



# BOSTON REGION METROPOLITAN PLANNING ORGANIZATION

Phillip Eng, MPO Chair | Interim Secretary and CEO, Massachusetts Department of Transportation  
Tegin Leigh Teich, Executive Director, MPO Staff

## ***TECHNICAL MEMORANDUM***

**DATE:** February 19, 2026  
**TO:** Boston Region MPO  
**FROM:** Dave Hong, MPO Staff  
**RE:** Open Meeting Law Compliance for MPO Committees

This memorandum proposes strategies and protocols in Boston Region Metropolitan Planning Organization (MPO) committee meetings to help avoid inadvertent violations of Open Meeting Law (OML). Through this memo, MPO staff request that the MPO board vote to adopt the proposed measures and formally incorporate them into the MPO Operations Plan.

### **1 BACKGROUND**

As a public body (as defined by M.G.L. c. 30A, § 18), the Boston Region MPO is required to follow OML to ensure openness and transparency in all public proceedings. The Massachusetts Attorney General's Office establishes the OML [regulations](#). While the MPO's [Operations Plan](#) and [Public Engagement Plan](#) support and reinforce practices consistent with OML, we seek here to address a potential inadvertent conflict with the regulations in our approach to MPO committees.

#### **1.1 How Might an OML Violation Occur**

A violation of OML can occur through unlawful deliberation, which happens when a quorum of the MPO Board deliberates outside a properly noticed meeting. OML defines a quorum as a simple majority, and since the MPO board consists of 23 members a quorum is 12. Participation in any committee is limited to 11 or fewer board members to ensure committees remain distinct from the full board, do not deliberate on matters undertaken by the full board, and do not trigger full-board notice requirements. Should 12 or more board members participate, the gathering becomes a full board meeting. Doing so without first posting this as a board meeting would violate OML requirements for public notice.

#### **1.2 Advice by Legal Counsel**

In December 2025, membership for both the Transportation Improvement Program Process, Engagement, and Readiness Committee and the Unified

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Planning Work Program Committee reached 11 members—the maximum allowable without triggering a quorum of the full board. In consultation with the MPO’s legal counsel (Metropolitan Area Planning Council’s General Counsel), this memo provides committee chairs with protocols to keep board member participation at committee meetings below the 12-member quorum of the board and avoid accidental OML violations.

## **2 STANDARD PROTOCOLS TO MITIGATE RISK TO THE BOARD**

The Boston Region MPO’s legal counsel has identified key strategies to prevent inadvertent OML violations. These protocols are built upon two core principles:

- Proactive diligence over intent: Good intentions are not a legal defense for non-compliance. Compliance requires that all members are fully informed of OML requirements and exercise active care in their implementation.
- Collective responsibility: Maintaining OML integrity is not solely an administrative task; it requires the consistent, individual diligence of every board member participating in committee work.

### **2.1 Proposed Protocols**

To maintain adherence to the OML, the following protocols have been established for all MPO committee activities:

1. Membership, attendance, and participation limits
  - Committee chairs are responsible for ensuring that participation by board members does not reach or exceed a quorum of the full MPO board. MPO staff are prepared to actively assist committee chairs.
  - For committees that have reached maximum membership (i.e., one less than full board meeting quorum), any other board entity invited to that committee to participate or present must be represented by personnel who do not serve as MPO board representatives, designees, or alternates.
  - For committees that have reached maximum membership, board members who are not members of the specific committee may attend meetings as observers. To avoid unlawful deliberation, these observers must remain silent and shall not be recognized by the chair for comment, questions, or opinions. They will keep cameras off and microphones muted, and refrain from using reactions, hand-raising features, or the meeting chat.
  - Chairs shall consult with MPO staff to seek legal counsel whenever a potential quorum issue or procedural uncertainty arises.

2. Administrative controls

- To prevent accidental violation of OML at a committee meeting, MPO staff may proactively disable remote communication functions for non-committee board members any time their attendance meets or exceeds board quorum (12 members).

3. Collective accountability

- All board members share a collective responsibility to reinforce and uphold these protocols and alert the chair or staff to potential risks.
- MPO staff will regularly review these protocols in the context of evolving OML regulations, best practices, and Office of the Attorney General rulings to ensure continued compliance.

**3. REQUESTED ACTION**

MPO staff request that the MPO board votes to adopt the proposed rules and protocols set forth in this memorandum for formal incorporation into the Boston Region MPO Operations Plan and commit to adhering to these protocols across all committee proceedings to ensure continued compliance with the OML.

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Boston, MA 02116

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