



BOH Organization Guide: #4 BOH Meetings

Board of Health and Local Health Department Standard Operating Procedures (SOP)

This **Checklist** highlights many of the steps needed currently to organize a Massachusetts Board of Health. The checklist is designed to be used in tandem with the **BOH SOP and Appendices**. BOXES CAN BE CHECKED WITH the CURSOR.

BOH Meetings – The Steps

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#1. The Laws

Meeting Laws

- Statutes:** Open Meeting Law (OML) must be followed. BOH majority may not deliberate outside of posted meetings. No exceptions. Even emergency meetings must be posted asap and then followed up by a regularly posted meeting.
- Discussions vs. Deliberations:** Discussions with staff and the public regarding items within the control of the BOH may happen anytime, but not with other BOH members outside of a public meeting, even one at a time.
- Meeting Purpose:** Official meetings are primarily opportunities for the Board to set policies and make decisions that will ensure fair and equitable compliance with public health laws and regulations by adjudicating and adjusting situations that require variances or local upgrade approvals to ensure that “maximum feasible compliance” is attained without unnecessary or unfair burdens on the stakeholders.

#2. Types of Meetings

Determine the Type of Meeting to be held.

- Regular Meeting:** Often scheduled at the same time on the same day of the month.
- Emergency Meetings** may be called for issues that can’t wait 48 hours but should be followed up by a regularly called/posted meeting to confirm the decisions made.
- Joint Meetings with another Board:** each Board can post a separate meeting during the same time/place if they each want to deliberate and make decisions.
- Closed Meetings:** Very limited exceptions allow closed meetings. Exceptions might include discussion of personal medical information or pending litigation. Staff policies or performance reviews are not eligible for a closed meeting unless litigation is pending. Be very careful about using “Executive or Closed” Sessions.
- Hearings:** Hearings are BOH meetings with the purpose of “hearing” evidence from the impacted parties. A Hearing is conducted the same way as other BOH meetings, though the impacted parties have the right to respectfully present their case and evidence. The parties involved may also have legal counsel and witnesses. The BOH has no obligation to discuss the case or evidence or make a decision at the Hearing. If the case is likely to go to court, the BOH discussion can take place at closed BOH meeting. Hearing notices should be sent to all the impacted parties at least 48 hours before the meeting. At least a week before is better.
- Continued Meetings:** When the Chair wishes to continue a discussion/meeting without reposting the meeting, the meeting can be continued (NOT adjourned) to a date/time/place certain. No new items can be added to the agenda. This option might be used if the space for the meeting is too small or the meeting has run too long.
- Onsite Inspections vs. Meetings:** Group inspections held at a site are not considered meetings. BOH Members can ask questions, but not deliberate. No agenda is posted or minutes taken. No decisions can be made.
- Virtual Meetings:** Recently, remote or virtual public meetings have been allowed in Massachusetts. This may change in the future. Hybrid meetings with a quorum physically present and others in remote attendance have always been allowed, though only Board members physically present could vote. Currently, a virtual meeting does not require anyone to be physical present in a public space and remote board members can vote. All votes must be taken by roll call of the voting members. These meetings are often recorded as well as minutes being taken. Proper posting and public access are still required.

#3. Before the Meeting

Meeting Planning:

- Meeting Purpose:**
- Type of Meeting:** Regular, hearing, emergency, joint, inspections, etc. and posting requirements.
- Location:** must be a public place, usually Town/City Hall, though the BOH may allow virtual attendance if allowed by law or if quorum is physically present.
- Public Access:** All meetings with very few exceptions are open and must be held in a public place, including those discussing personnel issues. Staff meetings without a BOH majority can be closed.
- Public Notice:** Meeting agenda must be posted 48+ workday hours before in a public place such as Town/City Hall. Appoint someone to ensure that it is properly posted, usually the person making the agenda.
- Agenda:** Should list all items reasonably expected to be discussed. Include a catch-all item to allow for Unforeseen Items to be added. As soon as unforeseen items are added, the agenda should be updated if possible.
- Date/Time of Meeting:** May not be on a holiday or weekend unless an emergency. May be in the evening.
- Posting:** Who/where/when the Agenda will be posted.

#4. Meeting Agenda

Organize the Agenda – List most important items first.

- Date, Time, Place**
- When/Where Posted**
- Expected Items:** List all expected items to be discussed, even if the meeting is too long. These less important items can be carried over to the next meeting.
- Who:** Note who is expected to present each agenda item.

Order of Importance

- Previous Minutes:** Minutes from previous meetings are usually first so that everyone is reminded of what happen last time and to ensure the minutes are approved while they are still fresh. The approval of minutes is not an opportunity to re-write history. If unsure of what happened, deliberate the item again.
- Scheduled Items/Presentations:** As a courtesy, hold hearings, testimonies, and other specific items that require public input early in the meeting.
- Items that must be decided:** Should be early in the meeting to ensure that they are considered in a timely fashion
- Routine Items and Reports:** Should be last if there is time. Any routine permits and other BOH business that can be managed by staff and Health Agents between meetings allow the Board to focus on policy decisions. A written report of permits issued and other routine tasks can be submitted to the Board for review and questions.

