is a Quorum?

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

R.I.G.L. § 42-46-2(d)

Furness v. Scituate Town Council, OM 18-05

“Rolling” or “Walking” Quorum

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

Apperson v. South Kingstown School Committee, OM 17-30

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)

Paul v. Coventry Planning Comm., OM 18-04;

Belmore v. Newport City Council, OM 18-13;

Gladstone v. City of Pawtucket, OM 18-20

Email/Telephone

- Can a public body use email or telephone conferencing?
 - § 42-46-5(b)(1): Discussions of a public body via electronic communication, including telephone, are permitted **only** to schedule a meeting

Blecinski v. Warwick School Comm., OM 17-20

Email/Telephone

- A member of a public body may participate by use of electronic communication or telephone if:
 - on **active duty**
 - has a **disability** and cannot otherwise participate
- Subject to rules/regulations and waiver process governed by Governor's Commission on Disabilities

R.I.G.L. § 42-46-5(b)(2),(3) & (4)

Penalties

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

R.I.G.L. § 42-46-8(d)

Resources

- Attorney General's Website
 - Findings
 - Guide to Open Government
 - Video taped presentation of Open Government Summit
 - OMA Law
- Attorney General's Office
 - 401 274 4400
 - opengovernment@riag.ri.gov
- OMA Checklist