

The Open Meetings Act (OMA) is a Rhode Island law that gives the public the right to be present for meetings of public bodies. The law provides standards for holding meetings, as well as for the advertising, conduct, and record-keeping of these meetings.

### **WHO IS SUBJECT TO OMA?**

All state and local government agencies, commissions and boards, and even libraries funded at least 25% by public monies, are deemed public bodies subject to the Open Meetings Act.

### **IS A MEETING SUBJECT TO OMA EVEN IF NO VOTES ARE TAKEN?**

Yes. If a public body meets to discuss or act on a matter over which it has supervision, control, jurisdiction, or advisory power, the requirements of OMA apply.

### **WHEN CAN PUBLIC BODIES MEET IN PRIVATE?**

Once convening in an open session, public bodies can vote to meet in private - called "executive session" - for specific purposes including:

- The job performance of an employee
- Collective bargaining or litigation
- Civil or criminal investigations into misconduct
- School disciplinary hearings

Votes to go into executive session, including an explanation of the reason for the executive session, must be held publicly. In addition, in most instances, any votes taken in a closed session must be disclosed once the public body reconvenes in open session.

### **HOW DO I FIND OUT ABOUT A PUBLIC MEETING?**

All public bodies must give written notice of their meetings - including the date, time, and location of the meeting, and an agenda of what will be discussed - at least 48 hours before the meeting, excluding holidays and weekends. At a minimum, these notices must be posted on the Secretary of State's website (sos.ri.gov), and at the office or building where the meeting will be held. Many public bodies also post meeting notices on their own websites. You can also use the Secretary of State website to be automatically notified when meeting notices get filed by public bodies you wish to track.

### **CAN PUBLIC BODIES EVER MEET WITHOUT POSTING AN AGENDA?**

Public bodies can meet in emergency situations requiring immediate action. A meeting notice and agenda must be posted and filed with the Secretary of State as soon as practicable, and must include the reasons why the 48 hour rule could not be met.

### **HOW DETAILED DOES AN AGENDA HAVE TO BE?**

OMA requires the agenda to specify the nature of the business to be discussed. The R.I. Supreme Court has interpreted this to mean the agenda must provide reasonably specific notice to the public, so that agenda items that merely say, for example, "Old Business" or "Reports" are inadequate.

### **CAN A PUBLIC BODY ADD ITEMS TO THE AGENDA AT THE MEETING?**

Public bodies generally can add additional items to the agenda by majority vote. However, they cannot take action on these items except in emergencies or in order to refer the matter elsewhere. School committees have slightly less discretion to add agenda items.

### **CAN I RECORD A PUBLIC MEETING?**

Yes. OMA has been interpreted as allowing members of the public to record public meetings, as long as the recording is not disruptive.

### **HOW CAN I GET MEETING MINUTES?**

Records of votes are available at the office of the public body within two weeks of the vote. Unofficial meeting minutes must be made available within 35 days of the meeting, or at the next scheduled meeting, whichever comes first. Meeting minutes of most public bodies must also be electronically filed with the Secretary of State, and made available on the SOS website.

### **WHEN CAN I SPEAK AT A PUBLIC MEETING?**



Although many public bodies take public comment at their meetings, OMA does not require that. If a public comment period is held, however, OMA allows members of public bodies to respond to those

comments, but they generally cannot vote on matters brought up in this manner if the topic did not appear on the meeting's agenda. Members of the public bodies have no obligation to respond to your comments.

### **CAN A PUBLIC BODY LIMIT WHAT I CAN SAY AT A PUBLIC MEETING?**

Once a public body has created a forum for people to speak, the Constitution does not allow the body to keep you from speaking for arbitrary reasons. They can impose time limits, for example, but they can't bar you from speaking because they don't like you. Under OMA, however, you can be removed from a public meeting if you are willfully disrupting the meeting "to the extent that the orderly conduct of the meeting is seriously compromised."

## HOW CAN I FILE A COMPLAINT IF I BELIEVE OMA HAS BEEN VIOLATED?

You have a few options. You can file a complaint with the Attorney General's office, which investigates allegations of open meetings violations. You can also contact the ACLU for assistance, or go directly to court. Any complaint must be filed with the Attorney General within 180 days from the date of public approval of the minutes of the meeting at which the alleged violation occurred or, if the meeting was improperly closed or announced, 180 days after the public action of the body revealing the alleged violation. Similar time limitations apply for court actions.



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## WHAT REMEDIES ARE AVAILABLE FOR VIOLATIONS OF OMA?

A court can declare null and void any actions taken by a public body in violation of OMA. The Court can also issue orders preventing the public body from taking illegal actions, impose a civil fine, and can award a successful litigant his or her attorneys' fees.



## MEETING PRACTICES THAT SUPPORT TRANSPARENCY:

- Posting an agenda 48 hours (excluding holidays and weekends) before the date of a public meeting
- Ensuring anyone in need of accommodations has adequate time to request them from the municipality when the agenda is posted
- Providing clear, easy to understand topics on agendas
- Providing detailed explanations of topics on agendas
- Posting minutes online

The information in this brochure should not be taken as legal advice. If you have additional questions, or feel your rights may have been violated, please contact the ACLU of RI.

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## KNOW YOUR RIGHTS: OPEN MEETINGS



Rhode Island's  
Open Meetings Act helps people  
fully participate in their  
government.