#5. During the Meeting

Meeting Management

- Quorum:** quorum is usually 50% of members. When a majority of the BOH deliberate a BOH issue (whether in person, by phone or email), this is a legal meeting that must be posted and accessible to the public.
- Meeting Chair:** The Board decides who will chair the meeting. It does not have to be the BOH Chair. The Meeting Chair is responsible for an orderly, fair, and legal meeting. In the event the meeting is unruly, call a recess or call for help.
- Adding Agenda Items:** Chair may add unexpected Agenda items, but not as a means to avoid the required public notice.
- Minutes Scribe:** Decide who will take the minutes, usually a staff person so members can concentrate on the issues.
- Presentations/Speakers:** Meeting Chair decides who has the right to speak at BOH Meetings and for how long. There is NO legal right for anyone to speak at a BOH meeting, except at hearings which are called for this purpose. Even then it is not an unlimited right to speak. The Chair may set time limits on all testimony.
- Voting:** Votes must be made public even it taken in writing. Virtual voting is subject to current laws and regulation which require all votes to be taken by roll call of each voting member present.
- Decisions:** There is no legal obligation for the BOH to render a decision or comment on any issue brought before it during a meeting. This is especially true during hearings on controversial issues. It is often better for the BOH to make any decisions at their next meeting after additional research and reflection.

#6. Orderly Meetings

- Meeting Chair:** The Meeting Chair is responsible for an orderly meeting and decides who can talk, when and for how long.
- Civil Discourse:** Respectful, civil discourse is required in all public meetings.
- Maintaining Order:** Limit public comments to a specific section of the meeting. Limit the time to one or two minutes that a person can speak. Ensure the space is large enough for the expected number of attendees. Small spaces can contribute to disruptive behaviors.
- Disorderly Conduct:** Persons who refuse to follow the rules of the meeting, should be asked to leave. If a constable or law enforcement officer is not available to remove the disruptive person(s). Halt the meeting until order is restored.

- “Zoom Bombing”:** Limit the opportunity for people to disrupt your virtual meeting by muting all participants except Board Members. You may also have to disable the Chat and Questions or set these so only the Chair can read them. If someone accesses a public meeting with the purpose of disrupting the meeting, you can “eject” them from the meeting for cause.

#7. Meeting Minutes

- Taking Meeting Minutes** (See BOH Meeting Minutes Job Aid). Record all the following:
 - Meeting location, starting, and projected ending times.
 - Purpose of meeting.
 - Who is attendance and their function and the presence of a quorum.
 - Give a brief description of each topic/discussion. Minutes record what is done, not what is said.
 - Record all motions, votes, decisions, and outcomes; not who said what. No need to name who made motions or how members voted. Avoid quotes/names.
 - May estimate the size of crowds; need not list all names.
 - Date/Time/Location of the next expected meeting, if determined.
 - Highlight action items that need follow-up and who is assigned to do each item.
 - Mark DRAFT until approved. Draft minutes must be retained. Notes/recordings used to create minutes may be discarded once minutes are approved. Draft minutes are subject to public access requests even before they are approved.
 - Minute taker should sign the minutes.
 - Once approved, Minutes should be placed in the Agenda/Meeting Minutes File and are Public Record. Notice should be publicly posted that Meeting Minutes are available on request.
 - Minutes must list all documents handed out at the meeting.
- Minutes Approval**
 - Meeting Chair should ask if there are any corrections to the minutes as distributed. If there are no corrections, the Chair can declare the minutes approved/accepted or may call for a roll call vote, though this is not typically done.
 - Usually, only members who were present at a meeting approve minutes, but Roberts Rules states that all Members can vote on all issues, including minutes as each meeting that must have an official record and Boards change. This means that the minutes could be approved by a quorum of the Board not in attendance at the Meeting.
 - Minute approvals are not an opportunity to re-write history.** If there is a disagreement about what happened at a meeting, deliberate the issue, and vote again.
 - Each correction should be read and approved by the Members and then a final vote taken on the Minutes as corrected. These changes should appear in the current Meeting Minutes and the original Minutes updated as approved.
 - Only approved minutes must be posted for public access, though draft minutes must be made available on request.
 - Recorded minutes may be deleted after the written minutes of the meeting are approved.

#8. After the Meeting

- Filing:** The Meeting agenda with all handouts should be filed either in paper form or electronically. A notice should be posted that the Meeting Minutes are available on request, or they should be posted in a public place or online.
- Agenda for the Next Meeting:** Begin planning for the next Meeting by moving priority items to a draft of the next Agenda.
- Reminders:** Send the Board members a reminder of the next meeting, a copy of the proposed agenda and the draft minutes to be approved at the next meeting at least a week before the meeting.
- Follow Up:** BOH Chair and Staff should follow up on any action items that needed further investigation from the last meeting.