



Marlena Gilbert <mgilbert@gdrsd.org>

RE: requesting information & clarification

OpenMeeting (AGO) <openmeeting@state.ma.us>
To: Marlena Gilbert <mgilbert@gdrsd.org>

Tue, May 24, 2016 at 2:11 PM

Ms. Gilbert,

Thank you for checking in. Although we have not received many complaints on the issue (and therefore do not have many decisions), we have attempted to provide specific guidance about a public body's use of social media through some of our decisions. In two decisions in 2013, OML 2013-27 and OML 2013-62, we found that a public body did not violate the Open Meeting Law because a quorum of the public body did not participate in communications on a private Facebook page.

We generally advise public bodies to be cautious when using social media, pointing to our decisions in which we have said that expression of an opinion on matters within the body's jurisdiction sent to a quorum of a public body is a deliberation, even if no other public body member responds. See OML 2015-186; OML 2015-159; OML 2015-33. Thus, a communication by one public body member that is directed to a quorum of the public body may be considered improper deliberation in violation of the Law. In sum, your postings should not be directed to the other members of the public body.

Please do not hesitate to call me to discuss this further.

Regards,

Hanne Rush

Assistant Attorney General

Division of Open Government

Office of Attorney General Maura Healey

One Ashburton Place, Boston, MA 02108

Tel. (617) 963-2820

From: Marlena Gilbert [<mailto:mgilbert@gdrsd.org>]

Sent: Monday, May 23, 2016 4:53 PM

To: OpenMeeting (AGO)

Subject: Re: requesting information & clarification

Good afternoon,

I was most recently elected to the Groton-Dunstable School Committee on May 17th and have a question pertaining to the open meeting law.

I already confirmed with Mr. Sclarsic that as a School Committee I am able to have a blog from his email confirmation below ~ "Any member of a public body may post their opinions to a blog. However, a quorum must not deliberate over the blog (such as by replying in posts and discussing business)."

I actually started my blog www.marlenasminutes.com a year ago as a resident, since elected I changed the front page of the website and the comment/reply settings so they are no longer permitted. All information provided will have already been released, discussed and deliberated during an open school committee meeting. Other school committee members are not blocked from this website so they may read it in the same way as any other public body.

Is there anything else I should change to ensure that I am not in violation of the open meeting law?

Thank You

Marlena Gilbert

----- Forwarded message -----

From: **OpenMeeting (AGO)** <openmeeting@state.ma.us>

Date: Wed, Sep 30, 2015 at 3:03 PM

Subject: RE: requesting information & clarification

To: Marlena Gilbert <marlena@aptconnectusa.com>

Ms. Gilbert,

Thank you for contacting the Attorney General's Office. Deliberation is any communication between or among a quorum on any matter within the public body's jurisdiction. All deliberation must occur during a noticed meeting. Any member of a public body may post their opinions to a blog. However, a quorum must not deliberate over the blog (such as by replying in posts and discussing business). Public gatherings are more tricky. A quorum of the Committee should not deliberate during any gathering other than a noticed meeting. Committee members may share their individual opinions with members of the public, but must not communicate between and among each other if a quorum is present.

Regards,

Jonathan Sclarsic

Assistant Attorney General

Division of Open Government

One Ashburton Place, 20th Floor

Boston, MA 02108

Ph: (617) 963-2045

Fax: (617) 727-5785

Jonathan.Sclarsic@state.ma.us

From: Marlana Gilbert [mailto:marlena@aptconnectusa.com]

Sent: Wednesday, September 30, 2015 12:46 PM

To: OpenMeeting (AGO)

Subject: requesting information & clarification

Good Afternoon,

I am on the PCCE (Public Communication Community and Engagement) Advisory Committee to the Groton Dunstable Regional School District.

We are responsible for researching current methods to communicate & engage and advise our school committee of the best practices.

Can you let me know if these methods of communication abide by the Open Meeting Law?

- **Blogs** - Does the Open Meeting Law allow members of a school committee to blog about a past school committee meeting that has been already televised live to the public. The intention is to provide the public a summary verses the need to watch the entire 3 hour school committee meeting video. A link to the full video can be included in the blog.
- **Public Gatherings** - SC members meeting to network with the community for coffee and sharing their personal opinions on policies, budget or current events.

Thank You,

Marlena